

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

Senate called to order by the President.
 Prayer by the Honorable Neal C. Corson of Madison:
 Dear God, give us wisdom to find solutions to the problems facing us. Give us the courage to implement these solutions. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to the Initiative and Referendum Processes." (H. P. 2027) (L. D. 2203)

In the Senate March 12, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (H-954) and Senate Amendment "A" (S-426), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" Thereto (H-992), and Senate Amendment "A", in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Papers from the House
 Joint Orders**

WHEREAS, the 107th Maine Legislature recognizes the importance of volunteer service in providing for the needs of Maine people; and

WHEREAS, Maine citizens over age sixty constitute a valuable resource to their communities, a resource which is often neglected; and

WHEREAS, the Retired Senior Volunteer Program, as one of the ACTION volunteer projects, has mobilized more than 2,500 senior volunteers in community service during the past three years; and

WHEREAS, Retired Senior Volunteers currently provide better than 304,000 hours of volunteer service to Maine communities per year; and

WHEREAS, these dedicated senior volunteers have given of themselves freely and without pay in pursuit of those services; now, therefore, be it

ORDERED, the Senate concurring, that the Legislature designate Thursday, March 18, 1976 as Retired Senior Volunteer Day and extends its thanks to those many senior volunteers in recognition of their services; and be it further

ORDERED, that the Legislature, accepts the kind invitation of the Retired Senior Volunteer Program to visit with representatives of that program in the rotunda alcove from 8:00 a.m. to 2:00 p.m. on March 18, 1976 and to enjoy coffee and home-made baked goods prepared and served by Retired Senior Volunteers; and be it further

ORDERED, That upon passage in concurrence, the Clerk of the House shall send a suitable copy of this Order to Leonard Nemeth, Director of Volunteer Services to the Bureau of Maine's Elderly, for appropriate transmission to the Retired Senior Volunteer Program. (H. P. 2212)

Comes from the House. Read and Passed.

Which was Read and Passed in concurrence.

ORDERED, the Senate concurring, that the Joint Standing Committee on Education report out a bill providing a means of approving emergency school

construction projects for the remainder of the biennium. (H. P. 2214)

Comes from the House. Read and Passed.

Which was Read and Passed in concurrence.

**Joint Resolution
 State of Maine**

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

Joint Resolution In Support of World Whale Day

WHEREAS, it has come to the attention of the Legislature that many species of whales are in grave danger of extinction because of the vast numbers being taken by whaling fleets; and

WHEREAS, it is estimated that at present one whale is killed every fourteen minutes; and

WHEREAS, this wanton slaughter is unnecessary and cruel and threatens to destroy an intelligent race of sea mammals which have an important part in God's creation; and

WHEREAS, the United Nations has issued a mandate calling for a total moratorium on whale killing; and

WHEREAS, it is clear that Maine, whose motto is "Dirigo," must be in the forefront of the protest against the slaughter of whales; now, therefore, be it

RESOLVED: That we, the Members of the 107th Legislature in Special Session assembled, do hereby protest the unjustified killing of whales and urge that appropriate action be taken at all levels of national, state and local government to end this slaughter; and be it further

RESOLVED: That the Legislature of the State of Maine join in support of World Whale Day, April 27th, and urge the citizens of Maine to resolve to take what steps they can to end the killing of whales; and be it further

RESOLVED: That upon passage, suitable copies of this Joint Resolution be sent to the Maine Congressional Delegation, the Save the Whale Fund, Project Jonah and the George C. Soule School in Freeport, Maine. (H. P. 2213)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**Communications
 State of Maine**

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

March 18, 1976

Honorable Harry N. Starbranch
 Secretary of the Senate
 107th Legislature
 Augusta, Maine 04333

Dear Mr. Secretary:

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill "An Act to Remove the Minimum Mandatory Tax from the Railroad Tax Formula" (H. P. 2003) (L. D. 2179).

Respectfully,
 EDWIN H. PERT
 Clerk of the House

Which was Read and Ordered Placed on File.

**Senate Papers
 Appropriations and Financial Affairs**

Mr. Katz of Kennebec presented, Bill, "An Act to Provide Grants and Loans for Health Education." (S. P. 760)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

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

Orders

On motion by Mrs. Cummings 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 Kim Sanborn A Student at Nokomis Regional High School First Place Winner In The Kennebec Valley Business Education League Meet

We the Members of the Senate and House of Representatives do hereby Order that our congratulation 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. 761)

Which was Read and Passed.
 Sent down for concurrence.

On motion by Mrs. Cummings 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 Elizabeth Bjork A Student At Nokomis Regional High School First Place Winner In the Kennebec Valley Business Education League Meet

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. 762)

Which was Read and Passed.
 Sent down for concurrence.

