

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

Monday, March 22, 1976

Senate called to order by the President.

Prayer by the Honorable Bruce M. Reeves of East Pittston:

The prayer this morning is from Chapter 19 of Luke, verse 45: And he went into the temple land began to cast out them that had sold therein and them that had bought, saying unto them, it is written my house is a house of prayer, but ye have made it a den of thieves. Amen.

Reading of the Journal of Friday, March 19, 1976

**Papers from the House
Joint Orders****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 Circus Fans Association of America Celebrating Fifty Years of Support Of The Circus As A Form Of Entertainment

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. 2215)

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 Panthers Of Rumford High School And Their Coach, John Shaw, State Basketball Champions For 1976

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

ORDER and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2217)

Comes from the House, Read and Passed.
Which was Read and Passed in concurrence.

House Paper**Study Report—Performance Audit**

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

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

Which was Indefinitely Postponed in concurrence.

Communications**Answers of The Justices**

To the Honorable Senate of the State of Maine:

In compliance with the provisions of Article VI, Section 3 of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, respectfully submit the following reply to the questions propounded to us by the Honorable Senate on March 5, 1976, which were received by us on March 5, 1976.

WE note that the Senate Order recites that House Paper 2023, Legislative Document 2202, and Senate Paper 697, Legislative Document 2217, are in the Committee on the Judiciary. Because this is so, it becomes particularly necessary for us to discuss briefly whether or not we have the power to answer the four questions posed.

The authority of the Justices to give opinions when requested by the Governor or by either branch of the Legislature requested by the Governor or by either branch of the Legislature is limited by the terms of Article VI, Section 3 to those situations which the Justices find to be "solemn occasions."

Before undertaking to answer a request for an advisory opinion from either of the other branches of the State Government, the Justices must first determine whether a solemn occasion exists, within the meaning of the Constitution, which entitles us to answer.

This determination should not be lightly made. It is manifestly inappropriate for the Justices of the Supreme Judicial Court to express an opinion on an important question of law, with the single exception plainly stated in Article VI, Section 3, until the issue arises in the course of an adversary proceeding.

Article VI, Section 3 mandates that:

"The Justices of the Supreme Judicial Court shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when required by the Governor, Senate or House of Representatives."

The matters as to which we may answer must be of those

"instant, not past or future concern: things of live gravity" (Opinion of the Justices, Me., 260 A.2d 142, at 146 (1969))

To the inquiring body. The anticipated need for the advice must not be

"Tentative, hypothetical and abstract." Opinion of the Justices, Me., 339 A.2d 483 (1975). See also, Opinion of the Justices, Me., 339 A.2d 483 (1975).

The propounded questions relate to the provisions of House Paper 2023, Legislative Document 2202, and Senate Paper 697, Legislative Document 2217, which are still in the Committee on the Judiciary. Because the Legislative Documents have not yet been reported out of Committee and are therefore not yet pending before the Senate, the proposed legislation may never reach the Senate in their present form. In fact, because of possible operation of Joint Rule 17A, it is possible that the Senate will never be required to take action on either bill at this session. We would then be in the anomalous situation of having expressed opinions upon important questions of law when subsequent events clearly demonstrate no solemn occasion existed. See, Opinion of the Justices, 95 Me. 564, 571, 51 A. 224 (1901).

This is not to say that the Justices may never answer questions put to them by a branch of the Legislature concerning proposed legislation which has not yet been reported out of Committee. The Justices determine in each instance whether a solemn occasion exists, Opinion of the Justices, 95 Me., supra, at 568, and the status of a bill in Committee is not alone conclusive.

We have in mind that in Opinion of the Justices, Me., 338 A.2d 802 (1975), the Justices did answer questions propounded by the

Honorable Senate relating to proposed legislation still in Committee. At that time, however, the questions related to An Act Creating the Maine Criminal Code which was to replace the existing criminal law in large part and concerned a basic issue which underlay the structure of the proposed legislation.

There, the Legislature was faced with a program of overwhelming magnitude, much of the work on which must necessarily be undertaken in Committee. The matter was of great immediate public concern and it appeared certain that the issues raised by the questions would be involved in whatever form the bill came out of Committee. We concluded that a solemn occasion was present.

QUESTION No. 1: Would section 23 of Legislative Document 2202 (Exhibit A), if enacted into law, unconstitutionally deprive a defendant of his right to trial by jury as provided by Article I, Section 6 of the Constitution of the State of Maine?

QUESTION No. 2: Would section 23 of Legislative Document 2202 (Exhibit A), if enacted into law, unconstitutionally deprive a defendant of his right to trial by jury as provided by Article I, Section 20 of the Constitution of the State of Maine?

ANSWER: We find it unnecessary, in framing our answer to the above two questions, to be concerned with that facet of "solemn occasion" arising as previously discussed — that the bills involved have not been reported out of the Committee on the Judiciary. For another reason we must conclude that no solemn occasion here exists.

Questions No. 1 and No. 2 have been submitted to us in connection with a bill which proposes to change the existing law embodied in 29 M.R.S.A. Section 1(17-C), which states:

"A traffic infraction is not a crime and the penalty therefor shall not be deemed for any purpose a penal or criminal punishment. There shall be no right to trial by jury for a traffic infraction."

It is contemplated in the first sentence the words, "but is a civil violation"; so that the sentence will read:

"A traffic infraction is not a crime, but is a civil violation and the penalty therefor shall not be deemed for any purpose a penal or criminal punishment."

In this context we must conclude that the generating source of the subject matter addressed by the questions is law already in effect, that traffic infractions shall be tried without a jury, and not the proposed legislation.

In Opinion of the Justices, Me., 339 A.2d 483 (1975), the Justices made clear that no solemn occasion exists when the Justices are asked to give their opinions on the law which is already in effect. We are aware that in Opinion of the Justices, supra, the questions were directed to the interpretation of the meaning of a statute, whereas the present inquiries relate to the constitutional validity of an already effective statute. This difference is without legal significance since in each situation the root inquiry is the same, i.e., what is the existing law.

As we said in the Opinion of the Justices, supra, that members of the Legislature may be in disagreement as to such subject

"... is not an unusual exigency, and does not create or present a solemn occasion within the fair meaning of the Constitution, . . ." (p. 488)

We must refrain from answering Questions No. 1 and No. 2 aforesaid since to answer "would require us to disregard the limitations expressly placed on our authority by Sec. 3, Article VI, of the Constitution of Maine." Opinion of the Justices, supra, (p. 489).

Turning our attention to Questions No. 3 and No. 4, we consider first the matter previously

mentioned, that the proposed legislation has not yet been reported out of the Committee on the Judiciary. Notwithstanding this posture, we face here, as we did in *Opinion of the Justices*, Me., 338 A.2d 802 (1975), proposed legislation which cuts across a substantial part of the Criminal Code there considered. We therefore conclude that a "solemn occasion" exists.

QUESTION No. 3: Would the provisions of section 19 of Legislative Document 2217 (Exhibit B), enacting Title 17-A, section fifteen, subsection 2, and section sixteen, subsection 2, authorizing a law enforcement officer to require a person to remain in the officer's presence for a period of up to 2 hours, if enacted into law, unconstitutionally deprive a person of life, liberty or property without due process of law in violation of Article I, Section 6-A of the Constitution of the State of Maine?

ANSWER: We answer in the negative.

A reading of the proposed legislation discloses that detention for a maximum of 2 hours (1) can arise only when the law enforcement officer has probable cause to believe that the person to be detained has committed either a Class D or Class E crime or a civil violation and (2) must be directed solely to "verification" of the identity of the person who has failed to provide evidence of identification which appears to be reasonably credible.

