

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, March 25, 1976

Senate called to order by the President.
Prayer by the Rev. Gene Gillin, Penney Memorial Church, Augusta:

Let's pause for these moments of devotion and let's examine our ways in prayer today. If we don't take time to pray, if our prayers are perfunctory, if we confess our sins without meaning or resolving to be done with them, if we have daily relations with people and never pray for them, let us learn from God and change our ways. Let's examine our habits today of life. If we don't see life as a divine calling, if there are areas of our life in which God is not allowed to come, if we care too much for money and the comfort money can buy, let us learn from God and change our ways. Let's examine our relations with others. If we have been superficial in our friendships, caring more to receive than to give, if we are exclusive and do not count among our friends any of different culture, nationality or race from our own, if we think it impossible to love our enemies and do good to them that hate us, let us learn of God and change our ways. Let's renew the sense of our vocation today and our commitment to God and country.

O Lord, our God, we know you are seeking in every day for loyal spirits, ready to obey the heavenly vision. May our ears be open to your voice today, and as you call us to the serious business of this Senate, may we answer here am I, Lord, use me. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Papers From The House
Non-concurrent Matter

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

In the Senate March 23, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (S-452)

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto (H-1065), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

(See action later in today's session.)

Non-concurrent Matter

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

In the Senate March 23, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (S-454).

Comes from the House, Bill and accompanying Papers Indefinitely Postponed, in non-concurrence.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Consideration.

Non-concurrent Matter

Bill, "An Act to Establish the Dates of Legislative Sessions and to Clarify Laws Relating to Expenses of Legislators." (S. P. 763) (L. D. 2087)

In the Senate March 19, 1976 Passed to be Engrossed as Amended by Committee Amendment "A" (S-435), as Amended by Senate Amendment "A" Thereto (S-440).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "B" (S-436) as Amended by House Amendment "C" Thereto (H-1036), in non-concurrence.

Mr. Curtis of Penobscot moved that the Senate Adhere.

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

Mr. KATZ: Mr. President, I wonder if the good Senator from Penobscot would explain the posture of the two houses at this moment?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to the Senator from Penobscot, Senator Curtis, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. CURTIS: Mr. President, the Senate's position right now is the acceptance of Committee Amendment "A", which provides for the establishment of the length of legislative sessions, which length was amended in the Senate by Senate Amendment "A" to Committee Amendment "A", under S-440, an amendment which was offered by the Senator from Androscoggin, Senator Clifford, which amendment established the length of the sessions as 100 legislative days for the first regular session and 50 legislative days for the second regular session, and provides that the legislature, in case of emergency, may by a vote of three-fifths of the members elected to each house extend the date for adjournment for the first or second regular session by no more than five legislative days, and in case of further emergency may by a vote of two-thirds of the members elected to each house further extend the date for adjournment by three additional legislative days.

As a consequence, in addition to that provision for the length of the first and the length of the second regular session, the Senate's bill is now in a position where the legislative pay would be established at \$5,000 for the first year and \$1,000 for the second year of the biennium, plus \$25 a day for each day in which the legislature is in session for the second regular session of the legislature, plus the existing standards for expenses for the legislature. That is where the Senate is right now.

The House version is that the House accepted Report "B", which provides for the length of the legislative session to be determined by the adjournment not later than the last Friday of May of the first regular session, and not later than the first Friday in April of the second regular session, and provides that adjournment may be at a later date if two-thirds of each house of the legislature shall vote in favor of a joint order which declares that an emergency exists and which approves adjournment not later than some subsequent specified date.

The House position is also on matters of legislative salary that legislators should be paid \$4,000 in the first regular session and \$2,000 in the second regular session, with an increase in the legislative expense allowance for actual expenses from \$25 to an additional \$30 a day, and no provisions for \$25 a day per diem. There is also an amendment on the House version, under Filing No. H-1036, which provides that a legislator may be paid up to one trip per week when the legislature is in extra session.

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

Mr. KATZ: Mr. President, our debate on this issue has been very confused because we have so many alternatives in front of us at the time we debated this motion. It is my feeling that there are probably a majority of the members present who would be receptive to some kind of an overall reduction in compensation, and the motion to adhere no longer gives us that alternative. Consequently, I will move that the Senate insist, and I would hope that, if this motion were passed, the Senate would then have an opportunity to make an additional change in this piece of legislation before we send it down the road.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate insist.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, this is indeed a very ticklish issue, but I think that the issue is very clear before this body, and that is whether or not the recommendations of the Citizen's Commission on Salary, legislative compensation, is going to be accepted, or remain accepted, I should say, because it is not this legislature that accepted that recommendation; whether the recommendations and the statutory change that was voted upon by the previous legislature are going to remain in effect, or whether indeed there is going to be a change in those recommendations.

I very honestly oppose any changes in those recommendations and changes in the statutory provisions that are now law. Therefore, I oppose the motion of the good Senator from Kennebec to insist, and I hope that the Senate goes along in opposing that motion.

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

Mr. CIANCHETTE: Mr. President, I for one would like to see this issue get resolved, and I frankly don't understand how it is going to get resolved by bouncing it back and forth between the two houses.

Mr. President, would a motion be in order at this time to insist and ask for a committee of conference?

The PRESIDENT: The Chair would advise the Senator in the negative.

Mr. CIANCHETTE: Mr. President, may I ask another parliamentary question? If the motion to insist prevails, would then an motion to ask for a committee of conference be in order?

