

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

Tuesday, March 23, 1976

Senate called to order by the President.

Prayer by the Rev. Howell K. Lind, Winthrop Universalist Church, Augusta:

Almighty God, we pause at the beginning of these proceedings to ask Thy support and guidance in the efforts of these who speak for the people, and to remind them that they are ever under Thy power and judgment. Give to them what they need to do their work and to do the job at hand, hearing keen enough to find the person behind the words, an eye for the real meaning of a document, moderation in deviousness, a reliable knowledge of the real needs of our state, genuine sympathy for the rich variety of persons who are the State of Maine, a mind able to see and admit that it may have been wrong, a vision of the State of Maine as she might be, and a purpose to give to the state not what she deserves but something better. May what these, who help shape the directions and destiny of people, do here today bring Maine closer to justice and to goodness, and may we all find our satisfaction in that achievement. In the spirit of understanding and insight do we pray. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Revise the Personnel System." (S. P. 677) (L. D. 2166)

In the Senate March 16, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (S-433) and Senate Amendment "A" (S-434).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" Thereto (H-1001), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Committee Reports

House

Ought to Pass — As Amended

The Committee on Labor on, Bill, "An Act Concerning the Workmen's Compensation Statutes." (H. P. 2046) (L. D. 2218)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-988).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-1032).

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

Senate

Ought to Pass — As Amended

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act Relating to Property of Survivor where Joint Deposits or Accounts are Involved." (S. P. 664) (L. D. 2102)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-460).

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

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Provide for the

Licensure of Speech Pathologists and Audiologists." (S. P. 673) (L. D. 2144)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-461)

Signed:

Representatives:

CLARK of Freeport
TIERNEY of Durham
BOWIE of Gardiner
HIGGINS of Scarborough
PEAKES of Dexter
RIDEOUT of Mapleton
DeVANE of Ellsworth
BOUDREAU of Portland
BYERS of Newcastle

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-462).

Signed:

Senators:

THOMAS of Kennebec
REEVES of Kennebec
JOHNSTON of Aroostook

Representative:

PIERCE of Waterville

Which reports were Read.

On motion by Mr. Thomas of Kennebec, the Minority Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "B" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

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)

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

House — As Amended

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)

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

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

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

Senate

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

Bill, "An Act to Require Registration and Reporting of Professional Lobbyists." (S. P. 766) (L. D. 2313).

(On motion by Mr. Wyman of Washington tabled until later in today's session, pending "Passage to be Engrossed.")

Bill, "An Act Relating to Water District Rate Proceedings." (S. P. 715) (L. D. 2245)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed. Sent down for concurrence.

Senate — As Amended

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

Bill, "An Act to Amend the Employment Security Law." (S. P. 691) (L. D. 2210)

Bill, "An Act to Promote Efficiency in Maine State Government." (S. P. 699) (L. D. 2223)

Bill, "An Act to Temporarily Exempt Property Owners on Islands in Casco Bay from Certain Waste Discharge Compliance Requirements." (S. P. 708) (L. D. 2235)

Bill, "An Act Relating to Costs in Contested Cases and Depositions in Probate Court." (S. P. 709) (L. D. 2236)

Bill, "An Act to Promote the Sale of Maine Potatoes." (S. P. 701) (L. D. 2220)

Bill, "An Act to Revise the Potato Licensing Law." (S. P. 702) (L. D. 2221)

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

Bill, "An Act to Assure Resources for the Resolution of Disputes." (S. P. 666) (L. D. 2296)

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

Sent down for concurrence.

Bill, "An Act to Revise Requirements for Permanent Markers under the Land Subdivision Law." (S. P. 717) (L. D. 2268)

Which was Read a Second Time.

On motion by Mr. O'Leary of Oxford, the Senate voted to reconsider its former action whereby it Adopted Committee Amendment "A".

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

Senate Amendment "B", Filing No. S-463, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "B" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Bill, "An Act Relating to Teacher Employment." (S. P. 640) (L. D. 2029)

Which was Read a Second Time.

Mr. Trotzky of Penobscot moved that the Bill be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: In this committee amendment there is a sentence that states that just cause for dismissal or non-renewal may be a negotiable item in accordance with certain procedures set forth, and so on. What this bill will do is take the power to discharge teachers outside the hands of school committees throughout the state. It opens up the way for teachers to negotiate for what they call job security within their contracts, which eventually will take the power of dismissal out of the local domain.

If a school committee feels that a teacher should be dismissed for reasons of incompetence, the committee can then be overruled by a third party, an arbitrator. In Bangor, as I understand from speaking with the assistant superintendent of schools, there is binding arbitration in all matters except money matters, however, this amendment or this bill will open the door so that teachers will then come in and ask for a provision in their contracts with a concept of just cause for dismissal to be determined by a third party.

Precedents have already been set, in that arbitrators have ruled that job security is a legitimate item in teacher contracts. However, I believe that the right to hire also is the right to fire. If this bill is passed, it will lead to teacher organizations coming in to the school board and negotiating for this third party arbitrator on job security, and right now under the present law it is very difficult to dismiss teachers for incompetence. So I hope you will go along with the move to indefinitely postpone this bill.

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

Mr. KATZ: Mr. President, I am going to take issue with a couple of comments made by my good friend from Penobscot, Senator Trotzky.

First, the passage of this bill does not take

away authority from a school board to retain the right to fire teachers or get into the whole area of just cause at all. What it does do is say that the board may legally, if it wishes, negotiate a just cause with the school unit, and that is a far cry from taking it away because it is a voluntary collective bargaining process.

Secondly, the bill does not open a new door. The bill re-opens a door that everybody in the state thought was in place prior to a recent court decision.

In the third place, the comments of the Senator from Penobscot, Senator Trotzky, are more an attack on collective bargaining than on the process of this bill, because if you believe in collective bargaining for public employees, and this legislature and previous legislatures have said time and again that we do believe in collective bargaining, job security has to be one of the most important factors inherent in any collective bargaining bill. The fact is that there are teachers in Maine's classrooms who are incompetent and should have been fired perhaps some while ago, but this is a management responsibility and it just will not do to cop out and say it is the law that is a barrier. The fact is that a responsible management under the law can and must sever from teaching those individuals who do not belong in teaching. But to come to the Maine Legislature and say that miraculously the defeat of this bill is going to cause more severance from jobs just doesn't face up to the fact.

If the motion to indefinitely postpone prevails, what we have then is recourse only to the courts for the ultimate justification of a severance.

Now, all of you have followed with some interest the case up in Penobscot County of a young teacher who got fired presumably for hitting a kid with a chair. As I remember it, and I would stand correction by any member present who is more knowledgeable, the students in the class completely disagreed with the charge, the students in the class identified the pupil who presumably was the "hittee" as the culprit in the affair, they supported the teacher, subsequently a court action supported the teacher, but it has been appealed to a higher court and it could take another couple of years, which solves the problems of the board very nicely, but it means that this teacher who, according to the witnesses and according to the original court decision, is a capable teacher, this young man is out of a job for a couple of years and no one will hire him.

If you believe in collective bargaining, you will vote against the motion to indefinitely postpone. I request a division, Mr. President.

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

Mr. SPEERS: Mr. President and Members of the Senate: I rise to completely concur with the good Senator from Kennebec, Senator Katz, in his remarks.

This is a measure that is co-sponsored by the good Senate Assistant Minority Leader, Senator Danton of York, and myself. This is a bill that has been worked on in the Committee on Education and has been amended by that committee.

I think perhaps some of the remarks that the good Senator from Penobscot, Senator Trotzky, made this morning were more apt with regard to the bill itself rather than to the amended version. The Education Committee heard a number of objections to the bill and worked on those objections, and I think came out with a fairly good bill that would accomplish the purpose of the original bill and yet not create some of the problems that those that objected to it indicated before the committee.