On motion by Mrs. Cummings 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 Janet Willette A Student at Nokomis Regional High School First Place Winner In the Kennebec Valley Business Education League Meet

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. 763)

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 Provide for Registration and Identification of Recreational Watercraft in the Saco River Corridor and to Provide Operating Revenues for the Saco River Corridor Commission." (H. P. 1922) (L. D. 2110)

Ought to Pass - As Amended

The Committee on Election Laws on, Bill, "An Act Relating to the Formation of Political Parties and to Political Designation." (H. P. 1960) (L. D. 2140)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-985).

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 Read.

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Allow the Board of Environmental Protection to Grant Limited Variances to Statutory Time Schedules." (H. P. 1950) (L. D. 2136)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-984).

Signed:

Senators:

TROTZKY of Penobscot
WYMAN of Washington
O'LEARY of Oxford

Representatives:

CURRAN of Bangor
CHURCHILL of Orland
DOAK of Rangeley
HUTCHINGS of Lincolnville
McBREAIRTY of Perham
WILFONG of Stow
BLODGETT of Waldoboro
HALL of Sangerville

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

Signed:

Representatives:

AULT of Wayne
PETERSON of Windham

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-984).

Which reports were Read.

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

Mr. TROTZKY: Mr. President, I move acceptance of the ought to pass report, and would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: First, I would like

to note the special occasion as all three Senators on the Natural Resources Committee are together on this bill.

What this bill does is allow the Board of Environmental Protection to grant variances from the October 1, 1976 clean-up dead line for our rivers. There are certain conditions that have to be met, and one of the conditions is that the treatment facility has to be 75 percent completed, so that the company has shown good faith and put quite a lot of money into it. There are some companies, such as Diamond International on the Penobscot and possibly Scott Paper Company on the Kennebec, which possibly might not have their treatment facilities completed on time. This would allow the board to grant a variance of up to nine months, which brings it to July 1977, which is the federal water clean-up deadline.

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

Mr. KATZ: Mr. President and Members of the Senate: I would presume that both industries mentioned have made significant efforts to meet the deadline, but I want the Senate to know that there are other industries in the state who have made equally enormous efforts, have invested millions of dollars, were given no special statutory change in the law, were taken into court and were put under court order, and have proceeded in an orderly fashion to accommodate the court's orders.

I have a personal objection to seeking a solution at the legislative level. If it turns out, for example, that the Scott Paper Company, which is making a very significant investment, through no fault of its own is unable to meet the deadline, there are procedures that the court may take, not to close the plant down, but to make sure that the completion of the project is done in a prompt and orderly manner.

The reason I object to the course of action that this bill seeks to take is that it sets up a second division of industries which will receive preferential legislative treatment. We have an industry in the City of Augusta, which is competitive with Scott Paper Company just up the Kennebec River, which was given no such special treatment, which is in direct competition, and the cost of their treatment facility is built into their cost of manufacturing as an additional cost, and then there is a question of fairness involved in singling out one or two industries for preferential treatment. On that basis, I personally shall vote against the motion to accept the majority report, and have a comfortable feeling that in the event an emergency occurs and Scott is not able to meet the deadline that there are other avenues they can pursue.

The PRESIDENT: The pending question is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate accept the majority ought to pass as amended report of the committee. The Chair will order a division. Will all those Senators in favor of accepting the majority ought to pass as amended report please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had, 19 having voted in the affirmative, and seven having voted in the negative, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was

Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Senate

Leave to Withdraw

Mr. Cyr for the Committee on Public Utilities on, Bill, "An Act to Regulate Sewer Utilities." (S. P. 707) (L. D. 2229)

Reported that the same be granted Leave to Withdraw.

Mr. Cyr for the Committee on Public Utilities on, Bill, "An Act to Permit Transit Districts to Establish and Maintain Waterborne Transportation Systems." (S. P. 660) (L. D. 2085)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.
Sent down for concurrence.

Divided Report

The Majority of the Committee on Education on, Resolve, Requiring Planning for Expansion of Wood Harvesting Programs by the Bureau of Vocational Education of the Department of Educational and Cultural Services. (S. P. 721) (L. D. 2257)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec
THOMAS of Kennebec
BERRY of Androscoggin

Representatives:

BAGLEY of Winthrop
POWELL of Wallagrass
TYNDALE of Kennebunkport
LEWIS of Auburn
FENLASON of Danforth
MITCHELL of Vassalboro
LYNCH of Livermore Falls
CARROLL of Limerick

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

Signed:

Representatives:

CONNOLLY of Portland
INGENNERI of Bangor

Which reports were Read.

Mr. Gahagan of Aroostook then moved that the Senate accept the Minority Ought to Pass Report of the Committee.

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

Mr. KATZ: Mr. President and Members of the Senate: I oppose the motion to accept the ought to pass report and ask for a division. This bill requests the Department of Education to develop a plan for putting a program of wood harvesting into NMVTI, as I recall it. Were such a course of action to be implemented, it would be an ultimate cost of \$750,000 for the implementation of this single program.