The PRESIDENT: The Chair would advise the Senator that the only motion that is weaker than a motion to insist and ask for a committee of conference is a motion to adhere.

Mr. CIANCHETTE: Mr. President, I would yield the floor to the Senator from Kennebec, Senator Katz.

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

Mr. KATZ: Mr. President, I request leave to withdraw my motion to insist, and would make a motion to insist and ask for a committee of conference.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now requests leave of the Senate to withdraw his motion to insist. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Katz, that the Senate insist and ask for a committee of conference with the House.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, there has been some question about my explanation as to exactly what the difference is in salary for legislators, so I will try to put that in a capsule.

It seems to me that the difference in total dollars between the House and the Senate version is \$500 per legislator. I arrive at that by figuring that the House version provides for an additional \$5 a day for every day we are in session for the first regular or second regular session, which would be of course tax free. There is a little tax differential there. And there is an increase in the amount that would be available as salary to pay for services performed in the Senate version. But the net difference, by my figuring, would be approximately \$500.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz, that the Senate insist and ask for a committee of conference with the House. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Thereupon, on motion by Mr. Speers of Ken-

nebec, a division was had. 23 having voted in the affirmative, and eight having voted in the negative, the motion prevailed.

Reconsidered Matter

On motion by Mr. Conley of Cumberland, the Senate voted to reconsider its former action whereby it voted to Recede and Concur on:

Non-concurrent Matter

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

In the Senate March 23, 1976, Passed to be Engrossed as amended by Committee Amendment "A" (S-452).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" Thereto (H-1065), in non-concurrence.

Thereupon, on further motion by the same Senator, the Senate voted to Insist.

Joint Resolution STATE OF MAINE

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

Joint Resolution on the End of Log Driving in the State of Maine and on the Demise of the Kennebec Log Driving Company

WHEREAS, during the summer of 1975 Maine's last log drive took place on the Kennebec River; and

WHEREAS, during this drive over 220,000 cords of fir and spruce were driven over 100 miles down river from Moosehead Lake to Winslow; and

WHEREAS, the Kennebec Log Driving Company, which is one of the last log driving companies in the United States and which, since 1835, has driven logs from the upper Kennebec River downstream to saw mills and paper mills, ceased river operations with the end of this last log drive; and

WHEREAS, log drives on the Kennebec are a nostalgic part of Maine history, recalling the days of dynamite, bateaux, peaveys, log rafts, log booms, pickpoles, picaroons and towboats; and

WHEREAS, log drives on the Kennebec recall most vividly the fabled rivermen of the past, giants in caulked boots who leaped nimbly from jam to jam in order to skillfully pry loose the key log which sent the whole mass tumbling down river as the driver leaped to safety; and

WHEREAS, log drivers are now faded into the river mist to return only when drives are recreated along this glistening waterway by loggers of the past telling their grandchildren "how it really was when great rivermen had a place to be great;" now, therefore, be it

RESOLVED: That we, the Members of the Senate and House of Representatives of the 107th Legislature, join this moment to recall these days of the last log drive and the many that preceded it and in so doing pause to commemorate this colorful and lasting episode in Maine's history; and be it further

RESOLVED: That we note with pride the long history of the Kennebec Log Driving Company and note with sadness the passing of the last river operations of that company; and be it further

RESOLVED: That upon passage in concurrence, the clerk of the House shall send suitable copies of this resolution to the Kennebec Log Driving Company, the Scott Paper Company and the Hudson Pulp and Paper Corporation in honor of the occasion. (H. P. 2238)

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

Orders

On motion by Mr. Katz of Kennebec, 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 Mrs. Bernice M. Lee Of Augusta Who, On July 11, 1976, Will Celebrate The 79th Anniversary of Her Birth And 47th Year As An Employee Of The Legislature

WE The Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgment 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. 769)

Which was read.

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

Mr. KATZ: Mr. President, those of us who have known Bernice Lee over the years must realize how very difficult it was to get her into the chamber here this morning. By the expression on her face, it looks like she has been duped and put upon. The fact is that Bernice Lee has been put upon by members of the legislature, lo, these many years. Those of us who have been going in and out of the Legislative Research Office have long ago discovered the secret of that office is the long tenure of Bernice Lee, the extraordinary professionalism, the extraordinary dedication she has brought to her job, and Bernice Lee in my book represents the very, very best traditions of state government. And I am sure the Senate would like to congratulate her this morning.

The PRESIDENT: The Chair would ask Mrs. Lee to rise and accept the greetings of the Senate, if she would please. (Applause, the members rising.)

Is it now the pleasure of the Senate that this order receive passage?

The motion prevailed.

Sent down for concurrence.

Committee Reports House Ought to Pass

The Committee on Local and County Government on, Bill, "An Act to Change County Budgets to an Annual Basis." (H. P. 2094) (L. D. 2253)

Reported that the same Ought to Pass.

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

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

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

Mr. CLIFFORD: Mr. President, I wonder if someone from the County Government Committee could explain what the bill does?

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

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: This bill is strictly a housekeeping bill. As of the referendum vote in November the legislature went to annual sessions, and this is in concurrence. Last year we provided on the resolve for laying of county taxes something similar to operating now on an annual basis. We authorized and allowed the counties this year to come back and ask for additional taxes, if

needed, or to change the line item categories. This is strictly just a housekeeping bill, and if it does pass, it just means that the legislature will review the annual budgets every year.

The PRESIDENT: Is it now the pleasure of the Senate that the rules be suspended in order for this bill to be given its second reading by title only at this time?