Basically, what this bill tries to do, the purpose of it, is to state that just cause and the reasons for dismissal are a negotiable item just as other terms of employment. And the good

Senator from Kennebec, Senator Katz, is quite correct in that if you find objection in this bill it is really that you find objection to the idea of collective bargaining in any case. I would oppose the motion to indefinitely postpone this particular item.

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

Mr. CARBONNEAU: Mr. President, I would like to ask a question through the Chair to anyone that may wish to answer. I would like to know why so many school superintendents and school boards are against this bill.

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

Mr. KATZ: Mr. President, I think the answer is that if this bill were defeated it would remove pressures from the administration in the collective bargaining procedure. If we couldn't collectively bargain on the question of just cause, this would remove an awful lot of pressure from management. But I suggest that management should be under some kind of a pressure so as to protect the employment rights of capable teachers from the danger of capricious firing.

I think what I hope would happen if this bill is passed is that there would be responsible action to separate those teachers out of the system who properly do not belong in the teaching profession but at the same time give job security to those who properly do belong in the profession.

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

Mr. CONLEY: Mr. President, I too oppose the motion of the good Senator from Penobscot, Senator Trotzky. I believe I am not totally accurate on this, but I am certainly aware of the fact that well over 50 percent of the superintendent districts throughout the state have this presently within their contracts. It is indeed a collective bargaining measure and I think to defeat it would be a mistake.

I would ask for a roll call when the vote is taken, Mr. President.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, from reading this amendment, I still believe that what this bill do, although it is permissible or a school board can negotiate, what this is going to do is open the door so that organized teachers associations are going to be putting pressure on many of the local school communities throughout the State of Maine to get third party arbitration on job dismissal.

Now, at least I feel in an efficient business what takes place is that if a person doesn't do the job, then the person who hires has the right to dismiss for incompetence, and here what is going to happen is that these organizations are going to come in, put pressure on many local school communities throughout the state, and the result is going to be that it is more difficult to dismiss a teacher.

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

Mr. Cianchette of Somerset then moved that the matter be tabled until later in today's session, pending the motion by Mr. Trotzky of Penobscot that the Bill be Indefinitely Postponed.

On motion by Mr. Speers of Kennebec, a division was had, 10 having voted in the affirmative, and 17 having voted in the negative, the motion did not prevail.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I wish somebody would explain to me whether there is only one amendment on it, and is it Senate

Amendment 459? If so, if that is the only amendment, why does it need to be cut down from three years to two years?

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

Mr. KATZ: Mr. President, the answer is in the affirmative, it is the only amendment. As to why it is cut down from three years to two years, I must confess that I am the culprit involved in that. As an employer, it occurred to me that I don't need three years to decide whether an employee is capable or incompetent, and consequently two years was a reasonable figure from my point of view. It is amendable back to three years, if the gentleman wishes, but I think two years is adequate.

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

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

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President, I would like to ask another question of somebody who might care to answer. I am not too, too clear on this, and I have had some flak from some of my superintendents, so I want to know what I am voting for. I am particularly concerned about section 220, M.R.S.A., subsection 473, sub 4, being repealed. What does that mean? What is repealed?

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I don't have the statute directly in front of me, but I believe that the gentleman is referring to the provision that is in the statutory provision on tenure at the present time for teachers.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that L.D. 2029, Bill, "An Act Relating to Teacher Employment", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, R.; Carbonneau, Cianchette, Cummings, Graffam, Greeley, Huber, Jackson, McNally, O'Leary, Trotzky, Wyman.

NAYS: Senators Berry, E.; Collins, Conley, Corson, Curtis, Cyr, Danton, Gahagan, Graham, Katz, Marcotte, Merrill, Pray, Reeves, Roberts, Speers, Thomas.

ABSENT: Senators Clifford, Hichens, Johnston.

A roll call was had, 12 Senators having voted in the affirmative, and 17 Senators having voted in the negative, with three Senators being absent, the motion did not prevail.

Thereupon, the Bill, As Amended, was Passed to be Engrossed.

Sent down for concurrence.

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

Mr. SPEERS: Mr. President, I move the Senate reconsider its action whereby this bill was passed to be engrossed, and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate reconsider its action whereby L.D. 2029 was passed to be engrossed. Will all those Senators

in favor of reconsideration please say "Yes"; those opposed will please say "No".

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

Enactors

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

Emergency

An Act Clarifying the Source of Payment of Bonds, Notes and Other Evidence of Indebtedness Issued for School Purposes. (S. P. 768) (L. D. 2317)

This being an emergency measure and having received the affirmative votes of 29 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.

Orders of the Day

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

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

Tabled — March 22, 1976 by Senator Greeley of Waldo.

Pending — Enactment.

(In the House — Passed to be Enacted.)

Thereupon, this being an emergency measure, and having received the affirmative votes of 29 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.

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

House Report — from the Committee on Performance Audit — 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) Ought to Pass

Tabled — March 22, 1976 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

(In the House — Passed to be Engrossed.)

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

Mr. BERRY: Mr. President and Members of the Senate: This is one of those bills that, while it is quite simple and one page long, has a certain amount of significance which I think will not be lost upon us as we discuss it this morning.

The bill was originally intended to mandate to the Department of Human Resources the legislative mandate to take any available funds in the account and increase the aid for dependent children payments by the amount that was determined to be surplus in the account.

Now, as you all know, Commissioner Smith has run a pretty taut ship, and I haven't heard any criticism that he has done anything unfair or that his actions in any way have resulted in needy people not getting what the legislature has decided that they should get. Through the years we, I think, developed a fairly sloppy operation in the Department of Health and Welfare, and the arrival of Commissioner Smith on the scene was like a fresh breath. His actions have more than justified the confidence that was placed upon him when he accepted the job. So I pay a great deal of attention to what he does.

It was quite frustrating for those of us on the several committees who worked with the old department trying to do something to get our hands on anything that was definite enough even to turn out an intelligent report to the legislature, which was of course a sad situation. This is all changed now. As a result, we have something like this before us for a decision.

Is the legislature going to tell the commis-

sioner that when he has, operating within the guidelines of the legislature, when he has accumulated funds as a result of efficient operations, as a result of cracking down on abuses and all the other things that are going on now down there, quite properly and thankfully, is the legislature going to tell him to take that money and tell him that he must increase payments in the AFDC program? The commissioner does not want to be told this. He has the power to set standards of payment, and he will, he has. And we have several times, particularly during this special session, resolved questions of this nature on one principle alone, that we will let department heads run departments, and keep the legislature out of their administrations. And I think that really is the nub of the problem right here. These funds are in the general fund, they will be in the general fund, and the legislature in its wisdom can make the decisions necessary on what to do with these funds.

I said once before, and I want to reiterate, that as far as payments go, Maine is flirting dangerously with the same sort of nebulous attractive perils that other states and certain cities are doing. I haven't seen it so much in the Maine papers in the last week, but the bigger more national papers are full of still the perils of the State of New York now, and the biggest bank in the country, the Bank of America, set down guidelines that the State of New York has got to meet in order to stay solvent.

The decisions that the legislature is going to make in this particular matter are very close to the decisions that were made the wrong way in New York and in other governmental legislative bodies. Interestingly enough, the legislature in New York is being forced to put in writing their intent to honor the obligations of the State of New York, a really sad situation. It may not be so far removed from us if we cannot face up to our responsibilities in matters of the nature that are before us this morning.

I hope I haven't bored you with this rather lengthy dissertation, but I do wish to emphasize that it is extremely important. I can say that no one is going to be hurt by the defeat of this bill, that the defeat of the bill will result in a great step forward in saying to the people of the state, to the people who work with us financially, that Maine has every intention of remaining on the road to solvency and it will take every intelligent, courageous step it can.

Mr. President, I move that this bill and all accompanying papers be indefinitely postponed.

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

Mr. Conley of Cumberland then moved that the matter be tabled until later in today's session, pending the motion by Mr. Berry of Cumberland that the Bill be indefinitely postponed.

