

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, March 24, 1976

Senate called to order by the President.

Prayer by Father Jules Guy, Augusta Mental Health Institute:

God, our Father, we pray for all those in our state who are responsible for our civic welfare, health and security. May you guide them in their decisions that they may have a care only for what will promote good government. May they have a sense of duty that no self interest will turn them from striving for the common good of the people. We pray that they may never be enslaved by routine and convention and popular opinion, but that they may be guided by the convictions of their conscience, enlightened by your wisdom, O Lord.

We pray that the elected officials of our state may honestly and consciously respond to the needs of all the people. Difficult decisions face this legislature, Lord. May you guide them in these decisions. May your spirit inspire them to make the right choices and select the worthwhile programs which will benefit the greater needs of the people of Maine. May the Lord bless you all in your endeavors. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Papers From the House
Non-concurrent Matter

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

In the Senate March 22, 1976, the Majority report Read and Accepted and the Bill Passed to be Engrossed.

Comes from the House, Recommended to the Committee on Public Utilities, in non-concurrence.

On motion by Mr. Conley of Cumberland, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Amend the Definition of 'School Bus' to Include School Buses Rented from School Administrative Units by Nonprofit Organizations in Order to Transport Children." (H. P. 1930) (L. D. 2117)

In the House March 16, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (H-973).

In the Senate March 19, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by Senate Amendment "A" Thereto (S-442), in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. O'Leary of Oxford, the Senate voted to Recede and Concur.

Non-concurrent Matter

Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (H. P. 1981) (L. D. 2170)

In the Senate March 17, 1976, Passed to be Engrossed as Amended by Committee Amendment "B" (H-942), as Amended by House Amendment "A" Thereto (H-943), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "B", as Amended by House Amendments "A" (H-943) and "C" (H-1039), Thereto, in non-concurrence.

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

Mr. CURTIS: Mr. President, because the matter has three amendments on it at this time, I have asked the Attorney General's Office to review the question, and we would appreciate it if somebody might table this matter until later in today's session.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Consideration.

Non-concurrent Matter

Bill, "An Act to Classify the Positions of Director of Program Review and Evaluation in the Department of Audit, Director of Fraud Investigation in the Department of Audit, and of Employees of the Fraud Investigating Division in the Department of Audit." (H. P. 1992) (L. D. 2174)

In the Senate March 18, 1976, Bill and accompanying papers Indefinitely Postponed in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (H-936) and Senate Amendment "A" (S-428) and House Amendment "A" (H-1021), in non-concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act Concerning Single Motor Vehicle Registration Plates and Placement of Motor Vehicle Inspection Stickers." (H. P. 2009) (L. D. 2191)

In the House March 16, 1976, the Minority report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-976).

In the Senate March 19, 1976, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

On motion by Mr. Greeley of Waldo, the Senate voted to Insist and join in a Committee of Conference.

The President appointed the following Conferees on the part of the Senate:

Senators:

GREELEY of Waldo
WYMAN of Washington
O'LEARY of Oxford

Joint Orders

State of Maine

ORDERED, the Senate concurring, that the Committee on State Government shall report out a bill to facilitate the setting of financial and tax policy by the Legislature. (H. P. 2227)

Comes from the House. Read and Passed.

Which was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would like to clear up a misconception or misreporting regarding this particular item that occurred over the weekend, and that is the report that this particular item was bottled up in the Reference of Bills Committee, being held there by leadership, and that certain members of the body were rather frustrated because it seemed to be bottled up. Now, I would like to make one fact perfectly clear, and that is that the Reference of Bills Committee was asked to pass on this particular item yesterday for the first time.

Now, this matter of creating another committee for the legislative process in the review of the budgetary process has been generally discussed, the general idea has been presented before this legislature in the hallways, at least, for approximately a month and a half, and the Reference of Bills Committee was asked for the first time yesterday to determine whether or not the item should be allowed to come before this session as a bill.

Mr. President, it is certainly no secret that this legislature is attempting to adjourn this special session, and it seems ridiculous to me that there should come before this session an item of such importance, and I term it of great importance, within the last two weeks of the

session and expect a committee of this legislature to be able to hold a public hearing, take the testimony, make a decision on a proposal that is a far-reaching proposal and one that changes the legislative process considerably. And I seriously ask the question and wonder why such a proposal has been in somebody's back pocket and has stayed there until the last closing days of the legislature.

I don't wish to debate the merits or non-merits of the particular issue, Mr. President, but I would point out that I personally feel that the appropriations process of this legislature could certainly use a different approach, or at least a revamping of the present approach that we now have. I personally feel there is room for improvement of that approach. The legislature took a step in the last regular session to improve the control of the legislature over the budget and over the spending of money by the executive branch. We created a new committee, a joint standing committee on performance audit.

I am not at all sure that the approach that should be taken to improve the appropriations process, where we already have two committees involved with this process, the Appropriations Committee and the Performance Audit Committee, that the answer to improving that process is to create one more committee, a third committee. Perhaps if we kept on creating committees we wouldn't have freshman members of the other body feeling frustrated because the chances of them being on at least one committee would be pretty good.

But I do feel that this is an important area and that it is wrong for the sponsors of this measure to be asking this legislature to take action on something that is so fundamental as the appropriations process within the last closing days of this legislature, and I would ask that this order be indefinitely postponed.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: I would like to speak to the merits of the proposal this morning, and I think that this order, just on the face of the title of what we are being asked to do, is enough to have us defeat this order, because when you ask that State Government report out a bill to facilitate the setting of financial and tax policy by the legislature, you are actually implying that we don't have the ability or the means by which to do this already. We certainly do. The point here is that we are just not using the means that we already have in the best possible way.

I think that this committee is actually an insult to the appropriations process. It says that we are going to be establishing a super committee at the top of the pile here and that that committee will have the ability to establish spending and taxation in the State of Maine, which is a prerogative of the legislature itself. It is not the prerogative of any committee of the legislature but of this body as a whole. So I take it quite seriously that someone would be attempting to establish what amounts to a mini-legislature. This committee would have more power than any committee of the legislature and it would not be a grass roots committee.

The committee structure that we have at the present time, if it were utilized properly — and the Chairman of the Appropriations Committee and I in the Republican caucus have discussed this at some length — that each of the committees of the legislature, be it Education, Transportation, what have you, should be setting priorities for spending in their own areas. Those priorities of spending in their own areas of interest would then go to the Appropriations Committee, who would then be able to consider the priorities that those committees had established. Instead of just having a potpourri of bills come into the Appropriations Table at the

end of the session and having Appropriations set its own priorities, we should be cooperating more with the grass roots level of the committees that we already have.

The structure is above all of that. This structure would establish spending policy and taxation policy, and that, in my mind, is not going to work in the State of Maine. Being appropriate I think to discuss this, we have before us a narrative. We don't have an actual bill before us, but we at least have a narrative of what it is that we are supposed to be talking about if the State Government Committee reports out a bill, and I would just like to go through a few points with you so that we can really understand what it is that this monstrosity is attempting to do.

The narrative reads: "The basic purpose of the Legislative Budget Committee is to provide a suitable vehicle for the Maine State Legislature to more deeply involve itself, as the elected representatives of the people of Maine, in the state budget process." Here again, you are talking about building another structure. This is a contradiction in terms because it implies that the legislature is not deeply involved in the budgetary process. It may imply that the executive has already gone too far in establishing the power, and that for some reason this committee is going to help to take the power to establish the budgetary priorities back to the legislature.

I think, as I said, we already have the means to be deeply involved in this budgetary process, with one notable exception, and that is the Metropolitan Regional Governance which provides revenue sharing. Now, what that does is actually take the power away from the legislature and away from the executive. When you have revenue sharing programs come in with dollars attached, you are actually circumventing the power of the legislature to propose spending and taxation measures. If you have got a revenue sharing program coming in that shares on the federal level with the local level, then the legislature itself doesn't have any power to say where the money is going; it can't set taxation and policy in that area. So I think we ought to be very careful and take a close look at what kinds of policy and taxation priorities that these revenue sharing programs are attempting to do. So I don't see this committee as having anything to do with deeply involving itself in the revenue sharing picture. So how is it helping us, if that is really, as I see it, our basic problem of where federal money is going in the state, because where that federal money is going, there is where control is going.

This committee says it is going to help us get involved in the budgetary process and set taxation and policy. I don't see that it can do it. "On or before March 1st of each regular session of the legislature the Budget Committee will present to that body an order establishing the level of total state expenditures for the coming fiscal year." Well, this is fine if you are in a constant dollar situation. If this committee is going to have the power to do that, just think of the power that that committee is going to have, that one committee, when the legislature itself should be doing it.

"The final order will establish the amount to be raised from each major source of revenue. That sets tax policy in this committee, tax policy in a budget committee. Well, this legislature already has the power to do this through its regular committee structure. We don't need another committee to do that; we have already got the committee structure.

What this bill is doing, or I believe if we are going to have a bill according to this narrative, is that we are going to have a mini-legislature. We are going to be creating another branch of the legislative government where all the power will reside. And I think you will be able to draw a parallel between what is going on in Washington right now. I think this bill is the

federal budgetary committee brought back to life in the Maine Legislature. This budget committee at the federal level is supposed to be doing this same thing. It is supposed to be establishing spending policy and taxation policy. And what we have here is the opportunity to take this great idea and implement it in the State of Maine. Well, ask yourselves a question: Is it working in Washington? How much power has that committee actually been able to muster in Washington? And is the same thing likely to happen in the State of Maine if we put all the power in one committee? Where is the power?

When I was up last week talking about Loring Air Force Base, I think you have a very good example of how much power that committee has. When the Senator from the State of Maine, Senator Muskie, said that the policy in the closing of Loring Air Force Base has been made in the Office of Management and Budget, that he didn't have anything to do with it, I ask you is there any power in that committee in Washington to be able to stop that policy decision from being made in Washington? I don't think so. I don't think there was any power in the executive branch either, when it came out of the Office of Management and Budget. You have got to be able to see the parallels here, that we are being asked to do in the State of Maine exactly what is going on in Washington right now with this budgetary committee. The Senate Budget Committee in Washington is the same thing as this committee is going to be here, and I think we ought to take this opportunity to just tell them we are not interested. Because it is not going to do in Maine what they say it is going to do in Washington, because we have a case right here in the State of Maine where that committee hasn't had the power to do anything, and that is Loring Air Force Base.

This completely misses the point. There is a lot of wisdom that went into the constitution of the State of Maine when the Legislature was given the power of spending and taxation policy in the State of Maine. When the committee structures of the legislature were established, there was a great amount of wisdom that went into the defining of the areas of their prerogatives. What has happened is that we are just not using the power that we have right here in this committee structure. This thing superimposes more power at the top and less power at the grass roots.

I think this thing should be killed, I think it should be killed soundly. This is certainly not a partisan issue because there are no factions in this government. As far as I am concerned, we are sitting here as a body, and as a body we have the responsibility to control spending and taxation. We do not have the power, in my opinion, to delegate this responsibility to one of our committees. We do not have the power to do this. It is not in the interests of the State of Maine and I certainly don't think it is going to do anything to improve our budgetary process when we already have a budgetary process, with the one exception that I have mentioned of federal revenue sharing. There is where we have already lost control. I think if we kill this we will be taking a first step at trying to establish an opinion of what we are going to do to establish sound spending and taxation policies in Maine. So I hope we just kill this dead right now.