Thereupon, under suspension of the rules, the Bill was Read a Second Time.

On motion by Mr. Jackson of Cumberland, tabled and Specially Assigned for March 29, 1976, pending Passage to be Engrossed.

The Committee on Performance Audit on, Bill, "An Act to Increase the Efficiency of the Investigation and Prosecution of Fraud Against the State." (H. P. 2155) (L. D. 2290)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "B" (H-1030).

Which report was Read and Accepted in concurrence and the Bill Read Once. House Amendment "B" was Read.

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

Mr. BERRY: Mr. President, I move that House Amendment "B" be indefinitely postponed. This action was thoroughly considered by the committee during its deliberations on the bill, and I am afraid that with the House Amendment on it we would end up in trouble on the ultimate passage of the bill.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate indefinitely postpone House Amendment "B". Is this the pleasure of the Senate? The motion prevailed.

Thereupon, under suspension of the rules, the Bill was Read a Second Time and Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The Committee on Local and County Government on, Bill, "An Act to Enable Counties to Hire County Administrators." (H. P. 2092) (L. D. 2251)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-1051).

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

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

Ought to Pass — As Amended

The Committee on Education on, Bill, "An Act Providing for a Comprehensive State-wide Program of Primary Prevention of Alcohol and Drug Abuse and other Forms of Socially Disruptive and Potentially Self-destructive Human Behavior." (H. P. 1800) (L. D. 1959)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1006).

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

Which report was Read.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I don't know about the rest of you but I am getting a great deal of mail saying that they think the schools already are asked to do too much, and I would like to pose a question through the Chair as to whether this is going to need added funding in the Education Department.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I think that the Senator from Penobscot, Senator Cummings, would agree with the bill itself. It sets up a small series of demonstration projects which are community based, and the school system would be involved only after the churches, the Kiwanis Club, the Merchants Association, and everybody else in the town said that they wanted to take a whack at the problems of abuse of alcohol. Then and only then would the school systems be involved on a voluntary basis.

The question is almost academic because I understand that between the sponsor and the department an alternative course of action is being worked out, and if it is passed here, and I hope it would be, it may very well be withdrawn in the other body.

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

Thereupon, the Committee Report was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence.

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

The Committee on Election Laws, on, Bill, "An Act Relating to Voting Places in Certain Unorganized Townships." (H. P. 1982) (L. D. 2151)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1003).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-1053).

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

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

The Committee on Local and County Government on, Bill, "An Act Appropriating Funds for the Purchase of Town Histories." (H. P. 1949) (L. D. 2135)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1027).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto (H-1061).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted in concurrence and Committee Amendment "A", as amended by House Amendment "A" Thereto, was Adopted in concurrence.

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

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Relating to the Registration of Voters." (H. P. 2039) (L. D. 2212)

Reported that the same Ought Not to Pass.

Signed:

Senator:

O'LEARY of Oxford

Representatives:

FAUCHER of Solon

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

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-1014).

Signed:

Senators:

BERRY of Cumberland
CORSON of Somerset

Representatives:

BIRT of E. Millinocket
MACKEL of Wells
TALBOT of Portland

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

Which reports were Read.

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act Relating to Location of State Liquor Stores." (H. P. 1805) (L. D. 1964)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GRAFFAM of Cumberland
CARBONNEAU of Androscoggin

Representatives:

PERKINS of Blue Hill
TWITCHELL of Norway
RAYMOND of Lewiston
DYER of South Portland
PIERCE of Waterville
MAXWELL of Jay
JACQUES of Lewiston

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

Signed:

Senator:

DANTON of York

Representatives:

IMMONEN of West Paris
LIZOTTE of Biddeford

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-1052).

Which reports were Read.

On motion by Mr. Danton of York, the Minority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: If I did not get up to oppose this matter this morning I would not be doing my duty and my conscience would bother me. I think we need a little bit of information for all of you people that are not too well versed in this liquor business.

This bill is brought about here today because the Liquor Control Commission and the Director of the Bureau of Alcoholic Beverages decided to close a few state liquor stores. Well, how did that come about? We are now talking about closing the East Millinocket liquor store. We have already closed the Saco liquor store and the New Auburn liquor store.

The Bill says that a state liquor store can be closed by the commission providing the store does not make a profit or is to be relocated in the same town or municipality.

During the regular session of the legislature last year we passed a bill known as the Agency

Store Concept. The number of the bill is L. D. 1015. An Act Relating to Special Agency Stores. Now, agency stores came about to give more service to more people in the State of Maine. It came about because many towns and cities and small municipalities requested a state liquor store. Due to the fact that the small towns are not very heavily populated, at the time that the request came to the Liquor Commission it was decided not to put a state liquor store there because it wouldn't be able to pay its way, so the state agency store concept came into being.

Now, this 1015 I am talking about, special agency stores, reads in the first paragraph only: "The Bureau, with the approval of the State Liquor Commission, shall have authority to license and regulate in cities, towns, and unorganized territories which have voted in favor of the operation of state stores under local option provisions, and where there is no state store, retailers as special agency stores on an annual, seasonal, or temporary basis for the purpose of selling liquor in sealed bottles, containers, or original packages for consumption off the premises. The liquor shall be sold by the Bureau, with the approval of the Commission, to the special agency stores pursuant to section 204."

I would like to tell you right here now to take very special notice that the bill does not say that they cannot close a state liquor store and put a special agency store in its place. It does not say that you can or you cannot.