As to the situation in which the law enforcement officer has probable cause to believe that the person has committed a Class D or Class E crime, when there is also reason for the officer to believe that the person whom he confronts is not accurately identified, in view of the ability of an unidentified person to depart and avoid subsequent detection, waiting to procure a warrant could render futile the undertaking to make an arrest. Hence, probable cause of the officer to believe that there is insufficient identification of a person who is reasonably believed to have committed a Class D or Class E crime creates exigent circumstances in which there is no violation of the 4th-14th Amendments to the Constitution of the United States if the law enforcement officer makes a warrantless arrest. See, *United States v. Watson*, U.S. (1976). We see no reason to believe that Article I, Section 6-A of the Constitution of Maine requires a different result. From this, it follows that Legislative Document 2217, if enacted into law, would not contravene Article I, Section 6-A of the Constitution of Maine, since the form of intrusion upon personal liberty therein authorized as necessary to fulfill legitimate police power interests of the State — a "detention" for a maximum of 2 hours for "verification" of identity — is substantially less stringent than the constitutionally permissible intrusion by a full-blown conventional "arrest."

As to the "civil violation" aspect of the proposed legislation, an important difference arises because the legal significance of the concept of a "civil violation" is that, unlike the necessities when the State's approach is in criminal terms, the operative governmental interest does not require, or contemplate, that the State shall assert and maintain control of the body of the person who is the violator. In the civil violation context the ultimate objective of the State, and the end result of its adjudicatory processes, is a concern with the violator's property (payment of money), not his body.

For this reason, the law enforcement officer's probable cause to believe that a person has committed a "civil violation" will not suffice, per se, to justify — consistently with the Federal 4th Amendment or due process of law requirements — an "arrest" of the civil violator. It is plain, however, that such probable cause is constitutionally sufficient, under both Federal and State constitutional requirements, to justify the law enforcement officer in imposing such restraints upon the

liberty of the person he has probable cause to believe is a civil violator as may be reasonably necessary to subject said person to the adjudicatory processes of Maine courts. These limited restraints are appropriately described in the proposed legislation as those which will be involved in (1) the delivery of a "citation . . . directing . . . appear (ance) in the District Court to answer the allegation . . . (of) violation . . ." and (2) obtaining accurate identification of the person to whom the citation is to be delivered, thereby to implement the legal effectiveness of the citation.

It is further plain that under the proposed legislation the restraints upon personal liberty as above described are the only restraints which arise in consequence of the officer's probable cause to believe that the person whom he confronts has committed a civil violation. Custodial "detention" not to exceed 2 hours results only if, additionally, the suspected civil violator acts in a manner which gives the law enforcement officer probable cause to believe that an accurate identification has not been forthcoming, i.e., in the language of the proposed legislation, that he has furnished the officer "evidence of his name and address . . . (which) does not appear to be reasonably credible . . ."

In such context, in which the custodial detention not to exceed 2 hours results not only from the officer's probable cause to believe that the person to be thus detained has committed a "civil violation" but also from the officer's probable cause to believe that said person has not accurately identified himself, we discern no violation of the 4th-14th Amendments to the Constitution of the United States or of the corresponding provisions of the Maine Constitution. In all requisite respects the custodial detention originates on the basis of probable cause; the purpose of the detention is strictly confined to the scope of the probable cause — "verification" of identity; the maximum duration of the detention without intervention of a neutral magistrate to evaluate the probable cause for the detention is reasonably required by the circumstantial exigencies.

QUESTION NO. 4: Would the provisions of Section 19 of Legislative Document 2217 (Exhibit B), enacting Title 17-A, section fifteen, subsection 2, and section sixteen, subsection 2, punishing the knowing failure or refusal to provide a law enforcement officer with reasonably credible evidence of one's name and address, if enacted into law, unconstitutionally deprive a person of life, liberty or property without due process of law in violation of Article I, Section 6-A of the Constitution of the State of Maine?

ANSWER: We answer in the negative.

The only reason the proposed provision to which the question is addressed is arguably violative of Article I, Section 6-A of the Constitution of Maine is that it might be thought the words "reasonably credible evidence" are so imprecise that they do not make clear to a person of reasonable and normal intelligence what conduct is proscribed by the proposed legislation. As we have indicated in our answer to Question NO. 3 we equate the words "reasonably credible evidence" with "probable cause to believe" that the evidence furnished the law enforcement officer as to the identity of the person accused of either a Class D or E crime or a civil violation is false. This being so, we see no constitutional defect in that portion of Legislative Document 2217 which, if enacted, would make it a Class E crime to knowingly fail to provide a law enforcement officer with reasonably credible evidence of one's name and address.

Mr. Justice Delahanty did not join in answering these questions due to his absence because of illness.

Dated at Portland, Maine, this 19 day of March, 1976.

Respectfully submitted,
ARMAND A. DUFRESNE, JR.
RANDOLPH A. WEATHERBEE
CHARLES A. POMEROY
SIDNEY W. WERNICK
JAMES P. ARCHIBALD

Which was Read and Ordered Placed on File.

Order

On motion by Mr. Thomas of Kennebec, WHEREAS, "An Act to Require Home Health Care Coverage to be Offered in all Health Care Policies and Contracts," H. P. 2088, L. D. 2247, has been granted leave to withdraw; and

WHEREAS, questions concerning this Act were submitted on March 9, 1976, to the Justices of the Supreme Judicial Court for advisory opinions in accordance with provisions of the Constitution; and

WHEREAS, answers to these questions so submitted are no longer needed or necessary to be answered by advisory opinion on behalf of the Senate: now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court be respectfully requested to return unanswered to the Senate, questions submitted to them for their opinion on March 9, 1976 and relating to L. D. 2247 of the First Special Session of the 107th Legislature.

Which was Read and Passed.

Committee Reports

House

Leave to Withdraw

The Committee on Legal Affairs on, Bill, "An Act Relating to Disclosure of Consumer Reports." (H. P. 2123) (L. D. 2272)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass - As Amended

The Committee on Marine Resources on, Bill, "An Act Concerning the Seining of Mackerel in the Territorial Waters of Washington County." (H. P. 2157) (L. D. 2291)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-991).

The Committee on Labor on, Bill, "An Act to Charge Supplemental Weekly Benefits for Dependents to the General Fund Account of the State Unemployment Trust Fund." (H. P. 2117) (L. D. 2266)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-989).

Come from the House, the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Energy on, Bill, "An Act to Increase the Excise Tax on Motor Vehicles According to Their Consumption of Gasoline." (H. P. 2078) (L. D. 2241)

Reported that the same Ought Not to Pass.

Signed:

Senators:

ROBERTS of York
CIANCHETTE of Somerset

TROTZYK of Penobscot

Representatives:

JACKSON of Yarmouth

TORREY of Poland
DURGIN of Kittery
BYERS of Newcastle
FARLEY of Biddeford
GREENLAW of Stonington
KELLEHER of Bangor
BENNETT of Caribou

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-995).

Signed:

Representatives:

CONNOLLY of Portland
DAVIES of Orono

Comes from the House, the Majority report Read and Accepted.

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

Senate

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

Bill, "An Act to Establish an Experimental Blackfly Control Program." (S. P. 681) (L. D. 2180)

Leave to Withdraw

Mr. Roberts for the Committee on Labor on, Bill, "An Act Relating to Employment of Temporary Foreign Labor in Agriculture and Logging." (S. P. 733) (L. D. 2278)

Reported that the same be granted Leave to Withdraw.

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

Ought to Pass

Mr. Collins for the Committee on Judiciary on, Bill, "An Act Relating to Residency for the Purposes of Municipal Relief of the Poor." (S. P. 738) (L. D. 2288)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass - As Amended

Mr. Cyr for the Committee on Transportation on, Bill, "An Act Relating to the Refund of Fees on Certain Unused Semitrailer Registrations." (S. P. 649) (L. D. 2066)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-449).

Mr. Graham for the Committee on State Government on, Bill, "An Act to Promote Efficiency in Maine State Government." (S. P. 699) (L. D. 2223)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-450).

Mr. O'Leary for the Committee on Natural Resources on, Bill, "An Act to Revise Requirements for Permanent Markers Under the Land Subdivision Law." (S. P. 717) (L. D. 2268)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-451).