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

Mr. MERRILL: Mr. President and members of the Senate: Let me first say what I am going to do here today. I am not going to debate Loring Air Force Base or the merits of Senator Muskie and the Budget Committee in Washington. Those merits can be debated in the election, and I urge the Senator from Aroostook, Mr. Gahagan, to take advantage of the opportunity to run against Senator Muskie,

and we can get a clear opinion of the people as to who they think has got their head screwed on right as far as the budget is concerned. I urge him to run, I hope he does, and Mr. Muskie can then serve a service to the Maine Senate as well as everybody else.

Now, I would like to talk about what has been discussed here so far with regard to this issue. First of all, we hear about it being a late date. Well, this has been in the press for many weeks. The bill was submitted in the House. What happens in the Reference of Bills Committee I can't speak to; I am not Chairman of that Committee. If things get lost in that committee that is not my problem, and I would suggest that if the press wonders how things get lost there then they ought to talk to the man in charge.

Now, we hear the argument that this is a new committee, that this just creates another new committee. Well, I think that statement shows just how much in depth the majority leader has looked into this question, because implicit in this idea is the idea of doing away with the Performance Audit Committee, so we end up with the exact same number of committees. The argument is not only a red herring but it is based on misinformation.

Now, the Senator from Aroostook, Senator Gahagan — and I apologize to the Senate for unleashing on him again — the Senator from Aroostook, Senator Gahagan, says that this takes power away from the legislature. I am afraid that once again he totally misses the point. The purpose of this committee and the result of enacting this committee would be just the opposite. I just right now — and I think everyone here, if they reflect on it, knows that it is true — that the legislature right now has very little, the average member of the legislature, input into the most important decisions we make, and those are the decisions of how we spend our money. Reflect back on the debate that has taken place in this body since we have been here in the 107th. Reflect back on how much time we have spent debating nickels and dimes and how little time we spend debating what are the real questions, the big spending priorities of this state. It reminds me of town meetings. When I was young I used to go to town meetings all the time and thought it was a great education. One of the things that was frustrating about that process is that people would sit in the town meetings and argue about nickels and dimes and then they would pass huge appropriations without hardly any debate. I am afraid that the legislature is guilty of the same thing.

This bill that is already in drafted form would do something to correct that. It would do something to force us to make these decisions. Let me just state briefly how it would work, so that everybody can understand clearly what we are voting on and so that the whole Senate, everyone who is open-minded enough to still give this some consideration, can understand just how far the Senator from Aroostook, Senator Gahagan, misses the point.

This budget committee, which will include members from these important committees of which he speaks, will set a target, will suggest a target, and that will come out in the form of three joint orders to be acted upon by the Legislature. Those joint orders will allow the legislature to debate and then set a target for total expenditures, a target for broad priority areas — and those are listed on the first page of this distributed sheet — and a target at how we should raise those monies as far as tax policy is concerned.

Now, if I was debating this subject before members of the public and not before members of the legislature, I might have to go to great lengths to convince members of the public that we don't already do that. Members of this legislature know the opposite. When have we had a full comprehensive debate in this

legislature of how we could raise my money? When in the whole 107th did that comprehensive debate come up? We debated it piecemeal when we talked about the education bill. We never once have sat here and looked at how we raised our money and said is this the right way to do it. We have never once in this legislative process, in spite of the fact that we have been entrusted with the most important power of all, which is the power to spend the people's money, we have never once reflected on the broad category of how we are spending our money. Never once have we had a debate that has pointed out that Maine is tenth in the nation in expenditures that they make on natural resources, or that we are eighteenth in the amount of money we spend on interest payments per capita, or that we rank very high in the amount of money we spend on transportation.

I am not suggesting that any of these priorities are wrong. What I am suggesting is that the fact that we haven't debated them, the fact that these points haven't had to have been made in the appropriations process, proves that there is something wrong with the appropriations process.

After the legislature set these targets early on in the legislative process, we would go through the session as we always do. The Taxation bills would go to Taxation, the Transportation bills would go to Transportation, the pure Appropriations bills would go to the Appropriations Committee, and they would act as they always do. Bills would go through the process as they have in the past. And when they got here for final enactment, if they had a price tag or if they involved taxation, they would be put on what we now call the Special Appropriations Table, what could then be called the Special Budget Table, and they would be kept there as they now are.

Then we come to the next major difference that this process would bring about. Before they were reported out, it would have to be seen to that they matched the spending priority areas that had been set as targets. And if they hadn't, because just as in life we set targets, then the budget committee could report out new orders to conform to the realities that we discovered as we went through the process, and the legislature could make a conscious decision to adjust those targets in light of the new information that we had.

This doesn't take any power away from the legislature. It forces the legislature to decide the most important questions that we face. I think that the legislative process needs this reformation. It needs the reformation in any case, but it especially needs the reformation because of the situation we find ourselves in regards to education.

The fact that education is a shared responsibility now between the state and local governments forces us to report out the biggest appropriation bill first, and that is the education appropriation bill, the biggest in regards to any categorical area. We have to do that before we have had a chance to set any priorities, to look at other programs to decide if anything is more important than education or less important than education. And unless we have some change in our process that forces us to look at that early on in the session, we are going to find ourselves with the situation we found ourselves in with education time and time and time again. I am not suggesting that we spent too much money on education, but what I am suggesting is that the dollars should be handed out after looking at everything, and education shouldn't always be in the point of being the first one in to get its bite. The fact that we have come to this point in education I think demands this change, if nothing else does.

As far as the Performance Audit Committee and why that could be replaced, I have nothing against the people who have served on Perfor-

mance Audit and I certainly don't mean to suggest that they haven't done as good a job as they can in finding where areas can be cut. But I think there is a fundamental problem with using that committee to bring about that end. I think that if you are going to do a job in finding these low priority areas and finding places where things can be cut, that every time you look into an area you have to utilize the most expertise we have in the legislature. It is foolish, I suggest, for somebody to go in and try to find what savings can be made in transportation without having on that committee that process someone like Senator Greeley, who has had experience in that area, who knows that area, who can sit with a person from appropriations and someone from budget, somebody with a completely fresh approach, but somebody involved in that effort that knows the day to day workings, knows the background of the programs that have been built up. Performance Audit doesn't give us that flexibility. That is the flexibility we need, that is the ability to mold the committee for the job. It also has the advantage of being able to set up these committees to do a job, to look into a problem, and then have them end. These special task forces that would be set up wouldn't go on a continuing basis. They would have a job, they would be obligated to do the job and report back.

Now, it is no secret to us that the people, at least a large minority of the people, made a clear statement when they elected the governor what is coming close to two years ago. The statement they made I think was a sound one and one that most of us here have tried to heed. That is that they thought we ought to take a little bit more work in the appropriations process, that maybe spending had gotten to the point where we should start to review it. And a lot of people I think maybe of the other party, the Republican Party, think well, that is true, you know, we had a Democratic governor for eight years, and they think that he spent too much money and that the executive branch under his direction led us into spending areas of too much. Well, if you are one of those members of the other party that feels that way, reflect upon the fact that all of what happened while a Republican legislature sat here for eight years. Now, I am not saying that to condemn that legislature. I am saying it to suggest that if in fact the feeling that you members have is true, there must have been something wrong with the process that you followed to allow it to happen. I think the problems of the process is that it didn't give the legislature the necessary tools to make these decisions.

Now, this legislature has gotten by pretty well without having any partisan battles and I don't want to see this become one, and that is the one thing that I agreed with the Senator from Aroostook, Senator Gahagan, on. I don't think there is any reason for this to be partisan. I think that the members of the Republican Party have traditionally cared more or as much about the spending process and keeping a grip on it as anybody, and I think that the members of the Republican Party have traditionally believed that the spending power should be in this legislature, and that is what this bill is about.

Now, this order today would give us a chance to get this bill out here — it is already in bill form — a chance to look at the details and vote on it. Now, we hear that it is late in the session, and I suppose that it is. I also think that it is late in the day, it is late in the day for us to have to go back to the people and explain why we haven't come to grips with the spending situation. The fact of the matter is that we have done the best with what we have had, we have trimmed our sails, but we haven't done that massive review that the people wanted us to do, partially I think because we had too high expectations of the governor's ability to get a grip on the

statistics and the information early enough to do the job. Once again we found ourselves relying on the executive branch to do this job, when we should have been early on in the 107th been rearranging our process so that we could play a part in doing that job.

That is all that this joint order is about, to give us a chance to vote on this bill. And I think that it is crucially important, I think it is much more important than most of the bills that we have spent our time here debating in this special session, and I think it would be too bad for the people of Maine if they got the false impression that the legislature didn't really care about doing something about this process.

When we all go home and people ask us about the budgets that we have passed, and why we are spending so much in relation to other states in education and not spending so much in some other area, I think that we are going to have a pretty weak answer if we can't even say well, at least we have done something to correct that for the future. And when we give that answer, I guess what we are supposed to say is well, we really didn't come to grips about doing something in the future is because we really couldn't give it enough time in the last days of the session, we had too many other things to consider. And then I suppose we can hand out a calendar like this and show the people all the things that were more important that we had to consider in the last days of the session. I don't think that that is going to be a sufficient explanation for our inability to come to grips with this problem. I think that this is an important order and I would ask that when the vote is taken 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 would like to try to bring the debate back to the order that is before us and not necessarily going into a long harangue about the merits or demerits of a bill that is not before this body, a bill that, as far as I know, does not exist, although the good Senator from Cumberland for the first time mentioned that the bill is already in draft form floating around somewhere, with an attempt to introduce it into this session having been made for the first time just yesterday.

The good Senator from Cumberland, Senator Merrill, stated that he did not know what happens or what has happened with regard to the Committee on Reference of Bills and why the bill was brought before us with the serious attempt to introduce it into the session just yesterday. I will respond to the good Senator that I don't know either. I am not the chairman of that committee. As far as I know, there is no formal chairman of that committee. And if the Senator wishes to know why it was to be admitted to this session, he should ask the Speaker of the other body, because that is the gentleman that has traditionally brought the bills before that committee on Reference of Bills for a vote, on whether or not they should be admitted to the session.

I agree with the Senator from Cumberland, this is an important issue. There is probably as little else that this legislature or future legislatures can do that would be more beneficial than to somehow gain a grasp and a clear control over the budgetary process and the spending process of the State of Maine. Mr. President, the extent to which we have come and the extent to which that message has come forth to legislatures is evident in the fact that it is a member of the minority party of this body

who has stated very clearly that the message comes forth to the legislature, and I submit that when a Democrat says that we have to get control over government spending, Mr. President, then things certainly are in dire needs.

The good gentleman from Cumberland has mentioned that I didn't know very much about this particular bill, and he is absolutely correct. And that is precisely the point that is being made here at this time. We don't know very much about this bill because it has not been brought before us before this moment. It is an important issue. From what I do know of the bill from reading in the newspapers, because none of the sponsors has even approached me to explain this measure to me, what I do know of this bill from reading in the newspapers is that it will change the budgetary process of this legislature radically. And from that alone, Mr. President, I would say that it deserves better than a cursory glance by the Committee on State Government, or any other committee of this legislature, when the time has already passed, already passed, when this legislature has determined that it wants all bills out of the various committees.