I submit to you that during the course of the year after we closed down shop here in the Senate and the House the second floor people instructed Mr. Ingraham of the Bureau of Alcoholic Beverages to find \$600,000 in his budget; in other words, to cut it out, that we need money for the state, and we still do. And we will keep on needing it, at the rate things are going now. Now, the Commission went to work and decided that the only way to save or cut such a large amount of money from their budget was to close some state liquor stores, stores that are operating at a higher than average percentage.

Now, it will be said that all state stores make money, and that is a fact. As a matter of fact, I don't think there is one store in the whole area that does less than 85 percent profit. But here we have to find \$600,000. I am told that the Director and the Commission went to work on their budget to see if they could find that money other than by closing state liquor stores. They couldn't. So they started to close state liquor stores. In some places they want to replace them with agency stores, and that is the beef that we have right now.

Now, I would like to throw a few figures at you here in regard to the closing of some state liquor stores. I think the first one that was closed was in New Auburn, right in my area. I participated in deliberations and objections on the part of the local businessmen to the Liquor Commission, and I arranged meetings for these people to be heard, and so forth and so on. And no matter where you close a state liquor store, you will have people unhappy. That is what we have here, unhappiness on the part of a few people.

Now, after they closed the New Auburn liquor store, which was located six-tenths of a mile from a Lewiston store, the volume that Auburn did, \$466,000 a year, at a net profit of \$152,000 a year, and a net operating cost of 7.3 percent, all of this volume just went to the Lewiston store. I think that was a good business decision. They saved the operation of the store, the manpower, the rent, the electricity, telephone, and so forth and so on, and didn't lose any business.

Now, yesterday I checked with the Bureau of Alcoholic Beverages concerning the Saco store, which has been closed I think since the first week of January. Now, this store had an opera-

tion cost of 8.24 percent. Since the closing of the Saco store the volume has diverted itself to the Biddeford store. I will give you an example. In 1975 the Biddeford store in the first three months of the year did \$97,603 in volume. The Biddeford store this year for the same period did \$196,979.

You see, by licensing a special agency store, the state realizes more profits in that it gives the grocer, or whoever will be licensed to sell booze in that particular area, an 8 percent discount. Now, any of the smaller stores in the entire state operate at 12 or more percent cost of operation, so there is a savings right there of 4 percent if you were to close a state liquor store and replace it with an agency store. And at the same time the guy that is being licensed is making more money. He doesn't have booze to sell right now, so it is an attraction for him. The cost of operation of some of our stores in the smaller towns go as high as 18 percent, which, in my estimation, would leave a pretty good profit to the state. State liquor stores in high populated areas will show a 4 to 8 percent operation cost, and most of them are in the 5 or 6 percent average.

What I am saying is that I think the Commission used good business sense in closing the stores in question. And if this bill goes through, we are hampering their efforts to abide by the famous words "fiscal responsibility" which we have heard so loud and clear throughout the regular and this special session. You might even put in there "fiscally responsible".

I don't think that in general the agency store concept will provide more service to more people throughout the state — I do think it will. I urge you to consider when you vote on this thing very seriously are we trying to save the state some money? If we are, then you have to vote against this pending motion. If you are not, well, go it your way. Thank you.

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

Mr. DANTON: Mr. President, what status are we presently in, sir?

The PRESIDENT: The Senate has accepted the minority ought to pass report of the committee, we have had the first reading of the bill, and the next action will be the reading and adoption of House Amendment "A". The Secretary will read House Amendment "A".

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, during the debate I have been reading this list of stores that would be in jeopardy, and I find that three of them are in my own area. I am wondering whether the Committee on Liquor Control has explored the possibility of possibly doing away with AMMEX stores.

In my section, where we are on the border between Canada and Maine, the state liquor stores are getting very substantial losses of volume through these AMMEX discount stores, which are privately owned. And as such, naturally, if their volume is reduced, automatically their cost of operation goes up, and I just wondered if the Committee on Liquor Control has looked into this possibility. If the answer to this question is not favorable, I am afraid I may have to move for the indefinite postponement of this bill.

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

Mr. DANTON: Mr. President, I oppose that motion, and I reluctantly get up to disagree with my good friend, the Senator from Androscoggin, Senator Carbonneau.

As you all can remember, during the regular session we passed the Agency Store Concept, which I believed in then and I believe in now. The only thing is that it usually happens more times than not that when we go home the bureaucrats are in the windows waving goodbye and thumbing their noses at us, and then

they do as they please with any law that we may pass.

What was the Agency Store Concept? Of course, the Director of Alcoholic Beverages forced me to get very angry at him because, in a sense, he made a liar out of me. What I told you in this Senate last year was simply this: that agency stores will be opened in communities where it is not feasible for the state to go and open stores. I did not tell you that he would go around and close 40 some odd stores and open up agency stores. And even if one of those stores was in my own city, I don't want you for one minute to think that it is sour grapes, because if it was good business I would be with it. Now, what did he do? He closed the Saco store. I might also add for Senator Cyr that he closed the Scarborough store, and they are both in my district. Between those two stores, we are only talking net profit to the state that we are losing of \$270,000.

Now, he is pretty cute. The good Senator spoke about how much more business the Biddeford store is doing. I would like to remind you that just two or three weeks ago we passed a bill right here in this Senate, an emergency measure, that would allow the licensees in York County to go to their respective liquor stores and buy their liquor instead of all of them going to the Biddeford store to make it look as if it is doing so much business, when in fact it isn't.