Mr. Roberts for the Committee on Labor on, Bill, "An Act to Amend the Employment Security Law." (S. P. 691) (L. D. 2210)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-453).

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Temporarily Ex-

empt Owners on Islands in Casco Bay from Certain Waste Discharge Compliance Requirements." (S. P. 708) (L. D. 2235)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-452).

Signed:

Senators:

WYMAN of Washington
O'LEARY of Oxford

Representatives:

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

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

Signed:

Senator:

TROTZKY of Penobscot

Which reports were Read.

On motion by Mr. O'Leary of Oxford, the Majority Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Costs in Contested Cases and Depositions in Probate Court." (S. P. 709) (L. D. 2236) reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-454).

Signed:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin
MERRILL of Cumberland

Representatives:

BENNETT of Caribou
HENDERSON of Bangor
SPENCER of Standish
HEWES of Cape Elizabeth
MISKAVAGE of Augusta
PERKINS of So. Portland
HOBBINS of Saco
HUGHES of Auburn

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

Signed:

Representative:

McMAHON of Kennebunk

Which reports were Read.

Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Revising Lobbyist Disclosure Procedures." (S. P. 622) (L. D. 1954)

Reported that the same Ought to Pass in New Draft Under Same Title (S. P. 765) (L. D. 2312).

Signed:

Senators:

CURTIS of Penobscot
GRAHAM of Cumberland

Representatives:

STUBBS of Hallowell
FARNHAM of Hampden
PELOSI of Portland
CARPENTER of Houlton
COONEY of Sabattus
KANY of Waterville

LEWIN of Augusta
SNOWE of Auburn
WAGNER of Orono
QUINN of Gorham

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under New Title: "An Act to Require Registration and Reporting of Professional Lobbyists" (S. P. 766) (L. D. 2313).

Signed:

Senator:

WYMAN of Washington

Which reports were Read.

Mr. Wyman of Washington moved that the Senate Accept the Minority Ought to Pass in New Draft report of the Committee.

Mr. Speers of Kennebec then moved that the matter be tabled and Tomorrow Assigned, pending the motion by Mr. Wyman of Washington to Accept the Minority Ought to Pass in New Draft Report of the Committee.

On motion by Mr. Marcotte of York, a division was had, 13 having voted in the affirmative, and 16 having voted in the negative, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept the ought to pass in new draft report of the committee?

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM: Mr. President and Members of the Senate: I hoped we would have been able to table this bill for another day, but since it has to be debated today, I think it would be a great report if the minority report and the new draft were accepted.

This bill as passed out by the committee, and signed by all members except one, is a bill that we have worked on and have had it in no less than ten different drafts. And this draft that the committee proposes is, I think, the better draft. It is a stronger draft. This draft would close loopholes that I feel are in the minority report bill.

Under the minority report bill, municipalities will have to register as lobbyists. And the second point is that an appearance before a legislative committee would not be considered lobbying. A person so doing would not have to register as a lobbyist. A lobbyist working for a firm would not have to report. His firm would report but he would not report. And this minority bill also has the criterion or definition that lobbying would be eight hours spent in lobbying per month, whereas the committee bill would require anyone who receives or is promised \$500 for the term would have to register as a lobbyist. I urge you to defeat this motion to accept the minority ought to pass report.

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

Mr. MERRILL: Mr. President and Members of the Senate: There are many things in this body that are enjoyable to do. Once in a while we have duties fall upon us that aren't that enjoyable, and I put my task in relation to this bill in that category today. It is not enjoyable for two reasons: I am reluctant to rise and speak against the position taken by the Senator from Cumberland, Senator Graham, for whom I have the utmost respect. I am also reluctant to rise and speak for a position that has been sort of a sellout to the lobbyists or the money-changers, or however you want to describe it. It is my firm belief that that isn't so.

It is my first belief that the position advocated by Senator Wyman, the Senator from Washington, with whom I don't agree, is the best position for this legislature to take. And I would like to enumerate the differences in these bills, if I may, so that the Senate may make a conscious decision here on this issue today.

First of all, I would like to speak to the issue

that was addressed by the Senator from Cumberland, Senator Graham, and that is public hearings. Public hearings are specifically exempted from lobbying under the draft advocated by Senator Wyman. I think that this is right. As a matter of fact, I think it is probably demanded by the constitution.

In the statement of fact in the draft advocated by Senator Wyman, which is Legislative Document 2313, in the second paragraph there is mention made of an opinion by the former Deputy Attorney General, Jon Benoit, in which he pointed out that to have testimony at a public hearing be characterized as lobbying has serious constitutional questions. I think if we reflect a moment on what a public hearing is, we can see why that is so. A public hearing is an open invitation by the legislature for all people who are interested to come before the legislature and give us the benefit of their opinions. I think to issue that invitation and then include it into the definition of lobbying raises serious questions.

I think it is important to note for those who think on this point that we may be selling out to the lobbyists that in California Common Cause wrote a lobby bill and it was passed by the people, not by the legislators. That bill excluded public hearings. If it is a sellout to the lobbyists to exclude public hearings, why did Common Cause write that bill? This is a bill that wasn't tampered with by the legislative process.

Now we get into defining who is a lobbyist. It seems clear to me that when the public thinks of lobbyists they think of the people with whom we associate most often in that role, people like Charles Cragin, past president of the Senate Ken MacLeod, people who are specifically paid to come up here and influence legislation. All of those people have to register under the bill that Senator Wyman has presented. Anybody who is specifically paid, even if it is a dollar, to come up here and lobby has to register.

So whom are we talking about when we talk about this eight hour or \$500 exclusion? Well, with the eight hour exclusion we are talking about people who have a dual role; for example, a person who is an executive secretary of a professional association, and from time to time he comes up here and lobbies. Or another example, a person owns a barber shop; it is a corporation but he holds most of the stock. He is paid by the barber shop to be a barber there. He is one of the employees. And he decides to come up here and be here in these halls on a bill that applies to barbers. Now, most people wouldn't think of that person as a lobbyist. You know, when all the condemnation is going on about lobbyists, most people don't have that person in their minds. It seems necessary to find some way to set some sort of a cut-off for this person. Many times some of these people find themselves working for organizations that are tax-exempt, and for that reason they are not anxious to be lobbyists, but sometimes they are anxious to let legislators know their opinion on a subject that affects them directly. I think it is appropriate that they should be able to do so.

For that reason, I have advocated finding a cut-off that applies to time. I might also point out that in California and other states this is the approach that has been taken. Sometimes the wording in those bills says "a substantial amount of time". Well, I didn't want to get into "substantial" because that could be seen as a loophole, so I have got specifically eight hours, and what that means is this: a person comes up here, and for up until eight hours he can come up here and talk to legislators or talk to legislators over the phone, and he won't have to register. Now remember, we are not talking about professional lobbyists. Those people all have to register. After eight hours up here, the person will have to register as a lobbyist. I think the reason for that cut-off is clear.

Now, why do I advocate using time over

money? First of all, I think to use money is a loophole. In order to calculate how much a person — let's go back to that executive secretary — how much a person is paid to be up here lobbying, he first has to calculate how much time is spent up here. Then, because it comes out of his normal salary, he isn't being specifically paid. He has to calculate how much his normal salary is. Then he has to calculate how much time he usually works so that he can figure it out on a per hour basis. And then he has to apply all of that to figuring out whether or not he has been compensated \$500 for the time he has been up here.

Now, I ask the Senate, which is easiest for us to keep our eye on? Which is easiest to be certain about? If a person spends close to eight hours up here, it starts being obvious that he has been up here for a period of time, that he has been around trying to influence some legislation, as he has a constitutional right to do, for a substantial period of time. And we can all see that point coming, and we can all start saying "Is this person registered? I think maybe he should be." It is relatively easy for us to make that calculation by adding in all those other variables. I think you are creating first of all a loophole and, secondly, you are making a distinction between a person who gets paid a great deal in his normal job and a person who doesn't get paid a lot. Now, that is probably a distinction that some of us could be comfortable with, but I think it is a distinction which probably violates the constitution. Why should it be that a person who gets paid \$50 an hour should be able to spend one-tenth the time up here as a person who gets paid \$15 an hour? I see no good constitutional purpose for that. I think that it presents possible mischief and so, therefore, I think that a time limitation is a better one.