If the sponsors of this measure and the proponents of this measure are serious and have been serious about presenting this matter to this legislature and asking for serious consideration with regard to it, and it probably deserves, then I would ask a glaring question, Mr. President, of why this matter has not been before this body before the last days of the legislative session. I hope this is not being done for purely political purposes, but I would like an answer to that question before I conclude that that is the reason it is being done.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I can say wheeee to all of this because it has been a long time in this body since we have had a good partisan debate, and I disagree with some of the previous speakers when they say this is not a partisan issue. In my opinion, it certainly is and it is a good one. I don't think we should let the opportunity pass here because it has been a remarkable legislature, and I think for the Republicans and Democrats to have a good debate like this. I think we should continue it just a little bit.

I think, as I see this picture, the Democrats are planning on taking the majority in the House and the Senate next session, and with that plan, to go along with that plan, they want this new budget committee to work with, and I think it is necessary. I think it has been proven here or stated here many times the need for that. We haven't been perfect in the past, and there are some changes that can take place and I think they should take place, and I think this budget committee is a heck of a good idea. Just to expound that a little bit, and then I am going to sit down, I wish I could remember the name of the national high ranking Republican who recently said, and I think he said this of the budget committee, if I may quote him: "those damn Democrats are really getting smart, they are taking the only issue we have left away from us now." I think that the Maine Legislature is about to do the same thing.

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

Mr. CONLEY: Mr. President and Members of the Senate: It is my firm hope that the good Senator from Cumberland, Senator Merrill, will say an act of contrition this evening and that the good majority floor leader will give him general absolution tomorrow morning for not consulting with him about this particular bill.

I can assure the good majority floor leader that Mr. Price and Mr. Pride were both informed of this bill several weeks ago, but ap-

parently there might be too much of a price tag on it in the economy of state government.

It is not my attempt here to belabor the session to an extent that we will be having supper here today, but it does strike me as somewhat funny, having served on the Appropriations Committee, as I have stated many times, for two sessions of the legislature, and I notice another compatriot of mine, a member of the great Republican Party, the good Senator Berry from Cumberland, served as chairman of that body, and I have always congratulated him, maybe I haven't always agreed with him, but I certainly have a great deal of respect for his ability as chairman of every committee he has served on, but the appropriations process in this state is absolutely zero, totally zero. And I don't condemn any member of the Appropriations Committee or former members of the Appropriations Committee, but when a document is placed in the hands of the Appropriations Committee they work on it for three months, and probably in some cases a little longer. Commissioner by Commissioner by Commissioner, department head by department head, come parading before the Appropriations Committee telling them what their needs are, and God love the Appropriations Committee because they must have faith and they eventually report out a budget. And I wonder how many members of this Senate or the other body actually know what is in that document. We come in about the second week of January and we find this thing sitting on our desk, and have you ever taken a good look around the Senate to see exactly what happens to that document? It generally very rapidly goes underneath the desk and is carted home the first week they go back, and that is about the last time it is looked into.

We had a supplemental budget that came down the pike during the regular session that was vetoed by the chief executive, and there were many people in this body who voted to sustain that veto. I don't think it was so much what was in that particular budget as that the people voted to sustain as just a question of going beyond the means of expenditure.

I would like to call your attention if I may, to an article that was in last evening's and forgive me, Portland Evening Express. I know people in Plantation Five don't have the opportunity to read this very worthy newspaper, but on occasion there is something worth reading, and I would like to take the time of the Senate this morning, if I may, to read. In great glaring headlines it says, "There Must be a Reason". It is reported out of Denver, Colorado, under the AP. Now, mind you this is last night's Express. "Colorado may soon begin the unbureaucratic practice of abolishing state agencies which can't justify their existence. That concept is now in the form of a revolutionary bill," revolutionary, "with bipartisan backing which proposes to terminate any one of Colorado's 44 state divisions, agencies, boards or commissions that fail to show that it is worth continuing. It is really a bill that demands accountability, said Steve Barth, a representative of Colorado Common Cause." Can you imagine Common Cause supporting something like this? "One of the prime movers behind the bill. The first of its kind, the sunset bill was unanimously approved by a committee of the Colorado Legislature on Monday and sent to the Senate for final consideration. It has already passed the House. If approved by the Senate, it would be the first such legislation to gain approval in any state legislature. A similar proposal was rejected by Texas voters in 1975 as part of a package of constitutional amendments. The sunset bill would mandate that units of state government be terminated unless a legislative review procedure repeated every six years demonstrates their effectiveness. It is going to be awful hard for anyone who has been talking

about too much government for all these years to vote against this bill, said Representative Gerald Kopel, the Republican who sponsored the measure. "That is a lie, he was a Democrat." Kopel and Common Cause have fashioned a bipartisan, philosophically diverse coalition to support the bill which now appears to have built the momentum needed to pass the Republican dominated Colorado Senate. Barth said common cause has been concerned about the proliferation of state agencies and their apparent lack of administrative review of performance standards. The sunset concept grew out of that concern and the resulting legislation is now considered a model. The bill has met with little opposition until recently when a group of health care organizations said they were concerned the sunset proposal might abolish professional health care review agencies. But Kopel said of the bill's critics, why would any agency that has worked without the legislature looking at its work want to come in under the glare of this kind of legislative scrutiny? Excessive government thrives best in anonymity."

That is exactly what we have, and we have it because we are here as citizens type legislatures. There is no way in God's world we can sit down individually and analyze what is being considered by any one particular committee. I think the recommendations that are compiled in the bill that we are speaking of direct themselves exactly to those things, and it would be in the best interest of this state if it were passed.

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

Mr. KATZ: Mr. President and Members of the Senate: Now, I am in a quandary. I can't figure out whether the Senator from Cumberland, Senator Conley, reads poetry or reads newspaper clippings any better. With all due respect to his hometown newspaper, that article appeared in the Boston Globe last week. Well, every day can't be St. Patrick's Day.

But what we are hearing here today is a basic uncertainty of opinion; it is just a course of action that we are divided on. And I suspect it is a partisan issue only because as a matter of coincidence the Republicans are getting up to suggest that there is a better way than the one proposed.

I call your attention to a rule that you probably never even noticed, Join Rule 16. It is the rule under which we presumably are operating, and it says: "Reference of Fiscal Matters to Committees. Every bill, resolve, or order appropriating money shall be referred to the appropriate committee for consideration, and no further action shall be had thereon in either branch until the same shall have been reported back by the same committee", and then after that there is the Appropriations Committee and there is the process. Well, we simply have not been doing that. As a result, the expertise that exists in the Committee on Health and Institutional Services and the other various standing committees, the Committee on Education, has not been utilized in appropriation matters.

One of the biggest hangups that I have had over the years is that we expanded the University of Maine's capital plant, all these beautiful dormitories that you find sprinkled all over the place, in the Appropriations Committee. The Education Committee never once had a chance to say we are setting policy, that once you build dormitories you are going to have to fill them up with kids in order to pay for them, and do we really want to expand these campuses. As a result, you can ask yourself whether you are completely satisfied with where the Maine campuses are and to what extent we have expanded them.

I think that everything that the Senator from Cumberland, Senator Merrill, said with respect to the deficiencies of the appropriations process

are right on target. This in no way is in criticism of present or even past members of the Appropriations Committee. I have often wondered how we could misuse a committee as effectively as we do, when hour after hour after hour they sit and listen to a stream of special interest opponents on worthwhile, compassionate pieces of legislation, day after day, week after week, and then it comes time to look at the budget, the \$300 million, \$400 million, \$500 million figure, and if this is the proper utilization of experienced manpower, their rationale completely escapes me. But the proposal that is being made here today I think is not the best possible answer. I look upon it not as an involvement of all of us in the process, I look upon it as an elitist answer. We get involved only in the debate.

Sometimes in my wildest dreams I think about the maximum utilization of the standing committees, the way I think God intended them to be used. The maximum utilization so that these people become expert, that they are used wisely, that they listen to all the appropriations measures which involve the spending of money, which actually sets policy more effectively than anything else, and then they establish their priorities within that area for reference to an oversight of the appropriations process. We have never done it. We talk about it. We nibble away at it. But the idea that you are going to get a special elitist committee to do all this thinking, which by and large does not make the maximum utilization of the standing committees which in the future should be the strength of this legislature, I think that there has to be a better way. Consequently, I shall vote against this proposal.

But I hope that when this legislature goes home finally that there is a commitment on the part of leadership and there is a commitment on the part of this body and the other body to address ourselves to the joint rules to be sure that the process is improved, and it can be improved and it must be improved, but I suggest let's do it within the standing committees.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: I can't let the opportunity pass of the invitation of the Senator Merrill of Cumberland to present myself as a candidate against Senator Muskie. I think it would be a great privilege to do so. I think with the kind of bills that he supports, by evidencing this measure, that it would be a very easy thing to do to beat him. Unfortunately, I am not old enough.

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

Mr. MERRILL: Mr. President and Members of the Senate: I am afraid the Senator from Aroostook, Senator Gahagan, in referring to his deficiency in regards to age is only touching on the top of the iceberg. I would like to address one of the criticisms that was mentioned by the Senator from Kennebec, Senator Katz, because I think this gets to the crux of this issue. He refers to this as an elitist committee. I suggest that the object of this is just the opposite, and the direction in which he suggests that we go is a more elitist approach.

There are many things wrong with the process. None of them are the people that serve on the Appropriations Committee. One of the things wrong with the process is that these decisions are not forced upon us as legislators, and that is what this is about. This super committee that we hear about that will have so much power, consider the power that it is going to have. It is going to have the power to set targets, to set recommendations for targets, send that out to the legislature for debate, and the legislature will set those targets. Then at the end of the process it has the same power that leadership has now in regard to what is

reported out off the table ought to pass, except that that power is limited, limited, unlike the power that the leadership now has, by the necessity either to follow the guidelines or to go back to the legislature to renew those guidelines. Now, I ask you, which is elitist? Which approach is elitist? One that forces the legislature to decide? We should be forced to decide. We shouldn't be able to go home, having passed these big budgets, without addressing these questions that are raised by this. It forces the legislature to decide, and I suggest that is anything but elitist. And the powers of the budget committee will be the powers of persuasion, and that's about all. In regards to controlling the table at the end of the process, they will have less power than leadership now has. So there is nothing elitist about this committee.

This committee is an attempt to coordinate a lot of different things that aren't coordinated now and can't be coordinated by the means suggested by the Senator from Kennebec, Senator Katz. It is not enough that every appropriations bill go to the Appropriations Committee. The Appropriations Committee is a committee that by its nature is asked to look at the trees. What we need is a budget device that forces the legislature to look at the forest. We don't have it now, and sending all the bills to the Appropriations Committee is not going to solve that problem.

I addressed earlier the problem faced by coordinating the education appropriation when it has to come out earlier. Consider the problem of coordinating appropriation with taxation. When is that done? You know, you people here honestly know how it is done. The Appropriations Committee does its job, trying as hard as it can to live within the revenue figures that it has, cutting back a little here, trimming every tree without looking at the forest, because it can't — this is too much to ask for one committee that has all these other responsibilities — and then if it can't make it, it can't trim back every tree enough, then people run around the halls saying "Will you vote for a cigarette tax? How about amusements? Maybe we could just put a surcharge on the income tax for a year, up the mill rate one-half, and put a half mill rate increased tax on the sales tax in regard to the tourist industry." That is how the taxation policy, if you can call it that, is decided by this legislature now.