I would like to see, my good friend, Senator Carbonneau, what the next three months are going to say because, believe me, the sales are just going to go down. Now, let me give you some figures between the Saco and the Biddeford store. First of all, he used an 8 percent expense or operating cost. The Saco store, according to my printout, operated at 7.60. So if you use the 8 percent, what business did he have to close the Saco store? There is a community with 12,600 population, net profit to the state \$131,000 a year, and you go across the river about five miles away to the Biddeford store, which in my estimation is a lousy location, with a population of about 20,000, and it only does \$135,000 net profit. Now, if the good Senator from Androscoggin calls that good business, I know he is making a slight mistake, because I really admire him for his business talents.

If we allow this bill to be defeated, I want you to know the very thing that I promised you would not happen will happen. The state will lose control of the liquor industry. What the Director, Mr. Ingraham, did after we passed that agency store bill, he put the cart before the horse. Instead of going around and proving to us, the legislature, that the agency store concept can work, go out to these small communities that have voted for liquor and provide a service because, whether we want to admit to it or not, the state is in the liquor business and it has a responsibility to provide that service to the people, go out and get 20 or 30 or 40 stores opened up, and then come back at the 108th or the 109th and say, "Liquor Control Committee or Appropriations Committee, here we are, we opened up 40 agency stores, and these 40 agency stores have given to the State of Maine X number of dollars of profit, with no rent cost, no labor cost, and no utility cost." That is what the agency store concept is all about. Has he done that? No, he hasn't. He has gone around and closed stores.

To recite the law that the good Senator stated just a little earlier, it says you can't open an agency store where there is presently a state liquor store. That is very easy to do, and I am not an attorney. You go in today and you close the Saco store. You go in tomorrow and there is no state liquor store, so naturally you are going to open up an agency store. These are the things that department heads and bureau chiefs do to us when we leave. We leave here, passing along the books, feeling we can see additional revenue

in our liquor industry, whether we want to see it or not, or whether we favor it or not, and still maintain control.

In no way am I convinced that the State of Maine should get out of the liquor business, not yet. I want to see this agency store implemented to the point where I can honestly say to myself, well, it is running good and there is no danger; the liquor barons aren't in here running our liquor industry. And to this day I am not convinced of that because the Director, Mr. Ingraham, has not done his job in this area. I am not criticizing him for the rest of his duties, he is probably doing a very good job. But as far as this agency store bill is concerned, he did not do his job. What he was concerned about was going around closing state liquor stores and opening up agency stores, and the end result is loss of revenue to us. Right here today, this very minute, we are losing money because stores are closed. I would hope that you would support me and my report on this bill. This bill will tell Mr. Ingraham to go out and do exactly what we here in the Maine Legislature told him to do last year, and this is the only way he will do it. If he wanted to use the 8 percent for closing stores, all you have to do is look at this sheet and tomorrow we will be right out of the liquor business and they will be into private enterprise, and we don't even know if we want that or not.

I hope you would support me. Thank you very much.

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

Mr. CYR: Mr. President and Members of the Senate: First of all, the good Senator from York, Senator Danton, didn't address the question that I posed on the AMMEX stores, and then the more he got into this debate, somehow either I misunderstand his stand or else I find an awful lot of contradiction in his position.

I was one who supported his concept last year of agency stores, but I didn't realize until now that possibly this was a way of doing away with state stores, which I would be very much opposed to, to have the state out of the liquor business, because the reason why I think we have been able to control the liquor industry in the State of Maine is because of state control through our state stores. Now, what he is saying is that the Commissioner has been opening up these AMMEX stores which is threatening all of this list of state stores. And no wonder. We established or we passed the concept of AMMEX stores for the convenience of the customers, to make it more convenient for the customers. However, as a business practice, I am just realizing right now that this is going to be counter-productive, because the more volume that you are going to draw away from these stores, the higher the cost of doing business is going to be for these stores and, therefore, you are going to put these stores in jeopardy. Either that, or else I misunderstand completely the stand of the good Senator from York.

But I think his debate and his remarks, to me, it is just opening my eyes to the way we are going. This is the easy way to get the state to get out of the liquor business, because the more of these agency stores you are going to open up, the less volume these state stores are going to have, thereby increasing their cost above the 8 percent tolerance which they have agreed is the break-even point. Therefore, all of these stores are going to be in jeopardy.

So, Mr. President, if my motion to indefinitely postpone was uncertain, it is certain now. I definitely move for the indefinite postponement of this bill and all its accompanying papers.

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

Mr. CARBONNEAU: Mr. President, I think a question was asked a little while ago about what

the posture of this bill is right now, and I think I might have jumped the gun. Maybe we should have had Committee Amendment "A" and then debate before the second reading. Would that have been a proper thing to do, or shall we continue debating now?

The PRESIDENT: The Senator is perfectly in order to debate at this point.

Mr. CARBONNEAU: Mr. President and Members of the Senate: My good friend and colleague, Senator Danton from York, threw out a figure a little while ago that the state was losing some \$270,000 in profit because of the closing of some liquor stores. Well, that is in direct contradiction to what I just told you a little while ago, and the figures I gave you came from the Bureau of Alcoholic Beverages. They are in print and they can be checked. And Pete, I am not calling you a liar. And contradictory to what Senator Danton said a little while ago about the Saco store having a 7 percent operating cost, according to the figures from the Bureau of Alcoholic Beverages, it was 8.24 percent.