I have one other problem with this bill which raises itself to a constitutional nature, or with the bill that the majority signed out, and this is I think probably a more difficult one for the public to understand, but I think it is nonetheless important. The original lobby bill we had last session, if I understand it correctly, did not include time spent drafting, researching, and consulting in the calculation of the amount of money that was spent on lobbying. Most states have taken that approach. The original bill that was offered I think in this session, if I am correct, by Senator Reeves, didn't take this approach. And the reason I think is pretty clear. If we are not going to call lobbying the communicating that goes on with legislators, how far back are we going to go? What are we going to include? Well, this bill says a month, I believe, if it hasn't been changed since I looked at it last.

And what types of activities are we getting into? Those of us who sit on the Judiciary Committee know that sometimes legislation comes out of a possible law suit situation. We all had a bill come before us a little while ago having to do with the Maine Guarantee Authority which came out of a law suit situation. Well, obviously, the legislature has some constraints on it in what it can require people to reveal as far as the lawyer-client privilege is concerned. Yet this bill starts stepping back into that area. If a labor union does a lot of research into a particular problem, say into the problem with Davis-Bacon, and does a great deal of research to find out what effect it is having in various counties in order to make a change, are we going to require that that research that is done up to a month before be included if they are going to have a lobbyist come up here and take care of it? Or if one labor union does the research on Davis-Bacon, can it slip out of this provision simply by having another labor union come up here and lobby for their position? If that is possible, then I suggest that the whole thing is meaningless to those who want to get around the law.

There are some other problems that I have with this draft. There is a religious exemption in the draft that is offered by the majority of the committee which exempts people who are up here looking out for their religious constitutional rights. Well, that sounds very appealing. The problem with that is that there are many constitutional rights that people come up here to protect, or they believe that they are up here protecting their rights; the right to contract, the right to free speech, why don't we exempt those activities as well as religious? I think the reason is obvious. I think the reason is that we are going to require everybody to come up here and register, and I see no reason for exempting people up here lobbying for their religious views in line with their constitutional right to do so any more than any of the other views, views which may be less popular.

In short, I think that the bill which is offered by Senator Wyman, which is an emergency bill, is the best bill to balance what are two very important concerns: the concern, on the one hand, that money not have an undue influence on the legislature and that the people have a right to know, balanced off with the concern, on the other hand, that the speech that goes on in these halls, whether we like it or not, by people who call themselves lobbyists is the most important speech that is talked about in the constitution when it talks about the right of free speech.

Recently, the United States Supreme Court, in deciding free speech cases, has started to distinguish between different kinds of speech and say, well, an advertisement on television for a product is a less protected kind of free speech than the free speech of a candidate running for office. In other words, it is trying to look to the purposes of the free speech provisions in our constitutions. If that is the case, if we are going to distinguish between kinds of speech, what speech is more important than the right of the public to address their legislature? That is what this bill is addressing, and that is what all lobby bills address. And frankly, any bill that attempts to regulate lobbying walks that line, has to walk that line, very closely. I wouldn't present to this Senate that the bill even that is offered by Senator Wyman doesn't start walking very close to that constitutional right, but it at least tries to strike a balance.

Now, when you start talking about sharks and minnows and the money-changers, it is very easy to see why we have a protection of free speech in our constitution. The reason we have a protection of free speech isn't to protect people that are popular with the public. People who are popular with the public always have a right to say whatever they want to; the public wants to hear it. The people that have trouble with free speech are the people that aren't popular. And right now the lobbyists aren't popular, and I think in many cases there might be a good reason. I think maybe they have had their way too often in these chambers. But nonetheless, their right to present their case is protected by the constitution, and it is the right which we have to balance off against what the public purpose of passing any lobbyist bill is.

I attended a conference about a year ago in which legislators from all over the United States got together and talked about lobby bills and the best way to go, and at the end of the conference somebody summed it up by saying that, because we are stepping on such thin ice when we start interfering with these rights to free speech, the way to go is by measured and deliberate steps, to close the door as much as necessary but not too much, not to overreact, and I think that is what this draft that is offered by Senator Wyman today tries to do. If there are major loopholes, and I don't believe there are, if there are problems with this bill that are going to cause great problems with this bill that are going to cause great problems with the public's right to know what is going on up here,

I think that can be corrected step by step as it is necessary.

I think that both bills have a lot that is good in them. One of the things that I insisted on when I presented a draft to the State Government Committee was that any new lobbyist bill have specific disclosure of the money that is spent directly on legislators. I thought that if there is one area where the public had a greater right to know than anywhere else, it was to know how much money is being spent to buy us dinner and how much money is being spent to take care of other little needs. Now, I think that that practically doesn't go on at all, and if that is the case, the public ought to have a right to know that. If it isn't the case, the public ought to have a right to know that also. That wasn't in the original draft submitted to the State Government Committee by the Senator from Kennebec, Senator Reeves, but it is in both of these bills now, and I think it is a major improvement.

When I started out in this, and started receiving criticisms of possibly selling out to the lobbyists, which I think most members of this body know is not an appropriate charge in relation to my conduct here, after a while I started wondering if I was having pipe dreams in thinking that there were serious constitutional problems. But recently the American Civil Liberties Union has prepared a draft on the whole area of lobbyist disclosure, and copies of that are being prepared now and they will be distributed in the Senate under my name, and I would hope that everybody will look at that and give it some consideration. So I hope that you ultimately agree with me that this is an area in which we ought to step firmly but cautiously.

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

Mr. REEVES: Mr. President, I wasn't prepared to speak on this bill today, so I hope you will bear with me if my comments are a little rambling. I had actually talked to the Chairman of the State Government Committee and I had understood that he would speak on this bill, as he had presided over the many meetings of the State Government Committee during which some ten drafts of the majority ought to pass bill was discussed and amended and revised. I doubt if there is another bill that has gone through so many drafts that has come before the 107th Legislature. That is why I feel I have to speak, lest this minority offered by Senator Wyman goes under without a hearing from the reasons of Senator Curtis.

Unlike Senator Merrill of Cumberland, I don't shrink from this duty of discussing this bill. Lobbyist disclosure is one of the main reasons why I sought this post and I believe one of the main reasons why I was elected. At the same time I would like to separate my comments on the bill from some statements that I have made in the press and in the media concerning my own feelings about what are called hired guns, this special breed of the professional lobbyists, many of them lawyers, many of them ex-legislators, former officers of this body, who make a good living out of this business of lobbying for special interests.

I don't like this, I have never liked it, I think it is wrong, and I am opposed to their being here doing this, and I think as long as we have them in the state house that we are going to need them; that the real answer to staff assistance, drafting bills, research, is to have our own staff. And it is only lately that we have got our own staff that we have begun to move away from these hired guns. And I think until we double or triple our staff that these guys are going to be necessary to us, and we are not going to be able to diminish their power, but I do object to this incredible profit that they make off the legislature.

I have handed out two handouts this morning, one listing the income of the top ten lobbying

units in the state house. And that is just what was reported under the old lobbying law. Under the majority ought to pass bill that is before us today, a great deal more, and with very specific information, will be reported, as I think is necessary.

Anyway, that is my personal feeling about these hired guns, sharks, or whatever we are going to call them, and now to get on to the bill and why it is necessary.

I have handed out another piece from the Bangor Daily that came out last summer, which is also another way of saying what use is it, to come out in the middle of the summer after the session is over. That was the original point of the lobbyist bill, to have timely disclosure of who was doing what and for whom, how much were they getting paid. And why the public has a right to know.