I served on the Governor's Tax Policy Committee. It had a lot of private citizens on it, and they couldn't understand how the legislature could go on year to year exercising its exclusive power to tax without ever giving consideration to broad tax policy, without being forced to do it every time, instead of coming up with these ad hoc decisions at the end of the process. So consider that also, the problem of coordinating the taxation decisions and the appropriations decisions and having a real tax policy.

There is no alternative means being offered here. The suggestions of Senator Katz fall far short of meeting that problem, of meeting the problem with education, with which he is so familiar. I suggest that we ought to give this bill its day. We ought to let it be reported out and take a long look at it.

I can't answer the question raised by the Senator from Kennebec, the majority leader, as to where this bill has been. I honestly can't answer. I know that it was dropped in the hopper and I don't know where it has been. I don't want to introduce another bill to take care of it, but I would suggest that whoever is in charge of housekeeping on that committee take a long hard look. I don't know where the problem lies, and I don't mean to imply that it lies with a member of any particular party. But there is obviously a problem when a bill sits around for a month and the majority leader doesn't even see it. And there is obviously a problem in the way the committee makes its decisions, when it

votes 5 to 5 not to pass it out and the majority leader admits he hasn't even read the bill. But I can't address myself to those problems. I am not a member of leadership and I don't aspire to be.

I think that we all know what is really concerned here. I think that we all know that the biggest reason that many members of the opposite party don't want to vote for this is because some Democrat thought it up first. And that is a pretty bad reason, I would suggest.

I think we have got a real problem here and I think we ought to address it. I think if we do, we can really begin to meet our constitutional responsibilities to actually spend the people's money through conscious decisions. I just harken back to those statistics that I laid before you before and ask you why haven't you ever heard them? Why hasn't debate ever pointed out that we are No. 10 in the nation in spending on natural resources? Maybe that is the right decision, but shouldn't we have made it? We went all the way from spending practically nothing, I would suggest, probably about ten years ago, and now we are No. 10 in the nation, and we have never even had to look at that statistic. Isn't there something wrong with the process as it exists today?

Now, obviously, we could have had a bill a lot sooner. All of us are to blame for that. All of us could have done it a lot sooner, but it has been around for most of this session, and I think it deserves a fair hearing in this legislature.

I remember at the end of the regular session we had meetings of our party regularly in talking about what bills were going to be recommended passed and not passed as they came off the Appropriations Table and the leadership took their votes. And our leader, Senator Conley, sat down with us about a day before we took that action and he had a computer printout, and we went over what all those decisions were, all those elitist decisions that had been made. And you know, I have to agree with most of the decisions that were made. I think the leadership did a good job there. But the legislature wasn't involved in that decision making process at a time when it could do something about it. And I really think the best solution to the problems that the Senator from Kennebec, Senator Katz, referred to with the University would be to have a system that forces these decisions before all of us early on. Somebody could stand up and say look at these education expenditures. The Senator from Kennebec who is so expert in this area could stand up at that point and say I think we should trim this target because we are setting out a growth pattern here that we can't live with.

We need this process, and I urge the Senator from Kennebec, Senator Katz, and all the others that can be open-minded on this subject to let this bill be reported out. It isn't going to pass automatically, and you will still have a chance to kill it later on, if you are troubled by it, and you will have a chance to amend it. And I suggest that we all know we are going to be here for at least another week, and there is nothing I think on all the calendars that is any more important than coming to grips with this problem, and there is certainly nothing that the people feel any more sense of urgency about than this. There is nothing more that the people are going to be any more dissatisfied with in terms of any answer that says, well, we waited until next year on this problem, and I hope that the legislature, this Senate, will vote to let this bill be in, to be heard, and let everybody read it, including the Senator from Kennebec, the majority leader, who has already voted on it without that opportunity.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: I wish to agree with the Senator from Cumberland, Senator Merrill, that it was

a Democrat who thought this bill up first, and his name is Muskie and he represents the State of Maine in Washington. This is the same bill that represents the Senate Budget Committee which is supposed to be so all powerful in Washington. I submit to you that it is not that powerful and that it is not working. That bill is not working, and we have a very fine example of it here in Washington with Loring Air Force Base which I brought up earlier. The Senator from the State of Maine with his all powerful budget committee in Washington is quoted in the Portland Press Herald last week as saying that the Office of Management and Budget had made the decision to cut back Loring and that there wasn't anything that he could do about it. He doesn't have the power to do it.

Congressman Cohen said in the Kennebec Journal last week that the decision to close back Loring Air Force Base had been a policy decision. You put those two comments together and you have an executive agency of bureaucracy in Washington making a policy decision to close back an Air Force Base in the State of Maine. I submit to you that it is the Congress of United States that is supposed to set policy, and if that budget committee represents the Congress's best answer to taking the control of the bureaucracy back into the Congress of the United States, then we have got to learn something here in the State of Maine, that it didn't work in Washington and it is not going to work here. It is not going to work in the State of Maine.

The Senator from Kennebec, Senator Katz, put it very well this morning and his comments are right on the mark. We have it within our capacity right here in this legislature to use the resources that we have, the committees that we have to accomplish the goals which both the Senator from Cumberland, Senator Merrill, and I seek to accomplish. We seek to control our budgetary process. We have the means to do that within our present committee structures. We have the means to do that with our present Appropriations Committee. All we have to do is use the system.

For some reason, the Senator from Cumberland seems to feel that by bringing this committee into this is going to bring control of the tax policy and spending into this legislature. This is not the case. The constitution already proves that the legislature shall control spending and taxation. We already have the power. This committee is not going to bring any new power to the legislature, and it is not a better way to go. It is a very bad way to go, as evidenced by this committee functioning in Washington; if it won't work there, it certainly is not going to work here.

We probably have one of the smoothest working committee systems of any state legislature in this country. The mere fact that we have joint standing committees with representatives and senators on the same committees, the mere fact that we can introduce and consider the same bills, some states don't even have that. Some states introduce their own bills in the House, their own bills in the Senate, and they have two separate committees. We have very smooth working process here in Maine right now. All we have to do is do the work and use it. It isn't going to be any new committee that we bring in as the answer to all of our state's problems that is going to do it. It is going to take each one of us sitting down on our own committees in the legislature, setting our own priorities at the committee levels, as Senator Katz has said, to establish policy at the committee level, and then when we get to the Appropriations Committee we establish our expending of those priorities on that priority basis. We must establish priorities in state government for spending because we are in a financial crisis.

It is not cost effectiveness that we are after in this state, it is expending on a priority basis.

Those programs which are important must be funded. In order to know what programs are important, we must have the work of the committees, not this budget subcommittee. This is not the answer and this is not the way to go.

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

Mr. HUBER: Mr. President and Members of the Senate: I am going to oppose acceptance of this order because basically I think the proposal, as I see it, that is contained in this order is a reversal of a rational appropriations process. Essentially, it proposes starting with the answer and then working backwards toward the question, toward the factual information on the ground level, namely, the committee level. This is like building a house from the roof down rather than from the ground up.

I agree that we should reinforce the committee process in appropriation matters. I would like to see appropriation recommendations from each committee, and perhaps more appropriation bills should go, rather than to the appropriations committee, to the area of specific expertise, namely, the other joint standing committees. Perhaps this is more applicable to other regular sessions rather than to this particular special session, in that very few appropriation bills have survived even as far as the appropriation table.

Incidentally, as a forester with a master's degree, I resent the reference of the good Senator from Cumberland, Senator Merrill, to the random tree trimming process. This process took me three years to learn in graduate school.

Returning to the subject, I agree with greater committee involvement in appropriation matters, and I think we should reinforce this area. With reference to our appropriations, let's start from the specific knowledge of each specific standing committee and the specific results of any given level of funding. In short, let's build our financial house from the ground up rather than from the roof down.

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

Mr. SPEERS: Mr. President and Members of the Senate: I was somewhat confused by the minority leader of this body reading from newspaper accounts of a bill that was presented in Colorado, and his whole remarks had to do with a sunset law being presented in that state. You know, from all of the information that I have received about this particular bill, it has nothing to do with a sunset law, and I am wondering if the good minority leader is proposing a sunset bill for the State of Maine at this present time.

A lot has been said about the need for budgetary reform, and that is about as deep as the comments have really gone. The alternative that is presented in this bill, however, would have, as I understand it at least, the legislature meeting early in the session and establishing specific priorities and specific guidelines with regard to various expenditures for various programs within state government, without even having the opportunity to have a hearing on the needs of state government and, after such a hearing, after the Appropriations Committee as it exists now has heard evidence, and days upon days and weeks upon weeks of evidence, being presented to it as to the various needs of the budgetary process in state government, it only then can actually make an intelligent recommendation as to the priorities in the budgetary process of the State of Maine.

This committee would have us come in here and within a few days of our convening almost arbitrarily make that decision on the priorities of state government. I find that very difficult to term an improvement in the budgetary process.

The good Senator from Cumberland, Senator Merrill, suggested at one point that the State of Maine is now No. 10 in the nation as to expen-

ditures on natural resources, and he asks the question of shouldn't someone have had the opportunity to make a decision in that regard. Well, the answer is very obvious really, someone did have an opportunity to make a decision in that regard. The legislature over the past few years made that decision, determined that to be a high priority for the State of Maine. That is how we got where we are at the present time. That decision obviously was made and it was made by the legislature.

The suggestion was made that perhaps the Democratic party is taking over an issue of fiscal responsibility. Well, Mr. President, I would suggest that if the Democrat Party were really concerned about the taxpayers of the State of Maine that they show a little more regard in voting for every spending issue that comes down the pike.

The good Senator from Cumberland, made reference to eight years prior to the present administration, and I would remind him that the eight years prior to the present administration saw a Democrat governor sitting on the second floor who became the most spending governor in the history of the State of Maine. The last time that we had a Republican governor in the State of Maine we did not have high budgetary requests, we did not have high budget deficits. In fact, we had surpluses in the State of Maine. And that is fact, Mr. President.

The Senator from Cumberland has suggested that this bill ought to be given its day before the legislature. The time to ask that, Mr. President, was on January 19, and I would say it is closer to fact at this time that he would be requesting that this bill be given its two seconds before this legislature. And I would simply ask the question again if this is not for pure political, partisan purposes? Why was this bill not brought before us for discussion at the proper time?

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

Mr. CONLEY: Mr. President and Members of the Senate: I think I noted about an hour ago that Mr. Price and Mr. Pride were properly informed of this particular legislation. It might just have been for that specific reason that the majority floor leader wasn't consulted that it might be tended to be interpreted as being partisan.

I would also like to try to recall to the majority floor leader that I think during those eight years that Governor Curtis held office that something like ten Democrats were sitting in the Maine Senate.

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

Mr. MERRILL: Mr. President and Members of the Senate: Two brief observations: Senator Gahagan has wanted to talk about Senator Muskie today and the majority leader has wanted to talk about Governor Curtis. I would like to thank the Chairman of the Appropriations Committee for talking about the bill, and I would like to answer his criticism because I think it is a legitimate one and it is something that was given a lot of thought in the drawing up of this bill.

What it requires the legislature to do is set a target, and I think that we always set a target, no matter what we do. We lie to ourselves if we don't say we set a target. I think probably, subconsciously at least, what the Appropriations Committee has done this time, starting at the very beginning, was to set a target; the target being let's do with what we have got. That was the target. We always have to do that. That is the way we get from one point to another, we set a goal, and if we can't make it, then we readjust.