Now, very shortly we are going to have a bill here that we passed in the Liquor Control Committee during the study period last fall, and now it is going to be in front of this body very shortly, where we conferred with the Attorney General's Office regarding the powers and duties of the State Liquor Commission or any commission on the books. And we found out that the Liquor Commission had an awful lot of control, a lot of power, but they were not using it, and the only person who was using the powers there was the Director of the Bureau of Alcoholic Beverages. He was running the show pretty well as he saw fit. Things have changed somewhat since then. We have enumerated the duties of the Commission, we have told them what their powers are, and I think in no uncertain terms they know where they stand and so does the Director who works under the Liquor Commission.

Coming back to this bill, if this bill was allowed to go through, you would in fact go against the recommendation of the entire committee on the bill coming in on the powers and duties of the Liquor Commission. We have a bill here that would tell them piecemeal now look, you can't do this. Well, we said you can do it here but you can't do it there, and I don't think that is right. That is not consistent.

I would also try to bring your attention to the fact that the Liquor Control Committee came out on this bill ten-to-three in favor of the ought not to pass report on this bill.

Now, to answer the question my good friend asked a little while ago about the next three months' volume and profit, that I can't tell you. I can only tell you of what is past. That is what we know.

Now, to come back to Senator Cyr's remarks about AMMEX stores, I believe you mean agency stores, is that correct? I have never heard of that AMMEX store. I think that is what you meant, the agency store. No, the agency store will not interfere with the state liquor stores. It cannot because they are not going to be in the same location. They are not going to be in the same area. Another thing about the agency store is that you will find the agency store has to charge 5 percent sales tax on booze that they sell, and the state stores do not charge sales tax. And besides, that, you are going to find that these agency stores, supposedly, are supposed to be located in areas where state liquor stores are pretty far away from the people for them to have access to the service. So they should not interfere. The agency store concept is to give more people more chance of getting the booze that they want without having to travel 20, 30 and 40 miles to get it.

Now, I would like to suggest to my good friend, Senator Danton, about the fact that we

may get out of the liquor business, I don't think we want to do that. Even with the agency store concept or not, I think we want to keep control of it, and the state should. Because really, when you come right down to it, you know, if you do get out of the liquor business, you are going to lose 20 to 30 million dollars a year that goes into the coffers, and God Almighty, do we need money around here. And I would also like to point out that we are in the liquor business, we are in business, and when you are in business you are in business to make money, as much as you can. Surely many of us that were in business before, that are in business today, are not in there for our looks. And I am surprised at Senator Danton really, I really am. Anyone in business is trying to make as much as he can, and that is right, because the more you make the more you spend, the more people you hire and the more jobs you give.

Now, I think that there is one thing that we don't want to overlook here, and the big thing about this whole thing is the \$600,000 that these people had to find somewhere. And they had to find it now, not ten years from now or five years from now, but now, irregardless of what the agency stores could do or could not do. And I must remind you also that agency stores in their own concept will not lose any money for the state. The state is going to make its same mark-up; as a matter of fact, in many cases more than they are making right now in net profit. So I urge you not to get out of the liquor business, or find a way of picking up 25 or 20 million dollars somewhere. Thank you.

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

Mr. HICHENS: Mr. President and Members of the Senate: Again, I feel rather awkward in getting up and speaking on this liquor bill, as I did in the closing days of the regular session. At that time I shocked the good Senator from Washington, Senator Wyman, who said he had to go and get a pill to keep his nerves up because of the stand I was taking. And perhaps confession is good for the soul, because I went on from that debate and spent the 4th of July morning in the lounge of one of our resort hotels at York Beach, which was a different experience for me on the 4th of July. But I can assure you I didn't get a drink, I didn't even have one offered to me, so I didn't have to resist the temptation of passing it up. But I was meeting with hotel owners then who were very much upset because of the fact that the Liquor Commission had forced them to go to Biddeford to purchase liquor for their customers, and we had taken care of that, as the good Senator from York has said, in the bill which was passed about three weeks ago.

In answer to the good Senator from Aroostook, Senator Cyr, we had this Ammex problem before us several sessions ago, and I happened to be House Chairman of the Liquor Control Committee, and it is a problem that the state just can't have any control over. Apparently we have a "no man's land" between the borders of Canada and the United States, an area which isn't controlled by the State of Maine. The federal government gave these people the right to set up their stores, they can sell at cut-rate prices, and the State of Maine receives no income whatsoever from these stores. But these are not agency stores, these are Ammex stores. I wish we did have some control and that, if they are going to be in operation, the state would receive some revenue, but at the present time we do not do so.

But as you well know, I opposed the agency store bill because I foresee just what was happening and what is trying to happen today. We are taking the control away from the state, and when the good Senator from Androscoggin says that he is against losing the monopoly system,

well, this is the greatest step that we could take to do away with the monopoly system, to close these state stores and go into the agency stores and cause competition between the merchants in our state. So I hope you will support the good Senator from York and vote against the motion to indefinitely postpone.

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

Mr. CIANCHETTE: Mr. President, because I have a financial interest in one of the stores in question, I would ask to be excused from voting on this issue.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now requests leave of the Senate to refrain from voting on this issue because of the possibility of a conflict of interest. Is it the pleasure of the Senate to grant this leave?

Is is a vote.

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President, I am a little concerned as I look at this list of stores which I understand could be closed under the guidelines promulgated by the commission. Now, I understand if the Auburn store is closed that people can go to Lewiston, and that I guess is not too inconvenient because it is right across the river. But I represent the Town of Jackman, and Jackman is not close to anything except Moose River, and they don't have a liquor store. If the Jackman store was closed, I guess the people would have to go to Greenville, which is 50 miles away, or Bingham, which is also 50 miles away.