It is my belief, and I believe it is the belief of the general public, at least those people in my district, that it is the public that pays in the end. That is why the paper companies are willing to spend \$100,000 to hire these guys. That is why in terms of the top lobbying efforts the paper companies spent \$108,000, the Central Maine Power Company spent \$95,000, the banks spent \$86,000, the insurance companies spent \$79,000, the bottlers reported \$39,000 — they are very modest — and that was for six months of the regular session. And of course we have no reporting now, so we don't know what is going on.

But at the same time that I disapprove of the hired guns, I approve of the citizens coming up here; not only approve, but I will come back myself as a citizen, and have before, because I think when citizens come up here and when people that are representing their companies or their organizations, or their groups, they come with a great deal of conviction, and we need to hear this; whereas these hired guns come up here with a great deal of contracts.

Now, to get into the specifics of the bill, I would like to point out, in answer to one comment from the previous speaker, that the original bill, L. D. 1954 that I submitted, did not require the reporting of gifts to legislators. Actually it didn't require them because it banned gifts to legislators. This was in the bill that we passed in the last session. And it is ironic even that we are discussing this bill today, because it was just a legislative error that meant that the last bill was repealed. I mean, I think we all know that the lobbyists objected to it, but I never got any mail on it and I don't think there was any real public concern about the bill.

But under these two bills and the main differences between them, I don't think it is unfair at this point to point out that Senator Wyman received a considerable amount of help with his bill from the person who was the top paid lobbyist in the last session of the legislature. And then, as it turns out, that same person would not have to register himself under Senator Wyman's version of the bill. Certainly that is no coincidence.

Furthermore, as I understand the two bills, some seventy-five percent or more of the activities of the professional lobbyists would not have to be reported, under Senator Wyman's version of the bill, only at those rare moments when the lobbyist is actually communicating directly with the legislator, when so to speak, he has his arms around him. Now, this has rarely happened to me. They don't approach me, I don't know why, so I will never know when this is going on. And I feel that all of their activities that they are being paid for should be reported.

Although I have many objections to the committee's bill, and I would like to just list a few of those, I still feel that it is a workable bill, that it is a fair bill, and that it will get the job done. I intend to offer some amendments to it at a later stage. For example, under Senator Wyman's bill, the lobbyists would not have to

swear to their monthly reports, so the question of perjury and prosecution for perjury under these reports would be in question.

Under Senator Wyman's bill, as pointed out by a previous speaker, one big difference is that after a person had been up here for eight hours he would have to report as a registered lobbyist. But what is eight hours in the state house? Is this eight hours actually in the hall? That might go through a whole session and not reach eight hours, if he limited his time on the third floor to minutes and kept track of the minutes. I think that is a loophole that is too much to bear.

Under Senator Wyman's bill, as compared to the committee bill, the expenses of a lobbyist would not have to be itemized. The other activities that I have mentioned previously, drafting, research, all of the other things that lobbyists are being paid to do besides talk to the officials in the hall, would not have to be reported. And of course all appearances at public hearings would not have to be reported. Now, all of this might amount to as much as seventy-five or eighty percent, depending on what the lobbyist wanted to put down, and it could be ninety-nine percent. So we would never know what money was being spent and why under Senator Wyman's bill.

Now, I think that my bill, L. D. 1954, was treated very roughly, but I think very fairly. I think that the State Government Committee worked hard on it, and I think at this point to accept Senator Wyman's bill would be to toss out all of the work of all the members, with the exception of Senator Wyman, of the State Government Committee. But some of the things that I didn't like taken out of my bill were, as I mentioned, banning gifts to the legislators; soliciting others to communicate with legislators, which has been a favorite form of lobbying, that is now no longer considered lobbying; I had put in that when a person earned \$250 lobbying he would have to register, and the State Government Committee raised that to \$500; I thought at the very least that media expenditures in support of lobbying efforts, such as went on during the last session on the bottle bill, the TV advertising and the newspaper advertising, that was reported to me amounted to some fifteen to twenty thousand dollars, that no longer has to be reported, even under the committee bill. We had given the lobbyists two business days to report, and now they have five. We had asked for dual reporting by the lobbyists and their employers, and the committee bill now asks for joint reporting. The scope of activity of lobbying is cut and now it is just being replaced with specific LDs that are being lobbied. And I think a very bad change was to require monthly reports only during the session and not in-between sessions, when we have seen during this past fall that so much lobbying goes on between sessions. Also, the general administrative powers of the Secretary of State to resolve minor matters, this has been cut out of the new committee draft, and it was in the original L. D. 1954.

So 1954 has been not treated too kindly, but I think fairly, and as I say, I am willing to live with that. But I think to accept a version that is being presented as an alternate bill in the motion we have before us now would lose us much more than the opportunity to tell the public what is going on in terms of lobbying fees and lobbying activities, but it would also lose us a great deal of public credibility. It would mean to the public, I believe, that the Senate is not willing to face up to the lobby. So I ask for the defeat of this motion and I ask, Mr. President, that a roll call be taken when the vote is taken. I know I haven't had much luck lately in having people stand with me in asking for roll calls, but I hope everyone realizes the importance of this issue and that we will have a roll call on it. Thank you, Mr. President.

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

Mr. GRAHAM: Mr. President and Members of the Senate: It is difficult for me to debate with the Senator from Cumberland, Senator Merrill, because I have a great respect for him and I have great liking for him, and he is a very capable and skillful lawyer. But what I would like to point out is that these bills are similar except for the few exceptions I mentioned in the minority bill which weaken the bill.

I think it is exaggerating to imply that our bill, the majority bill, would infringe on free speech or act as a chilling effect on speech. On the contrary, we provide in the majority bill that citizens may come up and lobby for themselves and citizens may come up and lobby and speak and, unless they receive or are promised to receive \$500 for the year, they will not have to register as lobbyists. On the other hand, I feel that the eight hour limitation in the minority bill is somewhat of a block to free speech in that town officials and others who would come up here to address the legislature might very well exceed eight hours in a short time and in that way find themselves as professional lobbyists.

As for civil liberties, I might mention that today I called the main office of Civil Liberties and discussed the two bills with the director there. His reaction was that he favored the committee bill. Now, as you know, the great majority of the committee did favor the bill and signed it, and my fear is that the result of our accepting the minority report will be a deadlock and we will get no bill at all on lobbying, much to the disgrace, I feel, of this legislature. If we come out of this session without a lobbying bill, I think it will cause great indignation among citizens who demand a strong lobbying bill.

Now, I have no animus against any lobbyist up here. I do not say or imply that any of them are corrupt. On the contrary, I consider them all honorable men, from my experience, but let us not deny the fact that money is an important factor in that money will hire shrewd, capable, brilliant lobbyists, and in that sense, money is very important. And every political scientist from the time of DeToqueville down has pointed out that the great danger to democracy is money, because money defeats the popular will, and therefore it is important for us to have a strong lobby bill so the people will at least know who is lobbying against their interest and how much money is being spent against them. The people.

Now, I know that this bill was presented with the greatest of good intentions, the finest of motives, but yet the fact, as is well known, that a brilliant lobbyist had a hand in the writing of this bill, I think it is incredible to believe that that influence could have changed the bill a bit. If you were designing a chicken house, would you go to a fox and ask him to design a fox-proof chicken house?

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

Mr. CONLEY: Mr. President and Members of the Senate: I think this morning it should be made abundantly clear that the Maine Senate overwhelmingly passed a lobbyist bill in the last session. In fact, it was an extremely strong document that was passed by this Senate. And as I sat in my seat this morning listening to the debate, apparently it leaves no room for differences.

I have often referred to this chamber here as the house of bankers, and I have picked up that term along the way from another gentleman that sat in these chambers. I generally went along with that tag because I have often thought that particularly the banking industry had an extreme amount of influence within this house. And I am sure that the lobby has a tremendous amount of influence on this house. That has

never disturbed me, in a sense, because it was never the lobby that elected me to serve here; it was the people of my district. And I hope I can honestly say that since the day I came here I have tried to give them the representation that I thought was worthy of them. I don't think the people of this state have any fear whatsoever of those people who register to lobby in behalf of certain industries or clients. I think what they have to worry about is the individuals they send here.