Now, the reason that the committees don't have to report out, that it wouldn't be legally required for the committees to report out their

recommendations, and have those reports be consistent with the targets, is for the very concern that was raised by the Chairman of the Appropriations Committee. I am sure they will be aware of the targets. I am sure the guidance will help them in their deliberations. But as they hold these hearings, if they see that the targets are unrealistic, they can report out their bills. Then they will be set on the table, as they are now, and adjustments can be made in those targets.

Now, I suggest that whether we do it consciously or subconsciously, we never get from one point to another without setting a target in our minds. And I think the fact that this process doesn't require the committees to live with those targets, but does that later on, is evidence of the fact that when this was drawn up consideration was given to that concern that was raised by the Chairman of the Appropriations Committee.

You know, what I know best is the process of the Taxation Committee, and I would be very much helped, at least, as one member of that committee, if as we started doing our work we had had some guidance from the whole legislature in regards to targets. The Taxation Committee has been referred to in the past as the tax break committee. We get lots of bills before us, especially with regard to sales tax exemptions, and it would be really helpful if, as we looked at those sales tax exemptions, we had some guidance from the legislature already, sort of a general guidance as to how much money they think we should be raising with the sales tax. Then we can look at these suggestions, we can look at possibilities of where to raise the sales tax in other areas or to lower it in these areas, and we could have some guidance, we could have some discussion of tax policies to help us along. If in the wisdom of our committee, the Taxation Committee, we don't think after a lot of consideration that those targets should be followed, these bills will come out, they will go onto this special budget table that we set up to replace the Senate Appropriations Committee, Senator Huber, and I think it is further evidence of the need to get this bill out in printed form and have us be able to vote on it after having the printed bill, having it referred to committee, and referred back in its printed form.

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

Mr. BERRY: Mr. President and Members of the Senate: After the third or fourth time my good friend from Cumberland gets up, I must rise to his bait. I have sat here and been told that our collective heads aren't screwed on right, and I have been referred to as the Chairman of the Performance Audit Committee which should be abolished, and I have listened to the allegation that certain of us do not have the qualifications to run for the United States Senate, and I have heard that there are several other points here that perhaps are of a partisan nature.

Well, after listening to all this educated comment, I thought I ought to read the narrative here. We don't get many narratives put on our desks, do we. Generally what we like to see are factual things telling us the full details involved. So, anyway, I have been reading the narrative in the last few minutes, and I do say that my good friend, Senator Cianchette from Somerset, who sounded the first sweet ring of partisanship here, was 100 percent correct. This is a beauty, and it is partisanship. It would complete what has been well on the road during this session, and that is relegating the Senate of the State of Maine to a rather secondary role in the legislative process. This would guarantee that under the current set-up of numerical control in both bodies that this budget committee

would be controlled by the House and by the Democratic Party, and that is probably a pretty good definition of partisanship. So that is what it does do. Now, why does it do this?

Well, it does this if we have done what Senator Merrill of Cumberland says we should, have done, and that is got all our information on this proposal from the newspapers. If we are to believe them — and I can advise you don't always believe them — if we are to believe them, the impetus for this proposal came from a group referred to as "The Young Turks". Well, the young Turks to my understanding are in the other body, and part of their problem was or is that they have never been taken into the fold. They have never been taken by the Speaker and the majority floor leader of the other body into their office and had things explained to them. I think it is quite obvious that this has not taken place, from reading this, because I have a great deal of respect for the ability of the leadership of the majority party in the other house, and I mean this quite sincerely. One would never accuse them of lack of ability or lack of perspicacity in the political scene, and they would never come up with a little dream like this.

The last sentence of the second paragraph says this — I am not going to quote too much from this — it says: "A final order will establish the amount to be raised from each major source of revenue." Now, without going back to Senator Muskie, I do feel that one of the tenets of the Democratic Party is that we should live in a well ordered society, and if you ever saw a well ordered society, you will have seen it when we will establish the amount to be raised from each major source of revenue. Can you see the legislature determining how much money we are going to raise from the liquor tax, from the income tax, from the sales tax, from the estate tax, the beer tax, any other number of taxes that we have now, and by legislative fiat with this wonderful budget committee, it is going to establish the amount of money we raise early on in each session. I question whether the Speaker or the majority floor leader in the other body would ever have approved of that.

Now, we refer to task forces in here. A task force is a term which originated in a climate generally supposed to be of a military nature, and I question very much that we want to have a new subdivision in the Maine Legislature which is going to be known as a task force. So far they have been subcommittees or committees. Anyway, these would be committees which would be composed of groups of people — I think that is somewhat the language used here — who are brought in in ad hoc situations to deal with a particular problem. It doesn't even say they have to be in the legislature. Maybe it would be better if they wouldn't.

Anyway, I think, as Senator Conley said when he heaped some shovelfuls of something on my very receptive head about an hour ago, I think we have had quite a lot, and I would hope that we could proceed fairly soon to a vote on this matter.

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 Kennebec, Senator Speers, that Item 1-5, House Paper 2227, 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, Collins, Corson, Cummings, Curtis, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators E. Berry, Cianchette, Clifford, Conley, Cyr, Danton, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves.

A roll call was had. 19 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion prevailed.

Sent down for concurrence.

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary shall report out a "Resolve, Authorizing Frederick Goodrup and Germaine Goodrup, or their legal representatives, to bring Civil Action Against the State of Maine." (H. P. 2241)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Orders

On motion by Mr. Clifford of Androscoggin, 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 Miss Emma Irish Of Lewiston Who On March 27, 1976 Will Celebrate The One Hundredth Anniversary Of Her Birth We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 764)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CLIFFORD: Mr. President, Miss Irish, who is about to celebrate her 100th birthday, is known as a great booster of the State of Maine. She was the founder and long time President of the Women's Club of New York City. Although some say that her long life and full life can be attributed to the fact that she left Lewiston, Maine, I think in fact we can attribute her long and full life to the fact of her initial contact with Lewiston. Thank you, Mr. President.

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

The motion prevailed.

Sent down for concurrence.

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

Papers From The House Joint Order State of Maine

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Panthers of Rumford High School, Douglas Roberts; Andrew Shorey; Timothy Ziko; Jack Kaubris; Mike Garsoe; Matthew Kaubris; Robert Reid; Chris Gorham; Timothy Shea; David Gerrish; Michael Fraser; Peter Carignan; John Zinck; James Puiia, Manager; Vincent Martin, Assistant Manager; Kelly Gorham, Mascot-Manager and their coach, John Shaw and assistant coach,

Rick Milliken, New England Basketball Champions For 1976

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2239)

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

(Off Record Remarks)

Committee Reports
House

Divided Report

The Majority of the Committee on Marine Resources on, Bill, "An Act to Allocate Part of Lobster and Crab Fishing License Fees to the Lobster Fund and Boat Fund." (H. P. 2079) (L. D. 2242)

Reported that the same Ought to Pass.

Signed:

Senators:

BERRY of Cumberland
REEVES OF Kennebec
CUMMINGS of Penobscot

Representatives:

BLODGETT of Waldoboro
MILLS of Eastport
JENSEN of Portland
GREENLAW of Stonington
WEBBER of Belfast
JACKSON of Yarmouth
MACKEL of Wells
CURTIS of Rockland
POST of Owls Head

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

Signed:

Representative:

CONNERS of Franklin

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-1054).

Which reports were Read.

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

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Relating to Absentee Voting." (H. P. 2212) (L. D. 2271)

Reported that the same Ought Not to Pass.

Signed:

Senator:

O'LEARY of Oxford

Representatives:

FAUCHER of Solon
SHUTE of Stockton Springs
CALL of Lewiston
BOUDREAU of Portland
DURGIN of Kittery
KENNEDY of Gray
BUSTIN of Augusta
TALBOT of Portland

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

Signed:

Senators:

CORSON of Somerset
BERRY of Cumberland

Representatives:

BIRT of East Millinocket

MACKEL of Wells

Comes from the House, Bill and Accompanying papers Indefinitely Postponed.

Which reports were Read.

Thereupon, on motion by Mr. O'Leary of Oxford, the Majority Ought Not to Pass Report of the Committee was Accepted.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Strengthen the State Unemployment Trust Fund." (H. P. 2148) (L. D. 2287)

Reported that the same Ought Not to Pass.

Signed:

Senators:

ROBERTS of York
PRAY of Penobscot

Representatives:

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

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-1009).

Signed:

Senator:

McNALLY of Hancock

Representative:

SPROWL of Hope

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

Which reports were Read.

Mr. Roberts of York moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

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

Mr. McNALLY: Mr. President and Members of the Senate: I can assure you that I will be mercifully short. This is the result of a panel study on the unemployment funding law and it is caused, by me saying what I am saying now, from going up into Madawaska and listening to the people that came to that hearing to tell us what they thought ought to be done to the unemployment law.

This is essentially what they said to me: they said, "Many times you have helped the rich and you have helped the poor. Now you go back to Augusta and do something to help us that is paying these taxes." So the Labor Committee in its wisdom on making out a report on the unemployment funding law put out several bills, of which this is one of them. And, like a drowning man after a chip or a shingle to save himself, there were different ways thought up.

For a small employer like myself, I could see that what had been done in the report that I signed was that it did help out the smaller fellow more than it helped out the pulp mill employers or any other large organization because it repealed the dependency allowance. It established an employee contribution of one percent of covered wages subject to a limit. In other words, the employees would have one percent taken out of their wages to help pay this unemployment fund that is now very low. It would raise the tax on employers by an additional five-tenths of a percent. It would raise the taxable wage base from \$4200 to \$6000. And it would shorten the benefits that a person was being paid when he was unemployed from 26 to 20 weeks. Now, that really would help the unemployment fund. Thank you.

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

Mr. PRAY: Mr. President and Members of the Senate: I also attended that Madawaska hearing and I would just like to correct a few statements that have been made, as I see them. The individual stating that we have helped the rich, we have helped the poor, and we have helped everybody but those that pay the taxes, if you checked out this bill you will find out that we are increasing the taxes on those individuals that are paying it now.

I would just like to run down through some of the categories of what this bill does. One, it repeals the dependency allowance. We already have another bill coming from the committee, and it is between the houses now, that will tighten up those requirements. It is going to require that an individual be employed full-time forty hours a week, so we are tightening up that first step there.

The second step is establishing an employee contribution rate of one percent. I think we all know what is going to happen there. Those industries that have strong unions, they are going to negotiate it in their contracts and the businesses are going to be paying it.

There are only three states in the country that have it now. One of them is Alabama, as was testified to us before we began our hearings on these bills by an individual from the Federal Department of Labor, who testified that most of the employers do not like it because they do end up paying it. So we are not going to really have an employee paying in this one percent in those strong unions. We are going to be hurting individuals employed by weak unions or no unions. They will be picking it up. Those are usually your minimal jobs perhaps being paid minimum wage.

The third section of this bill raises the tax on employers by one half of one percent. Time and time again at the hearings, not only in Madawaska but also at Dover-Foxcroft when we had hearings, these individuals say they cannot take an additional tax burden, that, when you start including workmen's comp. and you start including these other taxes they have to pay, that they can't take another increase in any of these categories in which they have to pay taxes, such as the unemployment fund.