I don't know what the priorities are or the board of trustees of the VTI's, which is the State Board of Education, but I am reluctant to have the Senate establish these priorities based upon a single bill which will lead to the expenditure of \$750,000. We thought it was inappropriate and that is why the overwhelming majority of the committee voted ought not to pass.

The PRESIDENT: The pending motion is the motion by the Senator from Aroostook, Senator Gahagan, that the Senate accept the minority ought to pass report of the committee. Will all those Senators in favor of accepting the minority ought to pass report will please say "Yes"; those opposed will please say "No".

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

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

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Relating to Requests for Absentee Ballots." (H. P. 2062) (L. D. 2232)

Which was Read a Second Time and Passed to be Engrossed, in concurrence.

House — As Amended

Bill, "An Act Relating to the Maine Transportation Board." (H. P. 1858) (L. D. 2026)

Bill, "An Act to Exempt Emergency Vehicles and School Buses from the Statutory Prohibition of the Use of Studded Tires from May to October." (H. P. 1953) (L. D. 2138)

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

Bill, "An Act Regarding the Rights of Students at the University of Maine in the University Bargaining Process." (H. P. 1966) (L. D. 2155).

Which was Read a Second Time.

On motion by Mr. Pray of Penobscot, the Senate voted to reconsider its former action whereby Committee Amendment "A" was Adopted.

The same Senator then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-446, to Committee Amendment "A" was Read.

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

Mr. PRAY: Mr. President and Members of the Senate: Just to briefly explain this amendment, yesterday when we discussed the two committee reports I pointed out some of the wording which required that the board of trustees shall appoint three students and that they may meet prior to going into collective bargaining with the bargaining agent, and then that they would again be required by the word "shall" to meet in periods of intervals during the bargaining. The purpose of this amendment is to change it to require that the bargaining agents shall meet prior to going into collective bargaining.

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

Mr. ROBERTS: Mr. President and Members of the Senate: This was considered in the committee, and as I understand the good Senator from Penobscot's present amendment, it would be that the students would be allowed to meet with the trustees before any collective bargaining or before the procedure started, and that would be it. It was discussed and worked out, as I indicated before, differently because of the fact that it was considered in the course of bargaining some other items and other factors might come up that were entirely different than what was originally known or thought of before the bargaining started, in which case students wouldn't have any opportunity to at least give their ideas to the school as to how they felt about any of these new items that might come up. Therefore, the committee amendment was the way it was in order that if such a

thing occurred they would then have an opportunity to talk further with the trustees, and I feel that is the way it should be. I hope you vote not to accept the amendment. I ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I guess I am a little confused after that explanation. As I read the bill, the original bill says that the board of trustees, as I just pointed out, shall name three students to represent the eight campuses that we have in the university system, and that they may meet prior to going into negotiations.

Following the discussion that we had yesterday, we were talking about student input. As to the intervals, what is considered a reasonable interval during the negotiations is completely left up to, I guess, either the negotiation agents or the board of trustees. But if the university board of trustees in going to point out to their bargaining agents what they want prior to going in, then I think this is where the student input should come first. Under the bill as written now, there is nothing saying that the board of trustees has to meet with these students, but they do have to meet with them during regular intervals while the negotiations are going on, whatever reasonable intervals are. I hope that you would support the amendment.

The PRESIDENT: The pending question is the motion by the Senator from Penobscot, Senator Pray, that the Senate adopt Senate Amendment "A" to Committee Amendment "A". A division has been requested. Will all those Senators in favor of adopting Senate amendment "A" to Committee Amendment "A" please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had, 10 having voted in the affirmative, and 20 having voted in the negative, the motion did not prevail.

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

Enactors

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

Emergencies

An Act to Amend the Uninsured Motorist Law. (H. P. 2178) (L. D. 2298)

An Act Concerning Ice Fishing on Sebago Lake. (H. P. 1918) (L. D. 2106)

These being emergency measures and having received the affirmative votes of 28 members of the Senate, with two voting in the negative, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution to Increase the Bonding Limit on Maine Veterans' Mortgage Loans from \$2,000,000 to \$4,000,000 and to Decrease the Bonding Limit of the Maine School Building Authority from \$25,000,000 to \$10,000,000. (H. P. 2171) (L. D. 2295)

This being a Constitutional Amendment and having received the affirmative votes of 29 members of the Senate, with one voting in the negative, was Finally Passed and, having been signed by the President,

was by the Secretary presented to the Secretary of State.