I resent personally remarks I have heard on the radio over the weekend because I think my integrity is being challenged. I think the press is totally irresponsible, in a sense, that because someone sits in these chambers that they may vote against a particular measure and automatically assume that they have been purchased by the lobby. Again, I have no right to exercise my good judgment, whether it is the good judgment in support of those people who are more concerned about the natural resources of this state than they are the livelihoods of the people of this state, as far as finding employment or jobs; it leaves no area, no room at all for disagreement.

I think I said in the last session of the legislature that if you were to form a list of the most popular Senators in this chamber, those that are on the most popular list of the lobbyists, that I would come down pretty close to the bottom. But I can honestly say too since serving here that any time a lobbyist has approached me, and he has every right in the world to, to try to define or explain a particular piece of legislation, that I should listen, because there is generally someone on the other side either opposing or trying to make the measure a little bit more moderate, and that is generally when you yourselves as individuals can make that decision as to what is the best thing. But I honestly resent the impugning the integrity of myself and the other members of this Senate.

I couldn't help but notice the prayer given by the Senator from Kennebec this morning, Senator Reeves, and I hope his message was to a higher power as I certainly didn't appreciate it one bit, because I don't feel that I am in the money chambers one ounce, nor will I ever be. I think you can carry things just a little bit too far.

The two bills we have before us, by the explanation by the good Senator from Cumberland, Senator Merrill, don't vary a great deal, nor by the description given by the other Senator from Cumberland, Senator Graham. But we can spend twenty minutes of the morning or half an hour of the morning in complete demagoguery of lobbyists, of Senators, denounce them all, destroy the integrity of anyone, end up being on the front pages of the daily editions of any newspaper in the state as being the great hero and the great messiah for all people. I resent that. I am here to act in the best interests of my constituents, and there are a great number of individuals in this chamber who do likewise. And I would ask the good Senator from Kennebec to reflect back to a year ago when this bill was before us, and because of an inadvertent error that it was repealed, all of a sudden the Maine Senate and the Maine House of Representatives again take a pounding from the press or the people.

Someone called my home last evening at 11 o'clock to ask me about a particular lobbyist drafting a bill supposedly for lobbyist disclosure. I doubt very much if that individual has any idea as to what is in either of these two reports, but because of the fact that wild statements are made publicly on radio, on television, in the newspapers, half truths, as Governor Longley seems to refer to a lot of statements being made, I think we should tell the whole truth.

I am going to support the majority report

here this morning because I feel that the Committee on State Government did work diligently to bring a bill before this body. It is obvious to me that whether the majority report or the minority report is accepted, that tomorrow is the day for offering amendments, and I know that amendments are going to come. I want to review and analyze each one of them before I vote on them, therefore, I am going to ask that the Senate do reject the motion that is before this body so we can, I think, pay tribute to a very hard working committee and, secondly, have a chance to review it again tomorrow.

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

Mr. REEVES: Mr. President, I would like to apologize to the Senator from Washington County, Senator Wyman, for my constant references to him during my speech. Certainly no disrespect was intended. I know Senator Wyman's intentions are to represent his constituency, as mine are. I realize this is not the first time I have apologized regarding this matter, and I realize it is not making me popular. It is making me about as popular as some of these hired lobbyists that are public spirited. But I don't apologize for my campaign on the state house lobby. I feel it is an urgent matter, and that is why I do it and that is why I say these things.

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

Mr. MERRILL: Mr. President and Members of the Senate: I think that the Senate has had laid before it most of the essential differences between these drafts. There is just a little bit of misinformation that I would like to clear up.

First of all, there is a technical difference between the two drafts in how somebody reports if he worked for the person who is a lobbyist. For example, if a law firm is hired to lobby for somebody, how does the employee of that law firm register? It was said that the person wouldn't have to register at all, and I suppose by some technical reading that could be true, however, it is not true in any real sense. If you turn to the Wyman draft, on page ten where all the registration forms are laid out, you will see that item four on the joint registration form is a listing of the people who work for the partnership or law firm, or whatever it is, who will be working specifically on that bill. What that technically means is this: if a law firm has two people who are working for that law firm on a specific bill, then under the Wyman draft the law firm would register, and then the names of those two people would be listed on the second page of the registration form. If the majority report were accepted, both of those people would register and I assume also the law firm itself would register. What good that duplicate registration has, I fail to understand, and therefore fail to see the merit of the majority's position. Either way, we know who is doing the work. Either way, we know that it is the firm and the employees of the firm. So the difference, I think, is simply one in approach, certainly not one of substance. Nobody is getting away.

I might also point out that everybody who is specifically paid to lobby has to register under this bill as proposed here by Senator Wyman. I might also point out a small piece of misinformation. The Senator from Kennebec, Senator Reeves, said that his original bill didn't address the question of specific disclosure of the money that was spent on legislators because his bill said that no gifts could be made. Well, that isn't exactly correct. I have in front of me a copy of that bill, and that bill said that no gifts of more than fifty dollars during any calendar year could be made to legislators. So there was the possibility of \$9,000 a year, roughly, being given directly to legislators and not having that item specifically put down, or \$18,000 for the period of two years. So even if the approach of

the Senator from Kennebec, Senator Reeves, had been accepted, there was a loophole in his bill, the most important loophole of all, and that is not requiring that the specific monies that are spent on us be disclosed.

One of the things that I resent most about the discussion about lobbying that has gone on — and I think there has been some good things that have come out of it, I don't mean to say there hasn't — is the implication that when we hear how much money is being paid to these lobbyists, that a thousand or a million, or whatever figure is being thrown around, is being spent on lobbying, that most people have the idea that it is being spent on us as legislators. Frankly, I don't care how much the beer and wine wholesalers pay past president Ken MacLeod. It is of no interest to me. I might have some comments as to their wisdom in spending too much, but it is of no direct interest to me. I can see how the public wants to know when terrific amounts of money are spent, and both bills do that. But what I am most interested in is having the people know how much money is spent on us. If it is much, they have a right to know and they have a right to be outraged. If it isn't much, I sure as heck want the public to know it, if we are going to continue to have banded around these huge amounts of money, because frankly I resent it. I resent being impoverished by the fact that I am here and then have everybody point their finger at me because they think I am getting rich. It makes it a lot harder to turn down people when they come around for donations, you know, if they think we are making millions of dollars up here.

The Senator from Cumberland, Senator Graham, made a point. He said that if he was designing a chicken coop he wouldn't get a fox. Well, I know I haven't been involved in the drafting of this all the way along, but I know that I drafted one of the drafts that was presented to the State Government Committee, and in drafting that I consulted actively with Mr. Cragin, Mr. MacLeod, and also a person who used to lobby for the Public Interest Research group, Michael Huston. I guess that just goes to a difference of approach. If I was going to regulate activities of barbers, I would go around and talk to barbers. When I have to vote on a bottle bill, I go around and talk to people who run corner grocery stores. And when I am working on a lobby bill, I like to find out what actually goes on so that the bill can reflect that reality.

I don't know if there are any major loopholes in either of these bills. I would like to make one comment though. There is no protection ultimately for the people if we don't accept that people are going to act basically honestly. You can write the most stringent disclosure law that you can imagine, and if people want to be dishonest, it is not going to make any difference. Beyond that, I suppose we could establish some sort of investigation bureau like the IRS has and try to get by basic dishonesty. I don't think anybody is talking that here today. Every approach has the weakness of depending on the basic honesty of the lobbyists, as most of the bills that we pass, as the Internal Revenue laws and as our own income tax depends on the basic honesty of the people. There is a weakness in any of the bills, a huge glaring loophole in anything we do, unless we want to establish a huge bureaucracy to check into these people and make sure that they are acting honestly. It should be admitted by all of us at the outset.