We also have to look at the national problem. The State of Maine, I guess, is in the vicinity of borrowing somewhere around \$30 million by the end of the year, perhaps a little bit more. We have thirty states in the country that are now in the red. Maine has just gone into the red as far as the fund goes. The federal government has borrowed \$10.5 million to help the states out in this problem during this period of economic decline. It is a problem that is bigger than the state. It is going to have to be handled on the national level. Maine is in a kind of unique situation. Whenever an economic problem starts in the country it usually seems like Maine is the first one that is hit, than it spreads out through New England and goes across the country. Then as the country bounces back from it, it comes back across the country and Maine is just about recovering about the time it starts going down again. We are going to put Maine at an unfair advantage if we, one, ask for an employer tax increase or ask for an employee pay-in, or if we ask for a tax increase on the present rate of employers now. Other states are borrowing from the federal government. If you increase the taxes that you are going to require on your employers in the State of Maine, then you are going to put them at an economic disadvantage over other industries in the United States.

They also ask to raise the taxable wage base from \$4200 to \$6000. If you are aware of what the average pay is in the State of Maine, I think it is right around \$4600, if you add up what an individual makes in minimum wage, it is right around \$4600 too. This is asking to jump it up to

\$6000, which would mean not only are they paying an additional one-half of one percent, but they are paying in on an additional \$1800.

Shortening the benefit periods from 26 weeks to 20 weeks, right now an individual through a series of programs, if he qualifies, is able to collect unemployment for up to 65 weeks, and it breaks down into three categories or three plans. First of all, 26 weeks which is fully funded by the state. This is what they are aiming at to cut down to 20 weeks. But then we go into a period of 13 weeks which is 50 percent state funded and 50 percent federally funded. Then there is another extension which adds on another 26 weeks, which is 100 percent federally funded. I realize that we are also the individuals that pay on the federal tax also; that is still coming out of our pocket. But if you pass this, again you are going to put Maine at a disadvantage over the other states.

This bill has been opposed by labor, opposed by industry, and opposed by management. As a matter of fact, as you can see by the report, it was supported by very few. I think that the ought not to pass report should be accepted and this bill should be put in its proper place.

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

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

The PRESIDENT: A division has been requested. The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would like to request a roll call when the vote is taken. Just one short point that I didn't bring up that perhaps I should have: if we pass this bill, I was talking about the economic disadvantage you are going to put Maine at, but you are talking about a figure of taking \$40 million out of the economy of the State of Maine to pick up this deficit in the problem that we are running into now.

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 motion of the Senator from York, Senator Roberts, that the Senate accept the Majority Ought Not to Pass Report of the Committee. Will all those Senators in favor of accepting the Ought Not to Pass Report please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 22 having voted in the affirmative, and five having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Concerning Certain Nonprofit Hospital or Medical Services Organizations." (H. P. 1990) (L. D. 2181)

Reported that the same Ought Not to Pass.

Signed:

Senators:

THOMAS of Kennebec
JOHNSTON of Aroostook

Representatives:

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

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

Signed:

Senator:

REEVES of Kennebec

Representative:

CLARK of Freeport

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

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

Senate

Divided Report

Seven members of the Committee on Education on, Bill, "An Act to Revise Statutory Provisions Relating to Dropouts." (S. P. 686) (L. D. 2195)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (S-467).

Signed:

Senator:

BERRY of Androscoggin

Representatives:

MITCHELL of Vassalboro
INGEGNERI of Bangor
CONNOLLY of Portland
TYNDALE of Kennebunkport
POWELL of Wallagrass
CARROLL of Limerick

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "B" (S-468).

Signed:

Senators:

KATZ of Kennebec
THOMAS of Kennebec

Representatives:

BAGLEY of Winthrop
LEWIS of Auburn
FENLASON of Danforth

One member of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

Signed:

Representative:

LYNCH of Livermore Falls

Which reports were Read.

Mr. Katz of Kennebec then moved that the Senate accept the Ought to Pass as Amended Report "B" of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: You remember in the closing days of last session we passed a dropout bill that languished on the Appropriations Table for the last week or so of the session. This bill is a bill to clean up the language of that endeavor. And if you will notice, the sponsor of the original bill is supportive of one of these reports.

The basic difference of opinion between Report "A" and Report "B" is the inclusion of Committee Amendment "B". Committee Amendment "B", in effect, is the language that was incorporated in a bill from the Judiciary Committee addressing itself to the question of the chronic absentee; the chronic truant, who actually functioned as a dropout. So Report "B" represents the strong feeling of those who signed that it simply will not do to deal with those who are actually literally dropouts. But we must assign ourselves to the problem also of those who are functional dropouts, namely, habitual truants.

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

Mr. BERRY: Mr. President and Members of the Senate: I concur somewhat with my good friend, the Senator from Kennebec, Senator Katz, on what the amendment does. The com-

mittee Amendment "A" is a tightening, sort of tightens the guidelines, and provides that guidance counselors be allowed to sit on the positive action committees.

The problem I have is with Committee Amendment "B". In fact, Committee Amendment "B" does much more than just tightening the guidelines and, with the light interpretation that we have been given, it actually gives the powers to incarcerate a juvenile for truancy. There is a somewhat lengthy process as it appears in that amendment. Having been a member of a school committee and served on a school committee, I realize that this is only a matter of a couple of meetings before this juvenile would be into a juvenile court and could be incarcerated for a period of 30 days.

I openly admit that for personal reasons I am opposed to incarcerating juveniles for truancy. I think we have to look at the broad problems that can come from putting a child who may have a minor psychological problem, a problem at home, in with children who are in for a major offense.

I think another point I would like to make is that during the regular session this body chose to establish a commission which would review the entire juvenile statutes for the State of Maine. One of the areas that that commission is dealing in very heavily is truancy law. I think we are premature with this amendment being tacked onto this bill. This body has repeatedly, as I looked through legislative records, since this was taken out by a former member of this body, has denied reinserting this provision into the statutes. I think we would be wise in our wisdom if we waited until the Commission to Revise Juvenile Statutes came back to the 108th with their recommendations, and at that time we would be dealing with the entire problem, not just putting a juvenile in the Boys Training Center strictly for skipping school.

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

Mr. COLLINS: Mr. President and Members of the Senate: The problem of the juvenile truant is getting worse every year. If you will go up and down the main streets of most of our towns and cities, you will see an increasing number of youngsters 15, 16 and 17 on the streets. Those youngsters know their rights, they know that they cannot be incarcerated for their truancy.

The idea of incarcerating anyone for truancy does not appeal. I am sure, to any of us. It does not to me. But the fact is that without the power to incarcerate, the courts are helpless, and the courts as a participant in social ordering in this area are just completely out of it. I have received this session, as I did last year, many letters from school people, principals, assistant superintendents, the assistant submasters, and so forth, people that are supposed to be helping enforce the truancy laws. But there isn't anything they can do. The number of truants that are sent to an institution in a year is very small, historically, four or five at the most over the state. The important thing is that the power, the sanction, has to be there, else no one can work with these youngsters that have become habitual truants.

If we want our society to work that way, with masses of youngsters on the streets doing nothing except get into mischief, no sanction at all, then we should leave the law alone and let commissions study it year after year after year. A very good commission studied this in 1974-75. It was a commission that included a variety of educators and some plain citizens. They made an extensive report, some 40 pages. I read that report before I made up my own mind last year as to how I would vote on truancy, and that report speaks very clearly that we are not going to be able to help these

truants unless there is some sanction, however modest.

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

Mr. BERRY: Mr. President and Members of the Senate: If I may, I would like to point out one other factor. Even though it is not really pertinent to the incarceration of a juvenile for truancy, I think it is a factor that this body has to take into consideration. Now before the Health and Institution Committee is a piece of legislation which is an act to reorganize the Department of Corrections. Senator Hichens, being the Chairman of that Committee, I think can verify the fact that there is much mixed feelings on this particular piece of legislation. But the point is that through testimony that has been received in that committee is the fact that the Boys Training Center, which would be the only establishment eligible to receive these children under this amendment, is already having a problem. As I understand it from testimony in committee, the judges are having a problem because they send children to the Boys Training Center, the Boys Training Center is working on a heavy workload now, and even though the staff at the Boys Training Center is doing the best job it possibly can with the facilities that they have and with the staff complement they have, if this amendment is allowed to stay on this piece of legislation, then I can see no other way but that there would have to be an expansion of the juvenile facilities. And we are all aware that there is a tremendous amount of money involved when you open a new juvenile facility.

If the legislation which would reorganize that department should come into effect, then I think that, with the discretion within the department, they could utilize some of the other existing facilities which they cannot now. But at this point, I would not put too much confidence in the fact that that will come about this session.

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

Mr. KATZ: Mr. President, I think that the Senator from Androscoggin is directing your attention in exactly the wrong direction. Now, I have some concern for the handful of youngsters who possibly, upon the acceptance of this amendment, would be ultimately sent perhaps briefly to the Boys Training Center, but they are not really my concern.

There are hundreds and hundreds and hundreds of youngsters in the State of Maine today who don't go to school. And I am not talking about high school youngsters who are champing at the bit to get out to get a minimum wage job so they can afford their wheels. I am talking about kids who are in the junior high schools. And my interest in this came from very emotional pleas from several junior high school principals, who aren't interested in making their own lives more pleasant but they are really committed to the kids, and they say these kids need help, hundreds of them, not a handful but hundreds of them. And there is absolutely nothing the State of Maine is doing right now to try to help these kids. If they are habitual truants, I guarantee you that by the time they become 18 years old they are going to fall into the possession of some other state department. And it not going to be the Department of Education, it is going to be Mental Health and Corrections, and then the fat is going to be in the fire.

So when you vote here today, please don't consider that it is literally true that a handful of youngsters each year might be sent to the Boys Training Center, but I want you to concentrate on the fact that there are hundreds of these kids who have no mature judgment, who have no bounds to how much they can press, how much they can test, how much they can push, and they need some kind of discipline at the end of the

tunnel so that we can keep them in the school. And parent after parent after parent will say I can't do anything with my youngster, so I ask you, ladies and gentlemen, isn't it about time that we stop waiting for additional studies — it has been studied to death — and give some kind of a tool, some kind of an outer limit beyond which the kids can't go before a heavy hand hits them and gets them back into line.

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

Mr. HICHENS: Mr. President and Members of the Senate: I rise to support the motion to accept Report "B". I sat in this chamber two terms ago when the bill was passed and became law regarding truancy. And ever since probably two months after it became effective, I began to receive telephone calls and personal visits from principals, from police chiefs in my area, to do something about this new law. A principal said that they called homes to find out why a youngster wasn't at school, the youngster himself or herself would answer and laugh in their face. Police chiefs have told me, the same as the good Senator from Kennebec has stated, that if you don't do something about these kids now, later on they are going to go on to some greater crime and be filling our men's and women's correctional centers and our state prison.

I think that this is a vehicle by which we can do something about it. I was already to introduce a bill during the regular session to change about our truancy laws, but the good representative from Old Orchard beat me to it. That bill was defeated, as you well know, and the conditions continue to grow greater all around the state.

It is not only kids who are laughing, it is parents who are laughing, because there is no responsibility upon them also. They go off to work, their kids stay in bed, and they don't give a hoot. And this Committee Amendment "B" does put a fine and a jail sentence probability on the parents also. It gives them some responsibility which they rightfully deserve.