On motion by Mr. Speers of Kennebec, a division was had, 10 having voted in the affirmative, and 19 having voted in the negative, the motion did not prevail.

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

Mr. CONLEY: Mr. President, I am not really surprised at the motion pending before the Senate this morning. I am surprised, in one sense, that the bill before us has a unanimous ought to pass report from the Committee on Performance Audit. In fact, it was only yesterday we had distributed to us on our desks the committee report on this very subject matter, and it will be interesting just to read a couple of lines from it.

On one page it points out that in section 3 of Public Laws of 1975, Chapter 41 should be amended in order to clarify the legislative intent that savings realized by policy changes, as well as reduced error rates, must be used to in-

crease payments to AFDC clients. That was one of their recommendations.

I call your attention to the preface of the report which also points out, and I commend them for it, that the primary goal of the AFDC program is to provide financial assistance for needy, dependent children, and not to provide a free ride for adults. I concur 100 percent with the sentiments expressed in that report.

I would like to call the attention of the Senate back to the regular session of the 107th, and I would like to remind the members of leadership who participated in meetings we had with Commissioner Smith at that time of the rateable reduction program. That program was given support by myself and just about everyone else in the legislature because we recognized the fact again that we did not want an abuse of the program to continue.

I had certain reservations as to the way the rateable reduction program was put into effect because it took a certain number of people on the AFDC rolls and increased their payments and it took another segment and reduced their payments, and it took another segment and threw them to the wolves, and perhaps they should have been.

But I think what we have before us this morning is a moral obligation of this state, a moral obligation. When the rateable reduction program was put into effect, let me remind the members of the Senate that the chief executive stated at that time the purpose of rateable reduction was to increase payments to the needy, those more needy than — well, it was described, I believe, that we were taking from the poor to increase the poor.

I know I am not going to be successful here this morning in convincing anyone to vote for this bill, but I am going to make an attempt to prick your conscience and make you think just a wee bit. Currently these families are living on 40 percent of the standard of need of 1976. And I suppose that we could pour out example after example after example before you. Every one of you know how much it costs today to pay rent. We have a situation in Portland where a woman with one child pays \$175 a month for rent, and her AFDC check is \$160 a month. Now, who picks up that slack? I tell you in all honesty that general assistance in the city of Portland went up one-quarter of a million dollars last year over the year before. Do I have to tell this Senate how many people are unemployed in this state today, and it has nothing to do with AFDC? We hear about the continuing costs of inflation that it costs you and I, people who are employed, and we try to combat it, but how does someone under AFDC, in good conscience, how do they try to exist?

Now, I think when the chief executive said that he as going to increase payments to the poor, to those needy under AFDC, he meant exactly that. And the way I understood the commissioner at the time we talked about rateable reductions was that the savings may be used to increase AFDC checks. I cannot for the life of me today understand why a unanimous ought to pass report from the Committee on Performance Audit, sponsored by the very liberal gentleman from Portland, Mr. Connally, and the very conservative representative from Lewiston, Mrs. Berube, and the very conservative Senator from Cumberland, Senator Berry, would put out a unanimous ought to pass report and then when it gets over into this branch move indefinite postponement.

Mr. President, when the vote is taken, I request it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I hope that the members of this

body are paying very close attention to this debate because it is an issue which is of the utmost importance. But I hope that we can define the issue as the issue really is before us at the present time.

I think the good Senator from Cumberland, Senator Conley, has expressed very adequately the concern that all of us should feel for the basic needs of families with dependent children. But I submit, Mr. President, that that is not really the issue that is presented to us at the present time. The issue is not how much in the way of benefits should be presented, or that this legislature or that the State of Maine should make available for AFDC payments. The issue in this particular document is how that level is to be determined: whether we in the legislature are going to maintain our ability and our responsibility to make a determination from year to year on the amount of money that we place in the budget for this very important and worthwhile purpose or, as this bill would seek to have us do, we are to place that responsibility in the hands ultimately of the United States Department of Labor, Bureau of Labor Statistics, by saying that the level of benefits are to be determined by those statistics. I have a very real concern about following that path.

I also have a concern about the idea that; should the Department of Human Services be able to effectuate savings in this program, that this legislature mandate to that department that those savings be plowed straight back into the exact same program. Now, the legislature in its wisdom certainly could decide that that is the best place to put those savings, and if we come back here and make a conscious decision that that should be the case, then obviously those savings would be spent in that manner. But I do not feel that we should mandate that automatically any savings that may exist should be put right back into the same program.

As the Commissioner of the Department of Human Services has expressed, this bill would ensure that no savings could be accomplished in that program and it would mandate increased spending in that particular program automatically, without legislative determination. The Commissioner has also indicated that this bill mandates the lower level budget of a family of four as designated by the Bureau of Labor Statistics for Portland. And he rightly points out that this budget includes medical services and other items that are now eliminated from the need standards as employed by the department. And he goes on further to say, in a statement with which I completely concur, that it is completely unfair to low income working families that actually would have less income than welfare clients. Mr. President, that situation existing in the State of Maine is unconscionable, that working families should actually have less income than welfare clients.

To focus directly on the issue, the question is how the level of AFDC payments are to be determined. And this legislature has the ability to place into the budget higher payments for AFDC families, if we so desire and if those monies are available to us. But to single out this one particular item and to say that the legislature must depend upon some outside source and outside statistics to determine the level is, I feel, abrogating our responsibility, and I certainly concur in the motion to indefinitely postpone this bill.

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

Mr. BERRY: Mr. President and Members of the Senate: Let me briefly explain the apparent incongruity of the committee report and vote. We run a very loose committee, everybody operates by consensus, and this is due to the genial nature of the Senate Chairman. Following that philosophy, we did not come out with any minority report with this little jewel here

that was distributed, and I signed that merely as Chairman.

Now, as to the unanimous committee report, I had historically been against the bill from its filing and assignment to the committee, and throughout maintained that posture. However, at the time we took the committee vote, it was indicated that the commissioner was not opposed to it. Where this came from, I don't know, and it isn't of too grave a consequence. So my position has been consistent, and I would just offer this as an explanation to why it appears that everybody was unanimously for the bill.

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

Mr. HUBER: Mr. President and Members of the Senate: I will oppose this legislation and support the motion to indefinitely postpone, not because of any insensitivity toward the very real needs of those people served by this program. These needs have been amply outlined by the good Senator from Cumberland, Senator Conley, and I think we are all aware of these needs. However, I will oppose passage of this legislation because it is, in effect, an automatic cost escalation with respect to one specific program. I think we have all had ample experience with automatic cost escalators contained in L. D. 1994 and 1452 and the problems that these have caused.

I think a decision to expand a program such as this should be a conscious decision of the entire legislature in consideration of all the factors pertinent to this decision. Therefore, I oppose this legislation primarily because it is an automatic cost escalator and because of the problems that have been caused in the legislature, and especially in the Appropriations Committee, by such escalators. I hope you will support the motion to indefinitely postpone this measure.

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

Mr. CURTIS: Mr. President, I confess to being both on the Performance Audit Committee and a little bit confused this morning. It was my understanding that it is not possible for the Department of Human Services or any other department in state government to actually spend more money than they have been appropriated, and yet we have heard the Chairman of the Appropriations Committee refer to this bill as being an automatic cost escalator. I guess the question I would like to pose is: is there any way in this legislation that the department could spend more money than had been appropriated through the regular appropriations process of the full legislature?

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I would reply by saying that in a program expansion which might be caused by passage of this bill, it is very difficult and, for a practical matter, I think impossible to go backwards in terms of the standard of need in the AFDC program. It could be that this bill toward the end of a fiscal year could cause an increase in the program in the next fiscal year, which may be not in the same biennium. This could be a permanent expansion, and in practical effect I am certain that it would be a permanent expansion. We may or may not be able to afford the expansion in the following year or years.