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

Mr. CYR: Mr. President and Members of the Senate: On the front page of the Bangor Daily and the Portland Press this morning there is an article on milk panel to drop resale price six cents a gallon in April. I am not disturbed by that heading; in fact, I am very happy about that heading. However, I am disturbed by the comment made by the Commission Chairman, Mr. Shirley Hamel, a Winthrop businessman, in which he states, and I quote, "He favored eliminating the wholesale and retail price setting powers and letting the free enterprise system determine the price of milk." With such a biased view, Mr. President, how can Mr. Hamel pass a fair judgment on the work that he has been assigned?

The opponents of the Milk Commission were violently opposed to farmers and dealers serving on the Milk Commission previously because they claimed they had a conflict of interest and were biased in their judgment. We agreed, that is, the two houses of the legislature, we agreed that they had a valid argument. Consequently, last year, if you recall, we restructured the Commission to include only consumers, but we expected the new members to be at least open-minded and pass judgment on testimony presented at public hearings, and not sit with a preconceived judgment that minimum wholesale and retail prices should not be controlled.

I think, in all fairness to every segment of the dairy industry, Mr. Hamel should resign from the chairmanship of this commission that he does not believe in and does not support. Thank you very much.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: I think the Senate has already expressed its mood this morning on the act concerning the wood harvesting program, but I do think it is worthy to note at this time that this is one of the products of the emergency committee on jobs in their work for the summer.

We had found in our studies that the amount of workers available in the northern Maine woods of American origin were not sufficient to meet the needs in the area of woodcutting in the northern woods. The woodcutters had contended that it was because of wages that they were not going into the northern Maine woods. The industry claimed that the jobs were available. We had introduced this program study to make a determination as to why there were not woods workers in the northern Maine woods, and the proposal that the Northern Maine Vocational Technical Institute undertake a study was proposed in this resolve.

I think that in future years we are going to want to take a look at the Vocational Technical Institutes and the kinds of programs that they are offering and make sure that they are meeting the needs of the job opportunities in the area. The Washington County program is one of the best programs in the nation. Their wood harvesting program is nationally renown and we are sending people to Washington on a regular basis. But where the need is in the northern Maine woods for woods workers. That is where most of the bonded laborers are and that is where the

problems have arisen. So I hope that as we defeat this, as we have defeated this today, we will remember in the future that we may have to address the kinds of programs that are being offered at vocational technical institutes in relation to the needs of the area.

Mr. Berry of Androscoggin was granted unanimous consent to address the Senate:

Mr. BERRY: Mr. President and Members of the Senate: In recent days we have heard much criticism of this body and its action in regards to the school funding law. I would like this morning to share some feelings from one of the cities that I represent in District 12 and some action that took place yesterday afternoon. If I may read from the release that was given by myself, as a member of the Auburn City Council, in the mayor's office, a portion of that release.

"Since the passage of the new school funding law two weeks ago, the administrative staff of the school department and the city council, city manager have been working together to determine the impact of this legislation on the revenue side of Auburn's city budget for the coming fiscal year. The funding formulas contained in L. D. 2196 are extremely complex. During the legislative debate on this bill and other proposals advanced to reform the state's educational funding law, it was difficult to predict with any precision how the local tax rate may be affected. The concept which was finally endorsed by the legislature and enacted in L. D. 2196 involved the shifting in the funding of the cost of education from the property tax to the state income tax. Concern was expressed by some, including the executive branch and during debate, that local government would not exercise fiscal responsibility and that the legislation would not finally result in any benefit to the local property taxpayer.

"However, I am pleased to announce that the City of Auburn has now determined that Auburn's recently enacted budget calling for a proposed mill rate of 41.8 mills will be reduced by the action of this body by an estimated 1.4 mills, resulting in a projected tax rate for 1976-77 of 40.4 mills. The school committee, upon recommendation of the superintendent of schools, has already taken action necessary to live within the expenditures which were authorized by the city council. The City council will surely adopt the resolutions necessary to effect this tax reduction while maintaining education expenditures at the level already approved in the 1976-77 budget.

"I think it is significant to note that the proposed tax rate of 40.4 mills will be less by two-tenths of a mill than the tax rate for the year 1972. This means that despite the enormous pressures of inflation, Auburn's property taxpayer will have enjoyed five years of relative tax stability. This has occurred without reduction in city services and without abandoning the city's general direction of progress.

"The government in Auburn knows from experience that the prospective industrial developers are favored and look favorably upon this type of economic climate. Many factors have contributed to the favorable climate, including the efforts of past and present state legislators who supported equalized education."

Members of the Senate, I only point this out because of the vast amount of controversy that has come upon this body, and I thought it would be good news that

this body should know that the property tax reductions are coming about as it was predicted.