In regard to the statements which were made about overcrowding of the facilities in our state, that is almost beginning to get to be a laughing matter. Every time we turn around they tell us our state prison is overcrowded, so give the men more good time so they will be put out faster. They are telling us that the Boys Training Center is being overcrowded so let's send less kids there, regardless of what they do, in order to save money throughout the state. I think it is about time we stopped thinking about saving money and started thinking about saving lives.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I am not sure that this bill, either Report "A" or Report "B", has much concern with saving lives. I think it does concern the problem of the status crime and whether or not there is going to be incarceration for status crime.

I think in theory that all of us would agree that a juvenile should not be incarcerated for the commission of an offense which would not be an offense should an adult commit it. Those are called status crimes. And of course the one status crime that causes the most serious problem is truancy. And as a member of the Committee on Judiciary, we heard a bill in the regular session which did what Report "B" purports to do; that is, reimposes upon the juvenile the possibility of being incarcerated for habitual truancy. I was originally opposed completely to incarceration for commission of a status crime, however, I think that the problem the school people talk about is a real problem.

But I don't think that we should do it in

Report "B", because the very reason that the Committee on Judiciary deferred action in the regular session was because of the creation of this commission which is now studying this matter, and which has as part of its membership some of these same people who complained the most about the problem of truancy, and that view is going to be strongly represented, and is being strongly represented, on the commission. So it seems to me that once we made that determination in the regular session to defer this question until it is thoroughly studied, with the new additional evidence that has arisen since the passage of the law preventing incarceration, this is something that hasn't been studied to death because this new evidence has only been around for a year or two since the law has been passed and created.

So it seems to me that we would really be acting foolish to pass out Report "B" before all the evidence is in fact in on this matter. And I would hope that we would do what we did in the regular session, that we would defer this to the next session when we would have a report from a commission which is well represented by educators, and some of those educators are very well aware of this problem concerning which this bill attempts to deal with. And I would think it would be the smart thing to do not to rush into this thing because a few principals have been lobbying, as they attempted to lobby the Judiciary Committee in the regular session, and what we should do is wait for the evidence to come in before we make a final decision on this bill, which is a very important bill. It is a very important policy question when you are going to say that you are going to incarcerate a juvenile for doing something that you cannot incarcerate an adult for doing. So I think it is a pretty serious policy question and I think we ought to wait. I think I would agree with my good friend, the Senator from Androscoggin, Senator Berry, and that we ought to accept Report "A". Thank you, Mr. President.

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

Mr. HICHENS: Mr. President, I would disagree with the remarks that have just been made by the good Senator. I think this is a case of saving lives. When young people aren't in school they are out raising Cain and doing things that they shouldn't be doing, stealing cars, getting into trouble, and that is a case of saving lives.

As far as the study is concerned, I think these things have been studied to death. That is all we hear, study, study, study. Last year after the bill to raise the drinking age was defeated, the governor appointed the chief of police of the State of Maine to have a study. The chief of police turned that study over to him in June and it is still sitting in the executive office, and we haven't heard any report from that study whatsoever. This commission is studying and studying, and all the time they are doing this studying kids are out getting into trouble and lives are being lost as a result.

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

Mr. CONLEY: Mr. President and Members of the Senate: First, I wish to move the indefinite postponement of Report "B".

Secondly, I would address myself to the matter of truancy. I think it is absolutely ludicrous for us to consider some of the arguments made by the good Senator from York, Senator Hichens, saying that when kids aren't in school they are raising Cain. It is clearly obvious that kids get out of school at 3 o'clock in the afternoon, or whatever time it is, and I would assume that those kids who are going to school must all be angels because after 3 o'clock none of these kids are out raising Cain.

It seems to me what we are trying to do is

make a problem serious enough in our minds — and I don't want to dismiss it as not being an important problem, but we look upon the way to correct that problem is to use the threat of jail or, in my way of thinking even worse, the Boys' Training Center. It has a very colorful name, but if anyone ever visits the Boys Training Center they will find out it is not anything of a Sunday parlor.

Now, I think perhaps in most cases these kids come from difficult homes to start with, but in some cases that is not so, and I will use the old argument that has been used before, that when you take a boy from Madawaska and you take him down to South Portland, I just ask you to think of the trauma or the shock that that kid is going through in being put into the Training Center without the parents being able to get down there perhaps to see him. And I wonder, does that really solve the problem?

I mean, we can put statistics before us of hard core criminals, and we can go back and check them right back through the years, that they started off at the Training Center, they graduated and went to South Windham or the county jail, from the county jail to South Windham, and from South Windham to Thomaston, and so on up the ladder. Now, how did reform school or how did these various institutions rehabilitate or correct the wrongdoings of a young lad who apparently doesn't like the school system to start with.

I don't know that there are too many around today — in fact, the way I hear debate being used against the University of Maine and against the funding of education, that anybody is too pleased about the finished product to start with, even those who stay in school. I think again it is the system that has to change in there, and this isn't a way to correct that.

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

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

Mr. MERRILL: Mr. President, a parliamentary inquiry: I would like to inquire to the Chair whether or not the offering of Committee Amendment "B" violates any of our joint rules.

The PRESIDENT: The Chair would inquire of the Senator as to what point he is trying to make with the inquiry?

Mr. MERRILL: I believe there is a joint rule which prohibits the offering or introduction of a piece of legislation which has been defeated in the regular session.

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

Mr. KATZ: Mr. President, the Committee on Education was given the task of evaluating the problem of dropouts. It was the conclusion of the committee that you could not discuss dropouts without discussing functional dropouts at the same time, and it was on that basis that we identified two peas in a single pod.

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

Mr. MERRILL: Mr. President, the Senator from Cumberland awaits a ruling.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending the motion by Mr. Conley of Cumberland that Report "B" be Indefinitely Postponed.

Second Readers

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

House - As Amended

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

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

House — As Amended

In Non-concurrence

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)

Which was Read a Second Time.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Senate - As Amended

Bill, "An Act to Provide for the Licensure of Speech Pathologists and Audiologists." (S. P. 673) (L. D. 2144)

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

Sent down for concurrence.

Bill, "An Act Relating to Property of Survivor where Joint Deposits or Accounts are Involved." (S. P. 664) (L. D. 2102)

Which was Read a Second Time.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: The Committee on Judiciary in the regular session dealt with the subject matter which is covered by L.D. 2102. We dealt with it and we made a change in the law. We spent a considerable amount of time on it, and yet I see in this special session of the legislature the same subject matter is before the legislature, being referred to a different committee. I wondered, if in view of this, someone might be kind enough to table this for a day or two so that we could take a look at it and see what is being accomplished by this bill. Thank you, Mr. President.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Passage to be Engrossed.

Enactors

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

An Act Relating to Conferring Degrees by Thomas College. (H. P. 1927) (L. D. 2114)

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

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

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

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

Bill, "An Act Relating to Charitable Solicitations." (H. P. 1983) (L. D. 2165)

Tabled — March 23, 1976 by Senator Graham of Cumberland

Pending — Motion of Senator Collins of Knox to Indefinitely Postpone House Amendment "A" (H-1045)

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-996) and House Amendment "A")

(In the Senate — Committee Amendment "A" adopted)

On motion by Mr. Conley of Cumberland, retabled until later in today's session, pending the motion by Mr. Collins of Knox to Indefinitely Postpone House Amendment "A".

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

Bill, "An Act to Set the Unemployment In-

urance Contribution Rate for New Employers at the Average Contribution Rate for all Employers in the Previous Year." (H. P. 2144) (L. D. 2284)

Tabled — March 23, 1976 by Senator Speers of Kennebec

Pending — Adoption of Committee Amendment "A" (H-1010)

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

On motion by Mr. Speers of Kennebec, retabled until later in today's session, pending Adoption of Committee Amendment "A".

There being no objection, 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 4 o'clock this afternoon.

After Recess

Called to order by the President.

Papers from the House

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

Non-concurrent Matter

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)

In the House March 23, 1976, the Minority report Read and Accepted and the Resolve Passed to be Engrossed.

In the Senate March 23, 1976, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

On motion by Mr. Corson of Somerset, the Senate voted to Adhere.

Joint Resolution STATE OF MAINE

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

IN MEMORIAM

Having Learned of the Death of Edward F. Sawyer of Mechanic Falls Former Town Manager and Outstanding Citizen

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

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 2236)

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

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 Kenneth Urquhart of Lincolnville Who Has Achieved the Honor and Distinction of Eagle Scout in Troop 244, Hope-Lincolnville of the Pinetree Council of the Boy Scouts of America

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. 2243)

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

WHEREAS, the Department of Inland Fisheries and Wildlife undertakes a wide range of biological research; and

WHEREAS, the research division is responsible for the improvement, propagation and maintenance of all forms of wildlife and fish; and

WHEREAS, these activities have an impact on the lives of all Maine people; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Fisheries and Wildlife shall review the content and expected application of research carried out by the research division of the Department of Inland Fisheries and Wildlife, and shall review the capabilities, plans and needs of that division; and be it further

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

ORDERED, that upon passage of this Order in concurrence, the Clerk of the House shall forward a suitable copy of this Order to the Senate and House chairmen of the committee. (H. P. 2237)

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

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

Mr. KATZ: Mr. President and Members of the Senate: Might I suggest to any member of the Fisheries Committee who might be interested that this joint order directs that the committee take a look at the research and application of research done by the Department of Inland Fisheries. But at the same time there is significant research going on at the Darling Center operated by the University of Maine. I would be very, very appreciative if the committee would undertake to take a look to see whether these two research activities are going on in parallel, whether they are duplicated, and whether either or both are productive. If there is any merit to this notion, perhaps a member of the committee might table this and amend the order along those lines.

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

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

Communications
State of Maine
Department of Finance
and Administration
Bureau of the Budget
Augusta, Maine 04330

March 23, 1976

The Honorable Joseph Sewall
President of the Senate
Dear Senator Sewall:

In accordance with the provisions of Section 451 of Title 36 of the Revised Statutes and as later amended by Chapter 660 of the Public Laws of 1975, I am certifying total education costs for fiscal year 1977 as certified to this office by the Commissioner of Educational and Cultural Services, with the approval of the State Board of Education, along with the recommendation of the Governor as contained in the at-

tached copy of his memo to me of March 22, 1976.

I have attached a table comparing the Commissioner's certification and the Governor's recommendation along with a copy of the Commissioner's original certification.

O. W. SIEBERT
State Budget Officer

Attachment

cc: Governor Longley
Commissioner O'Sullivan
Legislative Finance Officer
Commissioner Millett
Clerk of the House
Secretary of the Senate

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

Committee Reports House

Ought to Pass - As Amended

The Committee on Health and Institutional Services on, Bill, "An Act Clarifying the Use of the Mental Health Improvement Fund." (H. P. 2068) (L. D. 2238)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1024).

The Committee on Judiciary on, Bill, "An Act to Provide a Procedure for Establishing Additional Exceptions for the Definition of Rental Units and to Clarify the Procedure for the Appointment of a Rent Control Administrator or Board under the Municipal Rent Control Act." (H. P. 2099) (L. D. 2259)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1040).

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

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1037).

The Committee on Local and County Government on, Bill, "An Act to Incorporate the Frye Island Municipal Services Corporation." (H. P. 2109) (L. D. 2263)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1026).