At that conference that I alluded to earlier, there were some people who had come from states who had gone not with the disclosure route but with the exclusion route in trying to specifically say things would be illegal, like for gifts, and the testimony from the legislators from those states was that by making

something totally illegal what you really did is you just drove it underground. Well, I think that is probably so. We have tried to make a law that doesn't reflect whether it might be our own secret desire that some of these people won't be up here, because we recognize full well they have a constitutional right to do so.

I would like to say, finally, even though I am going to vote differently than my minority leader, Senator Conley, that I share with him one basic sentiment that he expressed. The only protection of the people from the power of special interests is the protection of them being involved and knowledgeable in whom they vote for. It makes no difference how many disclosure laws we pass if the people that don't sit in these chambers aren't basically honest and don't try as hard as they can with as much ability as they have to represent all the people, as I believe they do almost all the time, then all the laws we pass aren't going to do anything about it. Ultimately, the success of a free society depends upon honest people and good representatives in the legislature, and no bill that we pass is going to change that.

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

Mr. TROZKY: Mr. President and Members of the Senate: To me it is disgraceful that on an important bill such as this, with the Chairman of the State Government Committee absent right now, that on a motion of the majority leader this Senate would not allow this bill to be held. I would move now that this bill be tabled until later in today's session.

The PRESIDENT: The Chair would inform the Senator that he was debating a tabling motion.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS of Knox then moved that the Bill be tabled until later in today's session, pending the motion by Mr. Wyman of Washington to accept the Minority Ought to Pass in New Draft Report of the Committee.

On motion by Mr. Merrill of Cumberland, a division was had, 11 having voted in the affirmative, and 18 having voted in the negative, the motion did not prevail.

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

Mr. WYMAN: Mr. President and Members of the Senate: I want to reiterate what the good Senator from Cumberland said, that basic honesty is at the bottom of it all. We can make rules and regulations over here day after day until we fill volume after volume, but if people aren't honest they are going to find ways to get around them and we are just making more rules and regulations.

Now, it was indicated I had help on this bill. Obviously I had help on this bill. I don't think I ever put a bill in final draft in my life without having help. And I had two choices: I could have a lobbyist help me on the bill and explain to him exactly my feelings and have him write it, or I could have another group that we haven't mentioned here at all, our legislative aides. We have many of them on the payroll of the legislature, and I suspect their pay may run into more dollars than the paid lobbyists receive. Now, don't think for one minute that they are not human and that their influence and thinking doesn't go into these bills in a quiet way. And my choice was to have someone who I felt would express my thinking more clearly. Now, this other group are paid with tax dollars. The so-called lobbyists are not paid with tax dollars. I think we want to have that in mind when we vote, that with tax dollars, we are paying these people to write bills and influence legislation, and don't think for a minute that their thinking and input doesn't go into these bills because they are human like all the rest of us. I

certainly hope you will support the motion to accept the minority report.

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

Mr. MARCOTTE: Mr. President and Members of the Senate: I can well appreciate the concern of the Senator from Kennebec, Senator Reeves, but I wonder where he really draws the line between the citizen lobbyist and the professional lobbyist. I heard reports that he himself was compensated for lobbying for public power in the 106th, and if this is the case, then I would say that we have the perennial fox himself guarding the chicken coop.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, I would like to ask a question through the Chair of the Senator from Kennebec, Senator Reeves, if he would be willing to identify these people that are the ten highest paid firms here.

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

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President and Members of the Senate: Just a quick retort to the good Senator from York, Senator Marcotte: I was not paid to lobby the power bill.

As for the Senator from Waldo, Senator Greeley, on who these people are, I had prepared a list with their names. As a matter of fact, I had gone even further in identifying them as individuals, because the list that I pass out today is in lobbying units as that is the way they were reported. I thought better of using their names because these are basically obscure people, despite their incredible influence in the state house, and I don't feel as though it would serve the public interest to advertise them as individuals. What I am concerned about is the system, and not about any individuals. I know all of these individuals, the top 21 lobbyists, there are actually 21 individuals mentioned on that list that I passed out on the ten top lobbying units, they are all very friendly people, good friends of the majority of all of us in here, and it is not a personal battle that I am engaged in. It is the system that I am talking about that I object to, that I find not in the public interest or contrary to the public interest, and one that I would like to see changed. And the reason I pursue the lobby disclosure bill is that I think it is the first step in changing the system, that once the public knows who is being paid and how much and for what, and on a timely basis, then I think the public will let us know and that we will change that system.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I would like to pose a question through the Chair to the Senator from Kennebec, Senator Reeves, regarding his previous statement here about who the people are being paid. Am I to understand that his question relates that some of this lobby money that he has written on this sheet of ten top lobbyists' income comes directly to any members of the legislature? I would like to have the Senator clarify, if he would, whether or not he feels that his comments relate to payment to legislators or not.

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

Is the Senate ready for the question? The

pending question before the Senate is the motion by the Senator from Washington, Senator Wyman, that the Senate accept the minority ought to pass in new draft report of the committee. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Washington, Senator Wyman, that the Senate accept the minority ought to pass in new draft report of the committee. A "Yes" vote will be in favor of accepting the minority report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carboneau, Cianchette, Clifford, Corson, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Marcotte, McNally, Merrill, O'Leary, Roberts, Speers, Thomas and Wyman.

NAYS: Senators Collins, Conley, Cummings, Danton, Graham, Pray, Reeves and Trozky.

ABSENT: Senators Curtis and Katz.

A roll call was had. 22 Senators having voted in the affirmative, and eight Senators having voted in the negative, with two Senators being absent, the Minority Ought to Pass in New Draft Report of the Committee was Accepted, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Thomas of Kennebec,

ORDERED, the House concurring, that the Joint Standing Committee on Education shall report out "An Act Clarifying the Source of Payment of Bonds, Notes and Other Evidence of Indebtedness Issued for School Purposes." (S. P. 767)

Which was Read and Passed.

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

Papers from the House

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

Joint Orders

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 Edwin Wilson of Brewer For His Heroic Action In Saving The Lives Of A Clifton Family From Possible Death By Fire

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. 2221)

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 Lt. Brian Houston Of The Brewer Fire Department For his Heroic Action In Saving the Lives of A Clifton Family From Possible Death By Fire

We the Members of the House of Representen-

atives 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. 2222)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Second Readers

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

House — As Amended

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

Bill, "An Act Relating to the Formation of Political Parties and to Political Designations." (H. P. 1960) (L. D. 2140)

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

House — As Amended — In Non-concurrence

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

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

Sent down for concurrence.

Enactors

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

An Act to Amend the Mandatory Reporting Law on Child Abuse and Neglect. (H. P. 1898) (L. D. 2078)

An Act to Prohibit Embalming when an Autopsy has been Authorized. (S. P. 659) (L. D. 2084)

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

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

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

Emergency

An Act Relating to the Trustees of the Dexter Utility District. (H. P. 2103) (L. D. 2269)

This, being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act to Amend the Medical Practices Act. (H. P. 1919) (L. D. 2107)

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

Mr. REEVES: Mr. President and Members of the Senate: I am not in opposition in any way to this bill. I did have a question, and I was perhaps not in the chambers when it was discussed originally, but I wondered if anyone in the chambers today could answer a question on it regarding nurse practitioners are covered in the same manner as physicians' assistants under this bill, and if someone could say a few words on it.

The PRESIDENT: The Senator from Kennebec, Senator Reeves, has posed a question through the Chair to any member of the Senate who may care to answer.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Thereupon, on motion by Mr. Greeley of Waldo, tabled and Tomorrow Assigned, pending Enactment.

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

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot, Recessed until 5:00 o'clock this afternoon.

After Recess

Called to order by the President.

Out of order and under suspension of the rules, on motion by Mr. Katz of Kennebec, the Senate voted to take up the following:

Ought to Pass

Mr. Katz for the Committee on Education on, Bill, "An Act Clarifying the Source of Payment of Bonds, Notes and Other Evidences of Indebtedness Issued for School Purposes." (S. P. 768) (L. D. 2317)

Reported pursuant to Joint Order (S. P. 767) that the same Ought to Pass.