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

Mr. REEVES: Mr. President and Members of the Senate: I am sorry to be at the end of such a long line, but I would like the Senate's attention just briefly. I got a letter today and I just want to read two paragraphs from it. It is from a woman in Presque Isle. She says, "With my telephone bill that I received Friday, there was a notice that after March 15th no local or Maine directory assistance would be given except through 1-555-1212. On Monday, March 15th, I received a call from a blind friend who has my number memorized. She will be 94 on April 4th and lives alone. She had called 411 in our directory for assistance in getting a number in Presque Isle. She called me, greatly upset, because she was told she had to call Portland. They gave her the eight numbers but she remembered only four. I explained the notice that I had received and looked up the number she wanted. This seems a ridiculous situation.

"We have hundreds of elderly persons living alone. In case of a sudden illness, trying to recall eight numbers would be a problem, then getting Portland 300 miles away. This situation is just waiting for a tragedy. The telephone company is asking for more and more and giving less and less. Each city or town should have one operator to take emergency calls. I have had elderly people tell me the telephone was their best friend. It no longer seems to be. Is there someone who can raise a loud voice and be heard about this?"

So it has started, Mr. President, and there is no special consideration of the blind and the elderly and the crippled. The people of Maine are looking to us for some kind of protection.

Orders of the Day

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

House Report — from the Committee on Transportation — Bill, "An Act Concerning Single Motor Vehicle Registration Plates and Placement of Motor Vehicle Inspection Stickers." (H. P. 2009) (L. D. 2191) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — March 17, 1976 by Senator Gahagan of Aroostook.

Pending — Acceptance of Either Report. (In the House — Minority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-976).)

Mr. Greeley of Waldo moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

On motion by Mr. Katz of Kennebec, a division was had, 25 having voted in the affirmative, and six having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Amend the Definition of "School Bus" to Include School Buses Rented from School Administrative Units by Nonprofit Organizations in Order to

Transport Children." (H. P. 1930) (L. D. 2117) (Emergency)

Tabled — March 18, 1976 by Senator O'Leary of Oxford.

Pending — Motion of Senator O'Leary of Oxford to Reconsider Adoption of Committee Amendment "A" (H-973) (In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-973))

Thereupon, the Senate voted to reconsider its action whereby Committee Amendment "A" was Adopted.

Mr. O'LEARY of Oxford then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-442, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Establish the Dates of Legislative Sessions and to Clarify Laws Relating to Expenses of Legislators" (S. P. 663) (L. D. 2087)

Tabled — March 18, 1976 by Senator Danton of York.

Pending — Adoption of Senate Amendment "C" (S-433) to Committee Amendment "A" (S-435)

(In the Senate — Committee Amendment "A" (S-435) Adopted as Amended by Senate Amendment "A" "A" (S-440) Thereto: Subsequently Reconsidered)

Mr. Jackson of Cumberland moved that Senate Amendment "C" to Committee Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. JACKSON: Mr. President and Members of the Senate: I feel it is our duty here as legislators to try and keep the expenditures of state government within the realm of our budget. This amendment as presented by the good Senator from Kennebec, Senator Katz, as everyone knows, increases the salary for the legislators from \$6,000 to \$7,000, and I think it would be in the best interests of this body to defeat the amendment. I am co-sponsor of an amendment, if this amendment is defeated, that will be presented, which will keep the expenditures of the legislative account at possibly the current level, and I would greatly appreciate any support I could receive in defeating this amendment.

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

Mr. KATZ: Mr. President and Members of the Senate: I would plead with my colleagues in referring to the amendment that I sponsored not to refer to it as an increase in cost. Some kindly headline writer in the Lewiston Journal puts in headlines, "Katz proposes a \$1,000 increase". What I did, and what I am attempting to do, is knock \$46,000 off of the proposed cost of pay and allowances to the legislature. I hope I said it nice and slow and easy.

Whether or not we knock \$46,000 off, which is more than some of my colleagues want to knock off, or less than some would like to knock off, the fact is we are all proposing a reduction in the proposed pay

account. If you support this amendment you will reduce the proposed pay account by \$46,000. If you oppose it, you will have an opportunity with another amendment to reduce it by a significantly greater amount.

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

Mr. CURTIS: Mr. President and Members of the Senate: I think I ought to correct the record. We are not all proposing a reduction. Some of us are standing here, at least I am, and saying there should be no reduction in legislative compensation for legislators who follow us, whether they be ourselves as individuals or others in the future.

I think I mentioned some of the reasons why I thought there should be no reduction, and I have an amendment, just like another gentleman mentioned already today that he has an amendment to offer. If this one fails, my amendment would put the salary at \$5,000 for the first year of the biennium and \$2,500 for the second year of the biennium, which happens to be exactly what was recommended by the report to the 106th Maine Legislature in December of 1973 by the Citizens Commission on Legislative Compensation, and which happens to be exactly what is now planned and programmed and budgeted for the next biennium.

So there are some of us here that do not think it is appropriate in this time of inflation and this time of search for good candidates for the legislature, and people who will be able to serve regardless of what their own personal wealth is, to reduce the salaries of legislators.