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

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence.

Thereupon, under suspension of the rules, the Bills, as Amended, were Read a Second Time and Passed to be Engrossed in concurrence.

Ought to Pass — In New Draft

The Committee on Local and County Government on, Bill, "An Act to Clarify Clerk Hire Procedures in County Government and to Provide for a Deputy Treasurer in York County." (H. P. 1936) (L. D. 2124)

Reports that the same Ought to Pass in New Draft under New Title: "An Act Concerning the Salary of Knox County Register of Probate and Clerk Hire and Legal Fees of the York County Treasurer" (H. P. 2230) (L. D. 2318).

Come from the House, the Bill in New Draft Passed to be Engrossed.

Which report was Read and Accepted in concurrence and the Bill in New Draft Read Once.

Under suspension of the rules, the Bill in New Draft was Read a Second Time.

Thereupon, on motion by Mr. Conley of

Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

The Committee on Judiciary on, Bill, "An Act Relating to the Priority of Attorneys' Liens in Regard to Allegedly Stolen Property." (H. P. 2040) (L. D. 2214)

Reports that the same Ought to Pass in New Draft under Same Title (H. P. 2234) (L. D. 2321).

The Committee on Taxation on, Bill, "An Act Providing for the Collection of Motor Vehicle Use Taxes." (H. P. 1995) (L. D. 2176)

Reports that the same Ought to Pass in New Draft under Same Title (H. P. 2232) (L. D. 2320).

Come from the House, the Bills, in New Draft, Passed to be Engrossed.

Which reports were Read and Accepted in concurrence and the Bills in New Draft Read Once.

Thereupon, under suspension of the rules the Bills in New Draft were Read a Second Time and Passed to be Engrossed in concurrence.

The Committee on Business Legislation on, Bill, "An Act Regulating Water Well Construction." (H. P. 1849) (L. D. 2018)

Reports that the same Ought to Pass in New Draft under New Title: "An Act Regulating Water Well Drilling" (H. P. 2231) (L. D. 2319).

Come from the House, Bill and accompanying papers Indefinitely Postponed.

Which report was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: This is one of the bills that I was personally amazed to see get introduced in the special session. It was considered at the regular session and I think it has been considered every two years for probably the last ten years by the legislature. It is one with which I have been intimately connected. I have sponsored in the past several versions of the well drillers bill.

I noticed in the statement of fact there are several significant changes made here in this L.D. 2319 from what has been proposed in the past, and they are of some significance. I note from the calendar here where the bill has been traveling before it got here, and I wondered perhaps, in the interest of enlightening the Senate, if we might hear from any member of the committee that considered the bill some of the pros and cons. I would be a little bit inclined to think we should get rid of the bill.

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

Mr. THOMAS: Mr. President and Members of the Senate: I am not inclined to get rid of the bill, and the reason that it is here in the special session is because of a joint order to study it during the summer and the fall.

The Committee on Business Legislation considered this bill to be model legislation. We worked very hard on this and, in spite of the fact that mention was made as to what happened to it in the other branch, we still consider it good legislation.

It transfers the administration of the water well drilling board from the Bureau of Geology to the Department of Business Regulation. It transfers the power to suspend and revoke a license from the board to the administrative court. After the initial rules and regulations are adopted, any changes made by the board will require a fourteen day written notification and also a written notice of the agenda for such public hearings, and any new rules and regulations cannot come into effect until 30 days after the date of the vote at the hearing.

This bill makes well completion reports optional rather than mandatory. We hear a lot about this mandatory business this session. This is optional. Yet 80 percent of the well drillers

are now making their completed reports. Many consumers complain about the wells that they have had drilled, particularly people who financed their homes under the Farm Home Administration. They call the Attorney General's Office, they call everywhere but the right office in this complex, and this would put it under the Department of Business Regulations.

As you know, one of the major items in building a new home today, particularly under Farm Home Administration, is the well. That costs a great deal of money. The majority on the board will be consumers. And the Well Drillers Association themselves voted unanimously at a recent meeting to support this legislation. These well drillers want and seek state regulation of their industry. We already regulate 65,000 people on this list, running from bankers to real estate commissioners and funeral dealers. I urge you to support the ought to pass report of this committee.

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

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted in concurrence, the Bill in New Draft Read once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Establish a Division of Travel Information." (H. P. 2022) (L. D. 2201)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1012).

Signed:

Senators:

CURTIS of Penobscot
WYMAN of Washington
GRAHAM of Cumberland

Representatives:

COONEY of Sabattus
CARPENTER of Houlton
LEWIN of Augusta
PELOSI of Portland
KANY of Waterville
SNOWE of Auburn
STUBBS of Hallowell
WAGNER of Orono
QUINN of Gorham

The Minority on the same Committee on the same subject matter reports that the same Ought to Pass as Amended by Committee Amendment "B" (H-1013).

Signed:

Representative:

FARNHAM of Hampden

Comes from the House, the Bill substituted for the reports and subsequently Passed to be Engrossed.

Which reports were Read.

On motion by Mr. Danton of York, tabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

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

Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (H. P. 1981) (L. D. 2170)

Tabled — March 24, 1976 by Senator Speers of Kennebec

Pending — Consideration

(In the Senate — Passed to be Engrossed as Amended by Committee Amendment "B" (H-942), as Amended by House Amendment "A" Thereto (H-943), in concurrence.

(In the House — Passed to be Engrossed as Amended by Committee Amendment "B", as Amended by House Amendments "A" (H-943) and "C" (H-1039) Thereto, in non-concurrence.

Mr. Curtis of Penobscot then moved that the Senate Recede and Concur.

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

Mr. GRAHAM: Mr. President, I move that this resolution and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Chair would advise the Senator that his motion is out of order since we are not now in concurrence with the House.

Is it now the pleasure of the Senate to recede and concur with the House?

It is a vote.

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

Senate Report — from the Committee on Education — Bill, "An Act to Revise Statutory Provisions Relating to Dropouts." (S. P. 686) (L. D. 2195) Report "A" Ought to Pass as Amended by Committee Amendment "A" (S-467); Report "B" Ought to Pass as Amended by Committee Amendment "B" (S-468); Report "C" Ought Not to Pass.

Tabled — March 24, 1976 by Senator Speers of Kennebec

Pending — Motion of Senator Conley of Cumberland to Indefinitely Postpone Report "B"

The PRESIDENT: A parliamentary inquiry has been addressed to the Chair by the Senator from Cumberland, Senator Merrill. The Chair would advise the Senator that his inquiry was correct, that Committee Amendment "B" is a matter which has been defeated in the regular session of this legislature so that, therefore, it may not be adopted without a two-thirds vote of this body. The Committee Report "B" can be accepted by a majority vote of this body. The Committee Amendment "B" to Report "B" would require a two-thirds vote for adoption.

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

Mr. CONLEY: Mr. President, it is my understanding that the good Senator from Kennebec does wish to have a vote on this, so it would be my understanding that I would have to withdraw my motion to indefinitely postpone, and I so ask.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests leave of the Senate to withdraw his motion that report "B" be indefinitely postponed. Is it the pleasure of the Senate to grant this leave?

It is a vote.

Is it now the pleasure of the Senate to accept the ought to pass as amended report "B" of the Committee?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, this is the portion I understand that takes a two-thirds vote?

The PRESIDENT: The Chair would advise in the negative. The portion that requires a two-thirds vote is Committee Amendment "B", which will be up for adoption shortly if the motion to adopt committee report "B" prevails.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I am sorry, I don't have this morning's calendar in front of me and I wonder if the Secretary would read the signers of the three reports.

The PRESIDENT: The signers on report "B"?

Mr. CONLEY: The whole committee report.

The SECRETARY: Report "A", which was about to pass as amended by Committee Amendment "A", was signed by Representatives Mitchell, Ingegneri, Connolly, Tyndale, Powell, Carroll, and Senator Berry.

Report "B", ought to pass as amended by Committee Amendment "B", was signed by

Representatives Bagley, Joyce, Fenlason, and Senators Katz and Thomas.

Report "C", which was the ought not to pass report, was signed by Representative Lynch.

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

Mr. KATZ: Mr. President and Members of the Senate: If the Senate will permit report "B" to be accepted, then the question will be the acceptance of the controversial amendment. If that does not get a two-thirds vote, then I will move to reconsider report "B" and will accept report "A".

The PRESIDENT: Is it now the pleasure of the Senate to accept Report "B", the ought to pass as amended report of the Committee?

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

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

Mr. CONLEY: Mr. President, this is still committee report "B"?

The PRESIDENT: The pending question before the Senate is the adoption of Committee Amendment "B" to committee report "B".

Mr. CONLEY: Mr. President, I move that the Senate reject report "B" as amended by Committee Amendment "B".

The PRESIDENT: The pending question is the adoption of Committee Amendment "B".

Mr. CONLEY: Mr. President, I would ask for a roll call.

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

Mr. BERRY: Mr. President and Members of the Senate: As I understand it, now before us is the committee report "B", but we are now voting on the Amendment "B".

The PRESIDENT: That is affirmative.

Mr. BERRY: Which would require a two-thirds vote of this body.

The PRESIDENT: The Chair would answer in the affirmative.

Mr. BERRY: If that is defeated, then we would remain with committee report "B", which Senator Katz has said that he would withdraw.

The PRESIDENT: The Chair would answer in the affirmative, to all these questions.

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 on the acceptance of Committee Amendment "B" 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 adoption of Committee Amendment "B". A "Yes" vote will be in favor of adopting Committee Amendment "B"; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators R. Berry, Cianchette, Collins, Corson, Cummings, Curtis, Danton, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, McNally, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators E. Berry, Carbonneau, Clifford, Conley, Cyr, Graham, Marcotte, Merrill, O'Leary, Pray, Reeves.

Mrs. Cummings of Penobscot was granted leave to change her vote from "Yea" to "Nay".

Mr. Danton of York was granted leave to change his vote from "Yea" to "Nay".

A roll call was had. 19 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion did not prevail.

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its former action

whereby Committee Report "B" was Adopted and, on subsequent motion by the same Senator, Committee Report "B" and its accompanying papers was Indefinitely Postponed.

On further motion by the same Senator, the Ought to Pass as Amended Report "A" of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

Bill, "An Act Relating to Property of Survivor where Joint Deposits or Accounts are involved." (S. P. 664) (L. D. 2102)

Tabled — March 24, 1976 by Senator Speers of Kennebec

Pending — Passage to be Engrossed (In the Senate — Committee Amendment "A" (S-460) Adopted)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act Relating to Charitable Solicitations." (H. P. 1983) (L. D. 2165)

Tabled — March 24, 1976 by Senator Conley of Cumberland

Pending — Motion of Senator Collins of Knox to Indefinitely Postpone House Amendment "A" (H-1045)

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-996) and House Amendment "A").

(In the Senate — Committee Amendment "A" adopted).

Mr. Collins of Knox was granted leave to withdraw his motion to Indefinitely Postpone House Amendment "A" and, subsequently, House Amendment "A" was Adopted in concurrence.

Thereupon under suspension of the rules, the Bill, as Amended, was given its Second Reading.

Mr. Collins of Knox then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-470, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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)

Tabled — March 24, 1976 by Senator Speers of Kennebec

Pending — Adoption of Committee Amendment "A" (H-1010).

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

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Adoption of Committee Amendment "A".

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