And then I note that the stores in these two towns are on the list, so they could come down as far as Madison, but I see we are going to lose the store in Madison too. To me, it just seems like an awful dirty trick to play on people who are geographically isolated as the people are in Jackman.

If I understand this correctly, we are talking about a cost of operation in the range of 8 to 12 to 20 percent of the sales in that store. And I would say that I would sure like to have a business that could pay me 90 percent profit.

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

Mr. PRAY: Mr. President and Members of the Senate: I would be a little remiss if I didn't stand up because, as I look at this list, every liquor store in my district would close. And to continue on with what the good Senator Corson has just stated about going from Jackman to Greenville, if you continue down the list you will find the next town will be Dover, and that is also on the list. And it is 38 miles between Greenville and Dover.

Now, I am going to swing around to the other side of the district, and I look at liquor stores 83 and 86, which are in Patten and East Millinocket. East Millinocket has already been mentioned once. As I understand it, the people in this area, if this is closed, they have no one who is interested in bringing in an agency store. The example that was given by the good Senator from Androscoggin, Senator Carbonneau, in reference to liquor stores being six-tenths of a mile apart or being five miles apart is pretty good for that portion of the state, but when we start talking about the geographical areas and remoteness in the northern part of the state, I think we have to take into consideration the fact that the state, as has been stated, is in the liquor business, but I think they are not in the business to make a profit.

When the state starts providing services, they are providing services to the people of this state. Granted, they make money on some of them, but if we went on the idea that we are going to make a profit on everything that we do, then I think, for example, on the income tax issue that we had before us sooner that we might

have had a little bit larger percentage on that because we want to make a good profit and we want the state to end up with a surplus; we don't want to balance the budget, we want to make a profit on it. So if that is the concept, that we are bringing business into government, then I think we are going down the wrong path.

I also want to point out to the good Senator from Androscoggin, Senator Carbonneau, that he shouldn't feel bad if he does lose this on a ten-to-three report because I have been on some twelve-to-one committee reports and lost them.

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

Mr. CARBONNEAU: Mr. President, this is my third time up here and I will make it the last, as I guess that is all I am allowed.

This list, apparently a lot of people here paid a lot of attention to it. There are about 30 stores here, I guess, 30 or 40, and if we were to close all these stores, as some people think that we will, let's get one thing straight: that is impossible. For one thing, nobody will be left without service. In one way or another, there will be booze around where you live; at least, that is the way I understand it, either through an agency store or a state operated store.

You will notice also that this list was prepared by the sponsor of this bill, Walter Birt from East Millinocket, and that is the big thing right there. That is what brought all this hullabaloo. Naturally, he has got all kinds of percentages there, which I think are true in most cases. You will notice he didn't put in the stores that do operate at 4 and 5 and 6 percent, and there are a lot of those. And where the volume comes from and the money comes from, the net profit, it comes from the populated areas and not from the smaller towns.

Now, again I say, you will get a store there if you have one now. It may not be as big or elaborate, but you will have the service that you want, to answer my good friend, Mr. Pray. So I urge you again, if you are working for the state today, to defeat this bill.

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

Mr. CYR: Mr. President, my remarks were addressed to the bill itself, and particularly to this last paragraph. "Nothing contained in this section shall prevent the Bureau with the approval of the State Liquor Commission from closing a store which is not operating on a profit making basis." And that, of course, would probably have closed all the stores on this list that was presented to us.

However, my attention was brought just now to Amendment H-1052, which states, "or unless an existing state store is located within three miles of another state store or unless the net profit operating cost of an existing state store exceeds 15 percent of its gross revenue." I think this probably will correct my misunderstanding of this bill. I therefore, Mr. President, ask leave to withdraw my motion for indefinite postponement.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, now requests leave of the Senate to withdraw his motion that this bill be indefinitely postponed. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President and Members of the Senate: I now move that this bill and its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Androscoggin, Senator Carbonneau, now moves that this bill be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President, I oppose the good Senator's motion. I want you to know that we just have to sometimes take a hard stand and get the message to the bureaucrats and let them know that when we pass legislation we want them to first prove to us that it is a working bill, a working law.

This bill came from the governor's office. It provides a service to communities that the state would never build a liquor store in, and in most cases, to enlighten my good friend, the good Senator from Aroostook, Senator Cyr, these communities are not usually 20 to 30 to 40 miles away from a state liquor store. If they don't buy liquor, the only thing that is available to them is beer, and you all know that we get a very small percentage of that. So I hope you would support me and defeat the motion to indefinitely postpone. Thank you.

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

Mr. CURTIS: Mr. President, has a roll call been requested?

The PRESIDENT: The Chair would answer in the negative.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President, I move 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 Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, because I represent a client with an application for an agency store that might be affected, I respectfully request leave of the Senate to not vote on this issue because of a possible appearance of a conflict of interest.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now requests leave of the Senate to refrain from voting on this issue because of the possibility of a conflict of interest. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, just as a last remark, I still think that the committee on Liquor Control should look into the activities of these Ammex stores, if only to charge them a sales tax. Right now they are even sales tax free, and I don't believe that that is fair. It is not fair to the state, as we are losing quite substantial revenue from it, and we are also losing a lot of volume through these Ammex stores where they get it at a cut rate price. If you are going to Canada, supposedly for 25 hours, you can buy before you leave a bottle at quite a substantial reduction, and they deliver it to you at Customs and you take it across. Or if a Canadian comes to this side visiting and you take it across. Or if a Canadian comes to this side visiting, and he is going to be in the United States for 24 hours, he can buy at the Ammex Store at quite a reduction in prices. This is a direct loss of revenue to the Ammex store at quite a reduction in prices. This is loss of revenue to the State of Maine. But I certainly believe we can do something in regard to the sales tax on this product.