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

Mr. CONLEY: Mr. President and Members of the Senate: I concur with the statement made by the good Senator from Penobscot, Senator Curtis. Today we are having a difficult time, obviously, trying to wind up, and the Appropriations Committee with the supplemental budget coming down, and obviously we are looking for additional revenue, and we know it is going to be extremely difficult even to fund the Governor's proposed supplemental budget.

I remember back a few years ago down in the other chamber, as a member of that body, when we were faced with the same complex conditions at that time, and I recall only too vividly that practically every member of the House was running around with a tax package in his back pocket. Finally it got to such a point of absurdity that someone got up and said, well, any responsible member of the House today would have any three given tax programs in their back pockets to fund the supplemental budget at that time. Today we see before us the same type of shenanigans, in a sense. Everybody is trying to be reactionary as to the financial conditions of the state.

I probably am one member of this body who has from time to time shown my strong disagreement with the chief executive, and I also on occasion have praised him when I thought he was right. And I can't honestly tell you which of the two have sounded more vocal. But I noticed in today's paper that the Governor does have a statement, and not speaking for myself, he is speaking for the legislature himself, and I just quote. It says, "Governor James B. Longley said he would not interfere in the decision, saying

that while he would applaud any savings, there are solid arguments in favor of allowing a pay raise already approved to become effective."

We all know the origin of the salary scale for legislators. It is not anything that was enacted or shaped by this legislature. It was done in a previous session under a commission that was put together to study salaries of the legislature. I can assure you, if the good Senator from Penobscot wants to review the report of the commission, that at the time that bill was submitted and sent to the Appropriations Committee itself, that it wrestled with the problem for a great deal of time, and we reported out to the legislature a bill very much less than what was recommended by that commission.

I think to tamper with this thing today is really a cop-out, in a sense, that I think anybody, irrespective of who is here, should be at least given a daily wage, and to cut it back now would be simply unfair to those who may succeed us.

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

Mr. SPEERS: Mr. President and Members of the Senate: I certainly would second the words as expressed by the good Senator ahead of me, the Senator from Cumberland, and also the Senator from Penobscot, Senator Curtis. I think it is very important, if we can cut through the maze of newspaper articles that have been written regarding this particular item, very important to emphasize the words expressed by the Senator from Cumberland, Senator Conley, regarding the salary position that has already been approved. And it was not approved by this legislature. It was approved by the previous legislature, after careful consideration of a report of a citizens commission that was made up of non-legislators as to what compensation for legislators should be. There were substantial and solid reasons for the suggestions made by that citizens commission with regard to compensation for legislators, not the least of which were the concerns that the opportunity to serve in the legislature should be open to all citizens, regardless of their economic background.

Mr. President, it is very important to understand that the attempts to temper with legislative salaries in this session are attempts to reduce a salary already approved, but are not attempts to increase the legislative salary that is on the books and is written into the statutory law of the State of Maine at the present time.

As to the present motion before this body, the motion to indefinitely postpone the amendment offered by the Senator from Kennebec, Senator Katz. I was willing to go along with this amendment, but I do believe that there are better ways to approach this problem that are going to be offered later on this morning. So I will go along now with the motion of the good Senator from Cumberland, Senator Jackson, to indefinitely postpone this particular amendment, and will take a look at the other amendments when they arrive.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Jackson, that the Senate indefinitely postpone Senate Amendment "C". The Chair will order a division. Will all those Senators in favor of indefinite

postponement please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 26 having voted in the affirmative, and two having voted in the negative, the motion prevailed.

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

Senate Amendment "D", Filing No. S-445, to Committee Amendment "A" was Read.

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

Mr. CURTIS: Mr. President and Members of the Senate: This amendment does one thing which a number of Senators have mentioned to me they would like to do, and that is do away with the per diem payment of salary of \$25 a day for the second regular session in the future. Rather than have that particular mechanism, this amendment would provide for a set amount of \$2,500 for the second year. The first year, of course, as we have already approved, would be \$5,000, making a total salary of \$7,500 for the biennium, which is, as I mentioned a little bit earlier, exactly what was recommended in 1973 by a citizens committee reviewing the salary structure.

This amendment would not require any additional funding. It does not reduce, except possibly by a little bit, the amount of money which would need to be provided by the legislature. In discussing the amendment with Mr. Ward, the Legislative Finance Officer, the information I have is that it would not cost any more, and there might be just a slight reduction.

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

Mr. CORSON: Mr. President and Members of the Senate: With all this talk we are doing this morning about increasing pay and is it really an increase, and decreasing pay, and what is not really a decrease but it is partly an increase, we are beginning to sound like the governor discussing his budget.