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

Mr. CONLEY: Mr. President and Members of the Senate: I might make it a little bit more clear to the Senate that the purpose of this legislation before us today is really because of an inequity in the budget as it was passed dur-

ing the regular session, because I think that most of us who voted for the budget during the last session felt that this language presently before us was implemented in the budget under the program on AFDC. And what it clearly stated was that if the commissioner had made cost savings within the AFDC programs, and that was by removing ineligible clients, that those savings would be used to increase the payments to AFDC recipients; in other words, to bring them above the 40 percent standard of need based on 1976.

So obviously, if you only budget X number of dollars for AFDC recipients, the commissioner cannot put any more money into the program than what has been budgeted. At least that was my personal feeling at the time we passed the budget, when we decided on the rateable reduction program, that this was exactly what was going to be done. In fact, I am very much aware that there was a case before the court and it may be on appeal.

So, first, I want to make sure that those on AFDC are people who belong to AFDC. I don't want to see anyone, nor does anyone here want to see anyone on AFDC that is a fraud or whatever you want to call it.

Secondly, we put in the budget last year an increase in the number of personnel to investigate AFDC recipients and to remove them from the rolls if they felt they did not belong there. That had my support. All I am saying to the Senate this morning is that I ask you to put yourself in their shoes: could you exist on 40 percent of the standard of need of 1976?

Now, we have got to recognize the fact that we have that problem, that we have families, and my primary concern is children, the kids. What are you going to do about these kids? If you don't give them something to get by on, then we will just have a much larger problem in years to come.

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

Mr. MERRILL: Mr. President and Members of the Senate: I am in favor of this bill for maybe a slightly different reason than some of the other members that have spoken, and I would like to just briefly state it.

I believe very strongly in the need for welfare reform, both in terms of a case by case investigation and in terms of making readjustments in the scale so as to provide that the people who really need it are getting as much as we can give them. And I submit to this Senate that if that is what you really believe ought to be done, if you really believe that that has to be done in this state, then the best way to bring this about is to pass this law and give the people that are being affected by this the confidence that these savings aren't going to be taken out of the whole program and used somewhere else.

The quickest way to end welfare reform is to have all the people who are recipients and friends of the recipients believe that all the money that is saved in these ways is going to go off and be used somewhere else. If you can go to these people when these changes are made and say to them honestly that the money that is being saved is going to be used to help those people who really need it, then you are going to be able, I think, to go down the road toward welfare reform because you are going to break the resistance of these people and you are going to have trust on the part of those people.

Now, that is the line that I heard all the time when we had the latest change in this welfare reform, that this money was going to be used to help the people that really needed it. And I think it was this argument that carried the day the most in terms of people who decided to wait and take a look at this. I think this is a strong argument and we are able to use that argument if we pass this legislation.

I don't think there is anybody here that would argue — and if there is, I would like to have them do so — that the overall benefit levels that we give in Maine are too high. I think we are about 40th in the nation right now, recognizing the fact that we have more or as many impoverished families as about every state in the nation. I think there is one state that leads us in the percentage of families that are impoverished, below the poverty level. So we are not paying out too much, but there is a need for welfare reform, and the fastest way to defeat welfare reform is to defeat this bill.

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

Mr. BERRY: Mr. President and Members of the Senate: Admittedly being a freshman Senator in this body, during the special session we have had the results of several studies placed before us, and I am sure that I am not alone in having taken many hours to read these studies because we don't have the time as individuals to do the in-depth studies ourselves. So I put a lot of reliability in the people who conduct these studies.

This particular study that was performed by Performance Audit Committee, I took the opportunity and the time to read it, and was pretty much impressed that they had got in depth into the problem that existed in the Department of Human Services. I would only like to point out to the members of this body that the second recommendation of that committee is as follows: The Department of Human Services should make an annual adjustment in the standard of need for families on AFDC so that this official standard is more in line with the actual need of families of AFDC.

That is followed by recommendation No. 3, which states: Public Law 1975, chapter 441, should be amended in order to clarify the legislative intent that savings realized by policy changes as well as reduced error rate must be used to increase payments to AFDC clients.

I would only offer to the body that if they look at L. D. 2091, that it is a direct recommendation from the Performance Audit Committee, and I would ask the body to support this bill.

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

Mr. GRAHAM: Mr. President, I would like to second the remarks of the Senator from Cumberland, Senator Conley. I think we have a moral obligation to pass this bill, and I would call your attention to the remarks of the Senator from Cumberland, Senator Berry, that the Commissioner of Human Services has done a good job in pruning the ineligible from these rolls. Therefore, what we are discussing, apparently, are the people who are most eligible for this AFDC help. I therefore say let us not extract the savings from the hides of those least able to pay or at least most in need of help, and most of them are children.

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

Mr. BERRY: Mr. President and Members of the Senate: There have been several statements made here in opposition to my motion that indicate that this is coming out of the people who are receiving aid. This is not the case. Everybody today is getting the legal amount of money he should be getting and none has ever been taken away from him. This bill before us now is nothing more than an appropriation measure designed to increase the benefits. Now, if this is what we want, then vote for the bill and against my motion. The bill probably should have been put in that way and not under the guise of its present form.

I would point out, in responding to Senator Berry on the second recommendation, leave it with the commissioner. He is the one that has the authority and the ability to do it. Let's not have the legislature tell him.

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

Mr. BERRY: Mr. President, if I may respond to the remarks of my good colleague from Cumberland, Senator Berry, I can well appreciate his remarks when he says to leave it with the commissioner. But in the recommendation it states that Public Law 1975, chapter 441, should be amended, and we are all aware of the fact that the commissioner does not have the power to amend that chapter.

I would further like to point out that on page 11, in response to the remarks of the good Senator from Cumberland, Senator Berry, that AFDC recipients are being paid the legal amount, that in his own report, or the report of that committee, it says, furthermore, the majority of the committee members recommend that the D.H.S. should adopt a new policy making annual adjustments in the standard of need for AFDC families to equal the current year's lower budget level as computed by the United States Department of Labor. Presently the department bases the standard on the need of the 1969 data of the Department of Labor. So they may be paid the legal amount, but I think the 1969 standards are quite low.

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

Obviously one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Berry, that L.D. 2091 and all its accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators R. Berry, Carbonneau, Cianchette, Collins, Corson, Cummings, Cyr, Gahagan, Graffam, Hichens, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators E. Berry, Conley, Curtis, Danton, Graham, Greeley, Marcotte, Merrill, O'Leary, Pray, Reeves.

ABSENT: Senators Clifford, Johnston.

A roll call was had. 19 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with two Senators being absent, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Mr. SPEERS: Mr. President, I move the Senate reconsider its action and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate reconsider its action whereby it indefinitely postpone L.D. 2091. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will say "No".

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

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

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

Tabled — March 22, 1976 by Senator Roberts of York.

Pending — Enactment.

(In the House — Passed to be Enacted.)

Which was Passed to be Enacted and, having been signed by the President, was by the

Secretary presented to the Governor for his approval.

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

Bill, "An Act to Require Registration and Reporting of Professional Lobbyists." (S. P. 766) (L. D. 2313)

Pending — Passage to be Engrossed.

Mr. Wyman of Washington then presented Senate Amendment "C" and moved its adoption.

Senate Amendment "C" was Read and Adopted.

Mr. Reeves of Kennebec, then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-464, was Read.

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

Mr. REEVES: Mr. President and Members of the Senate: Just a few brief comments on this amendment. I think it is fairly clear. What I am advocating here, in a sense, is that we all make a pledge that the experience and the trust that we accumulate during our two years in office not to be given over to a special interest for a profit.

I think as citizens and as former Senators we will have a duty after our term of office ends to speak out and to speak to our former colleagues, certainly, but not for profit. This does not in any way prohibit us from exercising our rights as citizens. I don't think it is necessary to pose a lot of hypothetical situations to illustrate this bill. I think we have just seen a strong public reaction against the sudden return of legislators from the 106th.