Which report was Read.

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

Mr. KATZ: Mr. President and Members of the Senate: On Friday we found out that bond counsel was very nervous about the fact that we were changing our method of school construction. Yet although we were changing the method of school construction, we still had bonds going out this week and perhaps later this year under the old system, and there was a cloud on the question of whether or not the bonds that were going out this week for previously authorized and previously voted school construction, in light of the action of the legislature. Actually the action of the legislature earlier this session was not contradictory, because the effective date of the act that we passed was July 1st. But nonetheless the cloud exists, and this legislation which is facing us right now removes the cloud and there is in there to reassure purchasers of these interim bonds, that the guarantees are sound.

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

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

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

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

Papers From The House

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 Maine Central Institute "Preppers" New England Basketball Champions for 1976

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2219)

Comes from the House, Read and Passed.
Which was Read and Passed in concurrence.

Communications

State of Maine
One Hundred and Seventh Legislature
Committee on Performance Audit

March 15, 1976

Legislative Council
107th Legislature
State House

Augusta, Maine 04333

Members of this Council:

In accordance with H. P. 529, an Order directing the Committee on Performance Audit to study the recommendations by the U.S. Department of Health, Education and Welfare about Maine's Aid to Families with Dependent Children Program, a copy of the Final Report of the Committee is attached.

Sincerely,
Senator RICHARD N. BERRY,
Co-chairperson
Representative GEORGETTE B. BERUBE,
Co-chairperson

(H. P. 2220)

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

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

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 Relating to an Increase in the Corporate and Individual Income Tax Rates." (H. P. 1952) (L. D. 2137)

Bill, "An Act to Improve Solid Waste Management in this State." (H. P. 2089) (L. D. 2248)

Leave to Withdraw

The Committee on Legal Affairs on,
Bill, "An Act Concerning the Definition of Public Proceedings and Concerning the Keeping of Minutes Under the Right to Know Law." (H. P. 1978) (L. D. 2168)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on,
Bill, "An Act Clarifying the Right to Know Statute." (H. P. 1905) (L. D. 2092)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Public Utilities on,
Bill, "An Act Increasing the Indebtedness Limit of the Mexico Sewer District and Creating a Special Debt Limit for Interim Financing." (H. P. 2190) (L. D. 2302)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

The Committee on Performance Audit on,
Bill, "An Act Concerning the Analysis of Unexpended Balance and Payment Maximums under the Aid for Dependent Children Program." (H. P. 1904) (L. D. 2091)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which report was Read.

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

Ought to Pass - As Amended

The Committee on Education on,
Bill, "An Act Relating to Conferring Degrees by Thomas College." (H. P. 1927) (L. D. 2114)
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-994).

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

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

Mr. THOMAS: Mr. President, I request permission not to vote on L. D. 2114 because of an appearance of a conflict of interest.

The PRESIDENT: The Senator from Kennebec, Senator Thomas, now requests leave of the Senate to refrain from voting on L. D. 2114 because of the possibility of an apparent conflict of interest. Is it the pleasure of the Senate to grant this leave?

It is a vote.

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

Mr. KATZ: Mrs. President and Members of the Senate: I don't want to let this moment go without calling the Senate's attention to it. Thomas College, every inch of the way, has followed the book to perfection. It has emerged as a new degree-granting institution. It has emerged into a four-year degree-granting institution, and with the passage of this legislation its cooperation and excellence is evidenced by the fact that this bill permits them to give a master of science in business degree. I take personal pride that this is a home grown Maine institution, it is doing a very good job, and it is doing some very good things for an awful lot of very nice people.

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

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence.

On motion by Mr. Conley of Cumberland and under suspension of the rules, the Bill was Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

The Committee on Legal Affairs on, Bill, "An Act to Permit an Employee to Review His Personnel File." (H. P. 2121) (L. D. 2270)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-999).

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 Judiciary on, Bill, "An Act to Amend the Rules for Legislative Investigation Committees." (H. P. 2033) (L. D. 2205)

Reported that the same Ought Not to Pass.

Signed:

Senator:

MERRILL of Cumberland
Representatives:
HUGHES of Auburn
MISKAVAGE of Augusta
McMAHON of Kennebec
HOBBINS of Saco
HENDERSON of Bangor
SPENCER of Standish
HEWES of Cape Elizabeth

The Minority of the same Committee on the same subject matter reported that the same

Ought to Pass as Amended by Committee Amendment "A" (H-1017).

Signed:

Senators:

CLIFFORD of Androscoggin
COLLINS of Knox

Representatives:

BENNETT of Caribou
PERKINS of So. Portland

Comes from the House, the Majority report Read and Accepted.

Which reports were Read.

On motion by Mr. Merrill of Cumberland, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

Ought to Pass - As Amended

Mr. Roberts for the Committee on Labor on, Bill, "An Act to Require the Employment Service to Provide Services to High School Students." (S. P. 719) (L. D. 2255)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-456).

Mr. Curtis for the Committee on State Government on, Bill, "An Act to Assure Resources for the Resolution of Disputes." (S. P. 666) (L. D. 2296)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-455).

Mr. Hichens for the Committee on Agriculture on, Bill, "An Act to Promote the Sale of Maine Potatoes." (S. P. 701) (L. D. 2220)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-457).

Mr. Hichens for the Committee on Agriculture on, Bill, "An Act to Revise the Potato Licensing Law." (S. P. 702) (L. D. 2221)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-458).

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, As Amended, Tomorrow Assigned for Second Reading.

Mr. Katz for the Committee on Education on, Bill, "An Act Relating to Teacher Employment." (S. P. 640) (L. D. 2029)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-459).

Which report was Read.

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

Mr. CIANCHETTE: Mr. President, I would ask if someone would care to explain the necessity of this legislation.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, there are two guiding articles for the question of teacher negotiation: one is a statute which grants teacher tenure; the other is the general laws permitting collective bargaining. Until this past year, units all over the state in the collective bargaining procedure were bargaining for separation from service for reasons of just cause only. There was a court case that came along and said that even though the legislature gave collective bargaining rights, when it came to the question of just cause the statute prevailed and, consequently, it came as a surprise to all of us, or many of us, to find out that just cause was not a section of their contract that could be bargained with collectively. This caused an enormous amount of dislocation in the state because many, many school systems

voluntarily had gotten together and bargained exactly in that area.

What this committee report is to put us essentially back where we thought we were before the court decision. What the amendment says, in fact, is that it reduces the probationary period of a teacher from three years to two years, and I don't think that is terribly complicated. That is the only change in the position that we have taken. But it also says in the statute that if a school unit wishes to bargain collectively and in a comprehensive contract grant the just cause provision, it may do so.

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

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Relating to Water District Rate Proceedings." (S. P. 715) (L. D. 2245)

Reported that the same Ought to Pass.

Signed:

Senators:

CUMMINGS of Penobscot
GREELEY of Waldo
CYR of Aroostook

Representatives:

LITTLEFIELD of Hermon
LUNT of Presque Isle
NADEAU of Sanford
SPENCER of Standish
TARR of Bridgton
GRAY of Rockland

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

Signed:

Representatives:

BERRY of Buxton
KELLEHER of Bangor
SAUNDERS of Bethel
LEONARD of Woolwich

Which reports were Read.

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

Enactors

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

An Act to Extend the Exemption for Sternmen on Lobster Fishing Boats from Coverage under the Employment Security and Workmen's Compensation Law. (H. P. 1890) (L. D. 2070)

On motion by Mr. Roberts of York, tabled and Tomorrow Assigned, pending Enactment.

Emergencies

An Act to Establish a Program to Protect the Clam Fishery from Green Crab Predation. (H. P. 2200) (L. D. 2303)

An Act to Reconstitute School Administrative District No. 42. (H. P. 2059) (L. D. 2237)

These, being emergency measures and having received the affirmative votes of 28 members of the Senate, with one 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.

On motion by Mrs. Cummings of Penobscot, Adjourned until 10 o'clock tomorrow morning.