But I think if we look at what we are getting this year, the first year of the biennium we received \$3,750, the second year \$1,000 and if through some miracle we manage to get out of here in 50 days for this special session we will have received \$1,250 and per diem, which would amount to \$6,000 pay for this term of the legislature.

The amendment I would like to offer later would provide \$4,000 for the first regular session, \$2,000 the second regular session, would do away with the per diem for the second regular session, and would peg it at \$6,000 for the two years, exactly what we are receiving now. I feel that where it looks like we are not going to be able to do too much for our state employees and not very much for the university, perhaps we shouldn't do too much for ourselves either, and for that reason I would move to indefinitely postpone the amendment before us at this time.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I would like to second the motion of the Senator from Penobscot, Senator Curtis. I would like to go along with his amendment because I

think what is at issue here is the pay authorized by the 106th Legislature for the 108th, and that is what we are now about to reduce. I oppose reducing that, and no doubt somebody will find a headline to blacken that point of view. But I wonder if someone is trying to crucify us on a cross of gold.

This legislation I think is important in order to establish a decent wage for legislators. How often have any of us gone to prospective candidates and had them say I cannot afford to run. Therefore, I think, if we reduce the pay, what we are doing is class legislation. We are limiting the quality of those who could run for the legislature. Are we going to reduce the field of those who could run for the legislature? Are we going to reduce the field of candidates to young singles, old retirees, and people living on an independent income? I am against this. I am in favor of every Maine citizen being able to run for the legislature and being paid a decent wage. That is why I second the amendment of the good Senator from Penobscot, Senator Curtis.

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

Mr. JACKSON: Mr. President and Members of the Senate: I would like to address myself to some comments that the good Senator from Cumberland made, Senator Graham. I think that possibly money might be an incentive to run for public office but, on the other hand, I don't think it is the incentive that gets people to run for public office.

We have an amendment on the bill already which limits the session to 100 days in the first session and 50 days in the second session. I think you are going to find that you are going to have good candidates. And I don't think in the remarks that have been made this morning that anybody is inferring that we don't have qualified people serving in this legislature. I don't know of any people that are here that aren't qualified. I don't think that accepting the amendment that Senator Corson and I prepared is going to deprive anybody of that right to come down here. I think all of us have to sacrifice one thing or another at some time in our life, and if we are going to be public servants, I think we should be subject to sacrifice.

There is another thing I did in just a quick computation with this amendment. We are with an appropriations bill, if it is passed, going to give the state employees a 6.5 percent increase. We automatically receive, or if we accept this amendment we will receive, a 20 percent increase in our pay. Now, I kind of wonder if that is fair. We aren't giving the University of Maine any money, or we aren't considering it presently, and we are considering giving the state employees a 6.5 percent increase in pay, and we here, if we accept this amendment, are going to be giving ourselves a 20 percent pay increase in this session. I just ask if that is fair.

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

Mr. CONLEY: Mr. President, I rise to support the amendment as presented by the good Senator from Penobscot, Senator Curtis. I would just make it clear to the good Senator from Cumberland, Senator Jackson, that this amendment actually puts a ceiling on the second half of the special session of the legislature. And the way the law reads today, obviously we can't

continue to extend ourselves in session at \$25 a day, plus \$25 expenses, and could eat up an indefinite amount of money as far as the per diem is concerned. So I think that this amendment as proposed is fair and equitable, and actually lives within the bounds of the recommendations made by the commission at that time.

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

Mr. SPEERS: Mr. President, I too rise to support the amendment of the Senator from Penobscot, Senator Curtis. The amendment actually lives within the recommendations of the citizens commission on legislative salaries, and it reaffirms the decision of that commission and the recommendation of that commission, and the decision that has been made by the 106th Legislature.

The difference in this particular amendment, and the difference which I favor very strongly, is that instead of providing for a per diem salary for the second annual session of the legislature, the second regular session, it establishes a flat salary for that second regular session. I think that is a circumstance that we should adopt and should support. Therefore, I would oppose the pending motion, the motion to indefinitely postpone this amendment, and I would certainly urge the Senate to oppose that motion as well.

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

Mr. WYMAN: Mr. President, would you please tell me what the motion is?

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Somerset, Senator Corson, that the Senate indefinitely postpone Senate Amendment "D".

Mr. WYMAN: Mr. President and Members of the Senate: I do want to support the good Senator from Somerset, Senator Corson. I just can't see how we can come down here and vote to increase our pay. The cost of state government has gone up over 350 percent in ten years and it is still going. If the third amendment is allowed to be adopted, it will save something like a quarter of a million dollars on our salaries, and I just don't want to go on record as supporting this increase in salary.

It is said that this was all determined in the 106th, but times have changed a great deal since then. It has changed for state employees and it has changed all around. I certainly hope that this does not pass, and I would ask for a roll call.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I have been thinking about the remarks made by the Senator from Cumberland, Senator Conley, about the economics of this amendment. I think we should stop and consider what he said, and I think some of the people who have been talking about increasing costs of the state government by passage of this amendment quite likely, are going to be wrong in their position. I can very readily see a savings in the cost of the legislative process by adopting such an amendment.