There are several other states which have always enforced this rule and the articles that I have just distributed offer some examples of that. One is from an article that ran last spring discussing this problem in other states. Second are two examples of the law that is in effect in two other states, although I believe there are many other states that also enforce this law. These two laws in the appropriate sections which were furnished to me by the law library are from the State of Ohio and the State of Alabama.

I read in the Sunday paper the problem down in Washington and I wish that this might apply there as well. But I offer it here as a companion bill to a bill that we passed in the regular session of the legislature. This was a conflict of interest law that was passed to prohibit state officials from engaging in activities under which they had responsibility during their service to the state. That prohibits them for one year. So I think it is only right and I think it is only fitting that we apply this same standard to our own misconduct. I ask for a roll call on this Mr. President.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I don't have any strong feelings about this concept, but I would make an inquiry to the Secretary of the Senate as to the wording of the amendment in his possession as to whether or not it reads as does the printed copy in front of us, the second sentence of subsection one, "After January 1, 1976, no former legislator shall." The answer is in the affirmative?

The SECRETARY: That is correct.

Mr. MERRILL: Mr. President, I had hoped that this was a misprint. I lose track of time sometimes, but I think that we are into 1976 already. The effect of this would be an ex post facto law which is prohibitive by the Constitution of the United States. In point of fact, if I am reading this correctly, and I may be wrong, if Ken MacLeod took a new client after January 1st of this year he has violated the criminal

laws and would be subject to 11 months in jail. That is specifically prohibited by the United States Constitution as well as that of Maine.

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

Mr. O'LEARY: Mr. President and Members of the Senate: To me this amendment is another insult to the honesty and integrity of the members of this legislature and I dislike it intensely. I move the indefinite postponement of this amendment.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would like you to look at the amendment for just a minute and, to put it in the proper perspective, please consider with me an alternative to this amendment, if we are talking about what is good for the people of the State of Maine and what is good for legislation, and let's insert in our minds that legislators may not be a candidate for higher office until they have been outside of the legislative office for two years. I think that we would save the State of Maine a great deal of money in time, energy, printing, labor, telephones, postage, mailings, if we limited legislators the way that Senator Reeves from Kennebec would limit lobbyists. I say that just to put things in proper context so we may consider this amendment properly.

I feel for one, as I answered the questionnaire that was distributed to us of what are your thoughts about improving the legislature, I wrote in there, and I am serious about this, that I feel that we could improve the posture of this legislature a great deal if we passed a law saying that a legislator may not run for higher office while he is holding office here in this legislature. I think the results of that are really pronounced in these kinds of amendments and what is going on here today. I strongly support the motion to indefinitely postpone.

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

Mr. KATZ: Mr. President and Members of the Senate: I am certain the good Senator Cianchette is not suggesting that House members be not permitted to run for higher office, namely the Senate, but that really is not the issue here at all.

I support the amendment of Senator Reeves presumably in a modified posture which makes it somewhat more constitutional by changing the date. It was in this Sunday's Telegram where Jack Anderson in the Parade section of the paper did a rather lengthy article talking in terms of former congressmen who are lobbying on the floor of the congress. This takes it out of the context of the State House and gives one a different perspective, but reading that article gave me a very, very strong impression of the appearance, the appearance of conflict, and I for one am willing to support this amendment because I feel that there really is an appearance in the minds of the public of something that is not completely right when those of us who retire or are retired from the legislature show up just a few months later in a position of lobbying. There is no getting away from it today a former colleague has your ear an awful lot faster when you are busy, when you are harassed, than somebody who walks in off the street who ought to get equal treatment. So, I hope that in a knee jerk reaction this amendment is not defeated and hopefully it can be put in a posture where it is constitutional.

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

Mr. CIANCHETTE: Mr. President, I would like to clarify for the Senator from Kennebec, Senator Katz, that I certainly don't consider the Senate a higher office than the House.

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

Mr. HICHENS: Mr. President and Members of the Senate: I have no love for lobbyists. In fact, I have been tempted to put an amendment on this bill to eliminate the third house altogether. I don't think too many lobbyists love me either because I quite often turn a deaf ear to their pleas. I feel that with our legislative assistants we have now that we have eliminated the real need for lobbyists for information on different bills, so that is the way I have that feeling about them. But I do feel that if we do have to live with these lobbyists that we shouldn't be discriminatory as to who can be a lobbyist. I think this amendment is very discriminatory, that just because a person has served in the legislature that he can't serve as a lobbyist after his term ends. I think it is much against our common right in the State of Maine.

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

Mr. CONLEY: Mr. President and Members of the Senate: I too intend to support the amendment. I think back only a couple of years ago when a former Democratic state chairman and a Republican state chairman teamed up together for the same client to get a bill through this legislature. It is obvious to me there was no chance of leadership even trying to debate the bill because it had been put to bed quite early I think before it was put into print. I hope the amendment is adopted and would be clarified in the errors and inconsistencies bill.

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

Mr. REEVES: Mr. President, I would like to think the Senator from Cumberland, Senator Merrill, for calling this problem to my attention. I think the amendment should be corrected, and I ask leave of the Senate to withdraw the amendment at this time in order that it might be corrected and offered later on in today's session.

The PRESIDENT: The Senator from Kennebec, Senator Reeves, has requested leave of the Senate to withdraw his motion to adopt Senate Amendment "A". 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 Reeves.

Mr. REEVES: Mr. President, I have an unrelated amendment, but to the same bill, and I ask the Senate's leave to introduce this amendment now. Regardless of its outcome, I would like the opportunity to correct the amendment so that we all have the chance to vote on an amendment that is correct. I am referring now to Senate Amendment "A". At this time I would like to offer Senate Amendment "B" and move its adoption, and I wish to speak very briefly to it.

The PRESIDENT: The Senator from Kennebec, Senator Reeves, now offers Senate Amendment "B" and moves its adoption. The Secretary will read the amendment.

Senate Amendment "B", Filing No. S-465, was Read.

The PRESIDENT: The Senator has the floor.

Mr. REEVES: Mr. President and Members of the Senate: I think this amendment also is quite clear. It extends our intent to disclose lobbying activities to hearings before the Public Utilities Commission, only the basic rules of disclosure contained in L.D. 2313. I would like to point out that this is a 400 million dollar business that the Public Utilities Commission is regulating, that its actions affect practically everyone in this state, and most directly.

Recently I had an experience, when I was not able to bring some ideas for utility rate before this body, I decided in order to protect myself as a customer of the Central Maine Power Company to intervene in a rate case in which the Central Maine Power Company is asking for an increase of 21.7 million dollars. So I went to the

first meeting of the intervenors in this rate case and I found myself surrounded by some of the most expensive lawyers in the State of Maine, all representing big corporations, most of these out-of-state international corporations, pleading their case that when rates are increased they not be increased so much for big corporations and that the small consumer bear the brunt of the increase. Well, obviously, this is their right to do that. But as I sat down with a pencil and tried to figure out what this would cost, these expensive lawyers, I estimated that these companies, in order to plead their case before the Public Utilities Commission to possibly influence the outcome, might spend as much as \$500,000. I thought this was something that the public should know, the public had a right to know, and I thought that this would be the best way to do it. So I urge the Senate to adopt this amendment, and I ask for a roll call.

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

Mr. THOMAS: Mr. President and Members of the Senate: As I read this amendment, and particularly the statement of fact, I do not believe that this amendment is necessary. This is already required by the Public Utilities Commission.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to the Chairman of the Energy Committee, if he would know the last statement made was true or not.

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

Mr. REEVES: Mr. President and Members of the Senate: I would like to point out that I am not the Chairman of the Energy Committee, but I did check this amendment with members of the Public Utilities Commission, with others in this field, and some other people around the country who were involved in this matter. I am at a loss to explain the comment of the Senator from Kennebec, Senator Thomas, that the statement of fact is in effect already, that this disclosure is required. What is required, and probably where the confusion comes in, is that, for example, the Central Maine Power Company, when they spend a lot of money to present their case for a rate increase, those expenditures then become possibly part of the rate case, and they are made public or they can be, but not for other parties before the PUC seeking to influence the outcome of the decisions of the PUC.

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

Obviously less than one-fifth having arisen, a roll call is not ordered. The pending question before the Senate is the adoption of Senate Amendment "B". The Chair will order a division.

Will all those Senators in favor of the adoption of Senate Amendment "B" to L. D. 2313 please rise in their places until counted. Those opposed will rise in their places until counted.

A division was had. Five having voted in the affirmative, and 25 having voted in the negative, the motion did not prevail.

Mr. Reeves of Kennebec then moved that the Bill be tabled until later in today's session, pending Passage to be Engrossed.

Mr. O'Leary of Oxford requested a division, and Mr. Conley of Cumberland subsequently requested a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth

of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Kennebec, Senator Reeves, that L. D. 2313 be tabled until later in today's session. A "Yes" vote will be in favor of tabling; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Conley, Curtis, Danton, Graham, Hichens, Katz, Merrill, Pray, Reeves, Trotzky.

NAYS: Senators Berry, R.; Carbonneau, Cianchette, Clifford, Collins, Corson, Cummings, Cyr, Gahagan, Graffam, Greeley, Huber, Jackson, Marcotte, McNally, O'Leary, Roberts, Speers, Thomas, Wyman.

ABSENT: Senator Johnston.

A roll call was had. 11 Senators having voted in the affirmative, and 20 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

Sent down for concurrence.

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

Mr. **WYMAN:** Mr. President, having voted on the prevailing side, I move reconsideration and hope the motion fails.

The **PRESIDENT:** The Senator from Washington, Senator Wyman, now moves that the Senate reconsider its action whereby L. D. 2313 was passed to be engrossed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will say "No".

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

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

On motion by Mrs. Cummings of Penobscot, Recessed until 3:30 o'clock this afternoon.

(After Recess)

Called to order by the President.

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

**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 Lewiston Comprehensive High School Winners of New England Hockey Championship 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. 2228)

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 Warriors Of Lewiston Maine's Marching Ambassadors And Their Special Bicentennial Salute On Maine Day In Washington, D.C.

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. 2229)

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 Rumbold High School Pantherettes State Champion Girls Gymnastics 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. 2233)

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

**Committee Reports
House
Leave to Withdraw**

The Committee on Judiciary on, Bill, "An Act to Establish the Maine Uniform Residential Landlord and Tenant Act." (H. P. 2098) (L. D. 2258)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which was Read and Accepted in concurrence.

Ought to Pass

The Committee on Taxation on, Bill, "An Act to Exempt Community Based Retardation Services From the Sales Tax." (H. P. 2070) (L. D. 2240)

Reports that the same Ought to Pass.

The Committee on Liquor Control on, Bill, "An Act to Permit the Town of Camden to Vote on June 8, 1976 on Certain Local Option Questions Concerning the Sunday Sale of Liquor." (H. P. 2147) (L. D. 2289)

Reports that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

Which reports were Read and Accepted in concurrence and the Bills Read Once. Under suspension of the rules, the Bills were Read a Second Time and Passed to be Engrossed in concurrence.

Ought to Pass — As Amended

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

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1011).

The Committee on Judiciary on, Bill, "An Act to Conform Certain Maine Statutes to the 14th Amendment of the Constitution of the United States, to Title VII of the United States Civil

Rights Act of 1964, as Amended in 1972, and to the Maine Human Rights Act." (H. P. 2052) (L. D. 2219)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1008).

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

Which reports were Read and Accepted in concurrence and the Bill and Resolve Read Once. Committee Amendments "A" were Read and Adopted in concurrence. Under suspension of the rules, the Bill and Resolve were Read a Second Time and Passed to be Engrossed in concurrence.

The Committee on Education on, Bill, "An Act to Grant the Power to Confer Graduate Degrees of Doctor of Osteopathy to St. Francis College of Biddeford." (H. P. 1929) (L. D. 2116)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1005).

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

Which report was Read.

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

Mr. **KATZ:** Mr. President and Members of the Senate: I would like to call attention to the good Senator from Penobscot, Senator Cummings, and other members of the Senate that this bill authorizes the creation of a medical school in Maine.

The **PRESIDENT:** Is the Senate ready for the question?

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. Under suspension of the rules, the Bill, as Amended, was Read a Second Time and Passed to be Engrossed in concurrence.

The Committee on Business Legislation on, Bill, "An Act Relating to Charitable Solicitations." (H. P. 1983) (L. D. 2165)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-996).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-1045)

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence. House Amendment "A" was Read.

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

Mr. **COLLINS:** Mr. President, House Amendment "A", Filing No. H-1045, introduced to this bill additional requirements about filing reports. When an organization receives in excess of \$15,000 in a year, there are certain reports prescribed to be filed with the Secretary of State. As I read this amendment, it seems to me that it is going to create a considerable amount of new work in the Department of the Secretary of State. The Secretary of State has to adopt rules and regulations for the reports. The reports have to be based on accounting and reporting procedures set forth in the audit guide published by the American Institute of Certified Public Accountants, as may be modified from time to time by the Institute or its successor. The organization shall pay a fee of \$25 on the filing of the report, and so on.

Now, the general purpose of this bill is good, the idea of preventing the fleecing of the public by fraudulent organizations that go out under the name of charity, but I submit that we could go too far with this, that we could very well cause more work and waste more of the tax-

payers' money than the good that we achieved.

I think also that there is a legal problem with this amendment, because it attempts to delegate a power to the American Institute of Certified Public Accountants. They can change the standards for this reporting from time to time. So that there are two delegations here: one to the Secretary of State for rules and regulations, and one to the American Institute of Certified Public Accountants. And as a person who works on a number of charitable drives for various organizations, some big and some small, it seems to me that this goes further than we need to go in protecting the public. So I move the indefinite postponement of House Amendment "A".

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

Thereupon, on motion by Mr. Graham of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Collins of Knox that House Amendment "A" be Indefinitely Postponed.

Divided Report

The Majority of the Committee on Legal Affairs on, Resolve, to Reimburse the Town of Waldoboro for Assisting in the Capture of Escapees from the Maine State Prison in Thomaston. (H. P. 1807) (L. D. 1966)

Reports that the same Ought Not to Pass.

Signed:

Senators:

CORSON of Somerset
CIANCHETTE of Somerset

Representatives:

BURNS of Anson
HUNTER of Benton
DUDLEY of Enfield
PERKINS of Blue Hill
SHUTE of Stockton Springs
GOULD of Old Town
COTE of Lewiston
JOYCE of Portland

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

Signed:

Representatives:

FAUCHER of Solon
CAREY of Waterville

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

Which reports were Read.

Mr. Collins of Knox moved that the Senate accept the Minority Ought to Pass Report of the Committee.

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

Mr. CIANCHETTE: Mr. President, the reason that the Legal Affairs Committee voted in the majority ought not to pass is that authorized payment of this bill, it seemed to us, would open the door to an unlimited amount of requests for such reimbursements.

It is my understanding that this escapee was expected to be in the area of the Town of Waldoboro and the state police asked for assistance from the town police department, which gave the assistance. Now they are asking for reimbursement from the state for their assistance. How can we justify a bill like this and how can we support a bill like this when many of the towns call on the state many times to help them enforce the laws. I think it is the proper duty of a town to assist the state police when there is a problem in the area, as it is for the state police to assist the townspeople, and I really can't understand the logic and the reason for opening the door to, I am sure, the hundreds of requests to pay this kind of a bill if we set a precedent like this. For that reason, I ask you to vote against the motion to accept the minority ought to pass report.