If you remember the questionnaires that we have been asked to fill out, you will note in their a tendency to reorganize and an effort to develop more efficiency in the

legislative process. I believe that the combination of these things, the setting of a fixed salary and no per diem, will be an incentive to further that cause that I think will have further pluses to the State of Maine. I believe a very good case can be made that the adoption of this amendment can very well be a step in the right direction for efficiency and savings in state government.

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

Mr. CURTIS: Mr. President and Members of the Senate: I think there has been one argument that has been made here this afternoon which ought to be responded to, and that has to do with the question of both the salaries of state employees and the university employees.

One of the statements made by the Senator from Cumberland, Senator Jackson, was to the effect that if we are going to be public servants we are going to have to sacrifice. Now, the state has asked and expected and demanded sacrifices from its public servants, members of the executive branch and members of the legislative branch, for years. That will never change. There will always be sacrifice involved in being a public servant, a person working for the public. The question is who can afford to be in a position where they make those sacrifices? Many people now and many people in the future who will serve in this hall and in the halls of the legislature are going to be in a situation where they have families to support, where they must have enough income in order to meet the requirements of their families if they are to be able to make the sacrifices intended in the long hours in the difficult decisions of being a public employee.

I have spoken to state employees and university of Maine employees, asking them if they would be available to be candidates for the legislature. And as soon as we get into the question of what the salary is for a legislator, they find it very difficult to consider seriously a candidacy for the legislature, and they also find it very difficult to understand how the people from around the state are able to come here to Augusta and serve here.

The senator from Washington, Senator Wyman, has said that this is a time to save a quarter of a million dollars from our salaries. I am sure that some of us here can afford to save some money from their salaries, and I am sure some of us here perform services well beyond what they are required to and do not put in compensation to which they are entitled, and I have admiration and respect and a certain amount of envy for that sort of person, but I think that we ought not to close the door to the other citizens in the State of Maine who would like the opportunity to run for the legislature.

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

Mr. JACKSON: Mr. President and Members of the Senate: I would like to point out that the amendment Senator Corson and I have cosponsored does eliminate per diem in the second year of the biennium.

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

roll call please rise in their places until counted.

Obviously more than one fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Somerset, Senator Corson, that Senate Amendment "D" be indefinitely postponed. A "Yes" vote will be in favor of the indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators E. Berry, Carbonneau, Clifford, Corson, Cummings, Danton, Graffam, Greeley, Jackson, Katz, Marcotte, McNally, Roberts, Thomas, Wyman.

NAYS: Senators R. Berry, Cianchette, Collins, Conley, Curtis, Cyr, Gahagan, Graham, Hichens, Merrill, O'Leary, Pray, Speers, Trotzky.

ABSENT: Senators Huber, Johnston, Reeves.

A roll call was had. 15 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with three Senators being absent, the motion prevailed.

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

Mr. CORSON: Mr. President and Members of the Senate: In order to place the bill in a posture whereby I can offer Senate Amendment "A", I now move that the rules be suspended and the Senate reconsider its action whereby it adopted Senate Amendment "A" to Committee Amendment "A".

The PRESIDENT: The Senator from Somerset, Senator Corson, now moves that the Senate suspend its rules so that it may reconsider adopting Senate Amendment "A" to Committee Amendment "A". Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I would request a division.

The PRESIDENT: A division had been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, a parliamentary inquiry: I believe the Senate has already reconsidered adoption of Committee Amendment "A".

The PRESIDENT: The pending question is that the rules be suspended so that the Senate may reconsider its action whereby it adopted Senate Amendment "A" to Committee Amendment "A". Is this the pleasure of the Senate? A division has been requested. Will all those Senators in favor of suspending the rules please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 14 having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

Thereupon, Committee Amendment "A" as Amended by Senate Amendment "A" Thereto was adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

Mr. SPEERS: Mrs. President, I move the Senate reconsider its action whereby this bill was passed to be engrossed, 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 as amended was passed

to be engrossed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will say "No".

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

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

Bill, "An Act Concerning Transit District Buses Used for Elementary Pupil Transportation." (H. P. 1996) (L. D. 2177) (Emergency)

Tabled — March 18, 1976 by Senator Merrill of Cumberland.

Pending — Adoption of Committee Amendment "A" (H-980) as Amended by Senate Amendment "A" (S-439) Thereto.

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A").

(In the Senate — Senate Amendment "A" to Committee Amendment "A" Adopted)

Thereupon, Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

On motion by Mrs. Cummings of Penobscot,

Adjourned until Monday, March 22, 1976,

at 11:30 in the morning.