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

Mr. COLLINS: Mr. President, there is much to agree with in what the Senator from Somerset has said, but this particular problem that is addressed in this bill is one, of course, of a small town which adjoins the town where the state prison is located. Frequently when there are escapes — and I think there has been at least one escape, and usually two or three every year that I have lived in this county where our state prison is located — usually there is a rather brief warning and follow-up by an existing police force.

The particular occasions here — there were two instances involved — and on one occasion the state police called the Town of Waldoboro and requested that a road block be set up. Now, the Town of Waldoboro has usually one man on duty and another one that can be summoned up, and one car, and in this case it was necessary to get an extra car into municipal service and to hire extra men to set up this road block. Now, this road block had to be manned over a period of, I believe, a day and a half.

Road blocks of this type, of course, are sometimes essential in capturing escapees from the state prison. And this is a case where the town budget for policing was very modest and these expenses went away over their available budget and the money that they have. They constantly have a problem of raising enough money to police their town. I think the total amount here comes to around \$1,400. It is not a big matter. But if the state police are going to call on municipalities for manned road blocks with cars over an extended period, as in this case, it does seem unfair to put that burden on a small town. This is the reason for this sort of bill.

We reimburse losses of beehives by bears, we reimburse a great many small claims where individuals or towns suffer damage from some agency beyond their control or some agency of the state, and this, it seems to me, is in the same category. That is the basis of this particular bill.

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

Mr. CORSON: Mr. President and Members of the Senate: It grieves me to have to take issue with my distinguished colleague, the Senator from Knox. The committee on Legal Affairs listened to the testimony as this resolve was presented, listened with a great deal of sympathy. I have to agree with Senator Collins that the Town of Waldoboro, I think, has perhaps been taken advantage of, and in this situation has been called upon to make some unusual expenditures in aid of the state police, but this is not the only town that has been called upon in similar circumstances.

The Committee on Legal Affairs is concerned that we might be setting an expensive precedent were we to have approved this resolve. By way of example, my own home town of Madison has been called upon in the past to establish a road block when the state police were in pursuit of an individual, and they established a road block by putting their cruiser across the road. The last time this happened I think was about a month ago. The individual the police were pursuing collided with the Madison Police Department's one cruiser at a speed of approximately 90 miles an hour, which resulted in grievous damage to the cruiser, for which the Town of Madison would gladly have the state assume the cost. It also happened to the Town of Madison about a year ago. They have gotten better at it; this time the fellow wasn't in the cruiser when it was acting as a road block. But it is getting expensive. I understand that the Town of Pittsfield has had similar situations, and I am sure many other towns have.

Now, if we are going to assume the expenses of one town, then we are obviously going to have to do the same for all the other towns that are called upon to expend money and equipment in aid of the state police, and I am certain that the state police will be very interested in being reimbursed for any costs they incur when coming to the aid of any municipality police department or any county sheriff's office.

I am very sympathetic with the problem but I am not sure that we can solve it. In the committee we have determined to try to establish a dialogue with the chief of the state police, urging him to perhaps set a policy so that in situations like that in the Town of Waldoboro they will not be called upon to man a station for an unduly long period of time before being reinforced by the state police. And if the State Police Department cannot handle this administratively, then possibly it would be incumbent upon the legislature to enact statutory provisions to govern this situation. In any event, at this time I would urge the Senate to defeat the motion to accept the minority ought to pass report.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Knox, Senator Collins, that the Senate accept the minority ought to pass report of the committee.

The Chair will order a division. Will all those Senators in favor of accepting the minority ought to pass report of the committee will please rise and stand in their places until counted. Those opposed will please rise and stand in their places until counted.

A division was had. Nine having voted in the affirmative, and 21 having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Set the Unemployment Insurance Contribution Rate for New Employers at the Average Contribution Rate for all Employers in the Previous Year." (H. P. 2144) (L. D. 2284)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-1010).

Signed:

Senators:

ROBERTS of York
McNALLY of Hancock

Representatives:

TEAGUE of Fairfield
SNOW of Falmouth
FLANAGAN of Portland
PEARSON of Old Town
MARTIN of St. Agatha
TIERNEY of Durham
LAFFIN of Westbrook
CHONKO of Topsham
TARR of Bridgton
SPROWL of Hope

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

Signed:

Senator:

PRAY of Penobscot

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

Which reports were Read.

On motion by Mr. Pray of Penobscot, the Majority Ought to Pass Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read.

Thereupon, on motion by Mr. Speers of Ken-

nebec, tabled and Tomorrow Assigned, pending Adoption of Committee Amendment "A".

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Adjust the Disqualification Period for Voluntarily Leaving Employment and to Adjust Maximum Unemployment Benefits Paid to Individuals Discharged for Misconduct." (H. P. 2116) (L. D. 2265)

Reports that the same Ought Not to Pass.

Signed:

Senator:

PRAY of Penobscot

Representatives:

CHONKO of Topsham
MARTIN of St. Agatha
LAFFIN of Westbrook
PEARSON of Old Town
FLANAGAN of Portland
TIERNEY of Durham
SNOW of Falmouth

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-1023).

Signed:

Senators:

ROBERTS of York
McNALLY of Hancock

Representatives:

TARR of Bridgton
SPROWL of Hope
TEAGUE of Fairfield

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

Which reports were Read.

Mr. Roberts of York moved that the Senate accept the Minority Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. ROBERTS: Mr. President and Members of the Senate: This bill is an attempt to correct what is one of the abuses of the unemployment law. As the law now reads, if somebody is fired for misconduct or voluntarily quits, he is discontinued from getting any unemployment for a period of twelve weeks immediately following such week or until the claimant has earned eight times his weekly benefit amount.

Now, what this bill does, as amended by the committee, it eliminates the twelve week disqualification, which simply means that if somebody is disqualified, they simply don't work and there is no other penalty, or they could continue to work and have to earn the eight times. And it has been the practice for them to elect not to work for twelve weeks, and then go back and are otherwise not penalized.

The bill is amended, and is now before you in the minority report, would require that he has to earn, the person either discharged for misconduct or voluntarily quitting his labor force, would have to earn eight times his weekly benefit amount in order to again be entitled to unemployment compensation. This provision, from the figures that we have received from the Maine Employment Commission, would save approximately 2 million dollars a year to the unemployment trust fund, and I would urge that you support my motion.

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

Mr. PRAY: Mr. President and Members of the Senate: What this bill does is make it completely impossible for any individual who is classified as a "voluntary quit" to receive unemployment compensation. Now, I want to give you a couple examples of these people as I see them. For example, there was one woman at the hearing from Lewiston who became unemployed because the bus line which she rode to work stopped running, thus, she was classified as a "voluntary quit" because she could no longer get

to work. This woman would now be disqualified from collecting unemployment until she had gone out and earned eight times her weekly benefit amount. In other words, she would have to virtually requalify all over again.

I will give you another example. For example, there might be a woman that is working that has a sickness in the family, a sick child or some other problem, that has to quit her employment to take care of this family problem. Then after that situation is remedied, she has a desire to return back to work, and because of the latent employment opportunities available she can no longer find a job. She also would have to earn eight times her amount before she could be requalified to collect again. But if there are no labor opportunities, then she cannot do this.

We have to understand that while this whole process is going on these individuals have to meet certain qualifications to start with. From their employment money is being paid into the fund for such situations when they happen, and we are taking this money that is being paid in from their employment away from their eligibility to collect. As the law is now written, they have to wait twelve weeks, three months, before they can collect. So we are talking about individuals, for example, where we always hear about the habitual recipient of unemployment checks, and we had a study order this summer in the Labor Committee, and we studied the unemployment laws and held a series of hearings around the state, and time and time again I heard of instances of the individual who is constantly on unemployment, goes to work for several months, and then goes back on unemployment. They quit their job voluntarily. Well, that is an habitual problem and I think that that can be taken care of. As a matter of fact, I would like to see it taken care of sooner than it is going to be. I recommended some things to the committee for the 108th, which is a little ways off, but we are not completely finished with what we found out this summer from the hearings that we held around the state.

Another example might be an individual who has been harassed to the point where he quit his job. Now, of course, the employer challenges his claim when he files for unemployment, so then we go through an appeals process that can take up to nine months. The Department of Manpower Affairs testified that they are overloaded now in the appeals process. An individual who voluntarily quits, as I stated, has to wait for twelve weeks or three months before he can collect. So every individual isn't going to run out and just quit his job and wait twelve weeks before he can collect unemployment.

I am more concerned about these individuals who for reasons beyond their control, because a bus line quits or because something happens in the family situation, or because he is harassed and has to go through the appeals process, fall in the category of "voluntary quit", we have already penalized them through a twelve week period, by passing this committee amendment, this bill, we are going to take them completely off from the unemployment fund. And if you want to know where they are going to go when they can't get their unemployment funds, then you better check with your town managers and the people that run your town welfare system because they are going to fall back on general assistance.

I think part of this amendment is good. Like I said, the misconduct is a completely different question. I am sorry to see them both in the same bill, but I think, for the purposes of those individuals who are going to be classified as "voluntary quits" due to no reasons of their own, that this amendment should be indefinitely postponed.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President and Members of the Senate: Before you shed any tears about the two ladies you have heard about, they have a chance to appeal for any justifiable reason.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: I think Senator McNally answered part of my concern about this. I know I was in business for twenty-five years and I paid this so-called compensation to the Unemployment Commission, and I had reason to fire somebody and I also had reason to have some people working for me on a "voluntary quit". A few days would pass by and I would get a notice in the mail from the Unemployment Commission that this person had appealed to the commission to get the compensation check, or asking me a number of questions as to why this person quit and so forth.

However, be that as it may, there was always an appeal procedure, at which time a hearing was held within a week or ten days. Now, I am asking the Labor Committee that heard this bill if this appeal procedure has been discontinued, or is it still on the books?

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

Mr. PRAY: Mr. President, in response to the question asked by the good Senator Carbonneau from Androscoggin, the appeals process is still there but, as testified at the hearing by the Department of Manpower Affairs, the process is lengthy, they do have the hearings and the hearings can be appealed also, as testified at the hearing, this is up to a nine month period now. They are overloaded and they are overworked, and they feel that any additional strain on them is just going to lengthen it to a year or longer.

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

Mr. ROBERTS: Mr. President and Members of the Senate: I would just like to comment that I think perhaps the two illustrations that the good Senator from Penobscot, Senator Pray, picked were not perhaps the best.

No. 1, in the instance where somebody couldn't get transportation and didn't have any way to go to work I am reading from the statute now and it says, "for the week in which he left his regular employment voluntarily without good cause attributable to such employment". I believe that in fairness most appeals people at the Employment Service would say that if there were no available transportation, that that would be, as the statute says, for a good cause. Now, it might be that they decided against her in that particular instance, but I would think on the whole that the words "for good cause" would cover that situation.

The other one he mentions is the woman who quits because she has to take care of her sick child. Well, anyone, to be able to get unemployment compensation under the general principles has to be available and ready for work. And obviously, if she is not able to work because she has got to stay home and take care of her sick child, she is not entitled to compensation, nor is anyone else, if they are not able to go to work until whatever that condition is that keeps them from work, they are not entitled to it anyway. So I don't think either of those illustrations are particularly good.

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

Mr. KATZ: Mr. President and Members of the Senate: I am sure that all of us have among our constituencies been approached on the question of unemployment insurance welfare and many of the criticisms are unjustified. People are uptight about some portions of welfare or unemployment insurance, and when you come right down to it they are wrong; the things they

are criticizing are compassionate programs. But here is an area where there is an opportunity for this legislature to close the door.

It is extremely disheartening to observe somebody who has taken an unemployment program which was passed with compassion and turn it to his own purposes. The professional system beater who identifies ways to work long enough to build up his benefits, then he leaves and takes the summer off, and comes back into the system after his benefits have been depleted.

I have listened with great care to the debate here today and I say that we always think of a dozen reasons why we can't tighten up these programs. I say that the minority of the Labor Committee has identified an honest and a basically sound way of tightening up this program, and I hope that the Senate goes along and tightens it up. I think that this is an important vote and I request a roll call.

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

Mr. PRAY: Mr. President and Members of the Senate: Just to respond to a couple of statements made by my good friend, Senator Roberts. In the situation that I mentioned the Lewiston woman was not given good cause and she is going through the twelve week waiting period. The other instance that I spoke about, I talked about an individual who wanted to return after the situation was over and then could not find employment. If that individual cannot find employment then they cannot earn eight times their weekly benefit amount.

I also pointed to the fact that we do have individuals that we hear about that I would call the habitual offenders of the unemployment laws, and they make a habit perhaps of taking summer or winter vacations collecting unemployment checks, but we also had from the Manpower Affairs a figure earlier this year that that was under one-half of one percent that were abusing the laws. I have had a number of calls since I have been down here, individuals calling me up telling me about their next door neighbor who is on welfare, unemployment, and getting everything else from the state, and there is nothing wrong with the individual. When I asked if that individual would like to make a complaint and put his name behind it, no, he doesn't. Usually when they do check into it, as many of you know, according to the law those individuals are qualified and they meet all the requirements to receive the benefits from the state assistance that they are getting.

I think that we will be making a mistake if we act hastily on this to cover up what many people see as a problem but really isn't. I think we are closing the door on a lot of people, too many people, as to disqualify them completely from being able to collect under voluntary quit requirements.

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

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

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Conley, Danton, Marcotte, Merrill, O'Leary, Pray, Reeves.

NAYS: Senators E. Berry, R. Berry, Carbonneau, Cianchette, Clifford, Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Graham, Greeley, Hichens, Huber, Jackson, Katz, Mc-

Nally, Roberts, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senators Graffam, Johnston.

Mr. Graham of Cumberland was granted Leave to change his vote from "Nay" to "Yea".

A roll call was had. 8 Senators having voted in the affirmative, and 22 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

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

Enactors

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

An Act Creating the Maine Railroad Equipment Authority. (H. P. 1858) (L. D. 2026)

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

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

Emergency

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

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 Relating to the Initiative and Referendum Processes. (H. P. 2027) (L. D. 2203)

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

Mr. REEVES: Mr. President and Members of the Senate: I know it is late in the day to speak on this bill but it seems to me that it sets up a double standard on petitions, one standard for the initiative petitions and another for nominating petitions. I feel that this would be unfair and I urge the Senate to vote against it.

The PRESIDENT: The pending question before the Senate is the enactment of L. D. 2203.

Thereupon, this being an emergency measure and having received the affirmative vote of 27 members of the Senate, with one Senator voting in the negative, the Bill Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. MERRILL: Mr. President and Members of the Senate: I am one of those members of the Senate that subscribes to the Bangor Daily News, and from time to time I read it and I am troubled by what are distortions of the truth, but recognizing that no one is perfect, and recognizing also that old maxim that if a politician gets into a situation where he is criticizing the press, the press always wins, in the past I have failed to say anything. Today, however, they just stretched the truth a little bit too far in an editorial which refers to the Republican Party as having been founded on the fundamental Jeffersonian principles. Well, I am sorry, but I have to rise to point out to the Bangor Daily News and everyone that it is my party that claims Jefferson. If the Bangor Daily News is allowed to get away with this one, I am afraid tomorrow they will be telling us the Tories won the Revolution.

Papers From The House

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

Joint Order

ORDERED, the Senate concurring, that the following bill be recalled from the Governor's Office to the House: "An Act Relating to Employment of Drug Inspectors by the State Board of Pharmacy" (H. P. 1879) (L. D. 2054) (H. P. 2242)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

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