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

Obviously more than one-fifth having arisen, a roll

call is ordered. The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, because of the appearance of a conflict of interest, I would like to be excused. I have an application.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now requests leave of the Senate to refrain from voting on this issue because of the possibility of a conflict of interest. Is it the pleasure of the Senate to grant this leave?

It is a vote.

Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Carbonneau, that Item 6-8, L.D. 1964; and all its accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "Nay" vote will be opposed.

YEAS: Senators Carbonneau, Collins, Cummings, Gahagan, Graffam, Roberts.

NAYS: Senators E. Berry; R. Berry; Clifford, Conley, Corson, Cyr, Danton, Graham, Hichens, Huber, Johnston, Katz, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senator Greeley.

A roll call was had. Six Senators having voted in the affirmative, and 22 Senators having voted in the negative, with three Senators excused from voting and one being absent, the motion did not prevail.

House Amendment "A" was Read and Adopted in concurrence and, under suspension of the rules, the Bill, as Amended, was Read a Second Time and Passed to be Engrossed in concurrence.

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites." (H. P. 1948) (L. D. 2134)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
O'LEARY of Oxford

Representatives:

McBREARTY of Perham
CHURCHILL of Orland
DOAK of Rangeley
HUTCHINGS of Lincolnville
WILFONG of Stow
CURRAN of Bangor

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-993).

Signed:

Senator:

TROTZKY of Penobscot

Representatives:

AULT of Wayne
BLODGETT of Waldoboro
PETERSON of Windham
HALL of Sangerville

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" Thereto (H-1063).

Which reports were Read.

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

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: What this bill would do is give municipalities the right to go onto private

property to take soil tests to determine whether a site is suitable for a sanitary landfill.

Now, quite a few municipalities in the state, such as, for example, Brunswick and Bath, are having difficulty finding a site for a sanitary landfill. However, they do have the right under eminent domain to take the land for the reasons of public health and necessity. In other words, they can condemn a site now, take it for a landfill, and then they can run their tests, their soil tests, and if the soil tests prove the site is bad, then what they do is just turn around and sell the site back to the person or sell it to someone else. This is not an efficient procedure.

So, consequently, the committee came up with a proposal whereby a municipality could go on a private site and could take a soil test and give the owner of the private site certain protection. Example: first the municipality has to determine that there is a public necessity to take that site. Secondly, they have to give a written notice to the landowner. There are certain specific conditions: no soil test can be conducted within 300 feet of a residence — well, that has been amended to 600 feet in a House Amendment — which is occupied by the owner. Then if they find the site to be in the best interests of a municipality for a solid waste disposal site, then they go about taking it. However, if they do not take the site, the owner is entitled to compensation for any damages and can go before the municipality in a public hearing, and he can also appeal this to the superior court.

Now, I think there is a philosophical argument here, and basically I believe that is the reason why people voted as they did. One argument says that the public or the municipality has the right to the best site for its sanitary landfill, and the other argument defends the rights of private property. I do hope, however, that you will support the minority ought to pass report, as it will help municipalities throughout the State of Maine find the best site for sanitary landfill within their boundaries.

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

Mr. O'LEARY: Mr. President, I am going to oppose the motion and would ask for the indefinite postponement of this bill and all of its accompanying papers.

The good Senator from Penobscot has really told it just as it is, the towns now want the right to trespass on private property. To me, it is an infringement upon our basic right to own and possess our land and to use it in any way that we see fit.

The town does have the right, if it wants to condemn and take by eminent domain, and this is another expansion upon that right. If a town wants that land, then it should condemn it and take it through eminent domain. But they do not want this right. They do not want to pay a cent until such time as they find the land that they want. If you own 30, 40 or 50 acres of land, they will come in and dig hole after hole after hole and find land that is suitable to them, and then perhaps cover it over and you have got what they have left. You will be compensated for damages to a very slight degree.

I believe it is a basic right of ours, and should remain, that they would have to take this land only through eminent domain. I do not believe in an expansion of their rights. I believe that if the towns were to go to the Soil Conservation District's offices that they themselves would know where the soils are that they could use.

In the Town of Brunswick it is a problem, I will admit, and they may be having a court case over it, however, I don't believe that this legislature should step in and give the municipality the right to just come in on anyone's property and dig holes and then decide that this is the land they want to take. I believe

in the basic American right, and that is a right to own and possess land. Therefore, I move the indefinite postponement of this bill and its accompanying papers.

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

Mr. GRAHAM: Mr. President, I sympathize with the point of view of the good Senator from Oxford, Senator O'Leary, and it is with some reluctance that I support this minority report. But I do think that conditions have changed, and since the Department of Environmental Protection now has the authority to issue these orders closing down town dumps, and since, as in the Town of Brunswick, they are desperate to find a new location for their new sanitary landfill, they are really forced to desperate measures.

The land now owned by the Town of Brunswick is not suitable for a sanitary landfill, and yet several areas that might be suitable are closed to them and they cannot even enter this land to make a test to see if the soil is suitable for sanitary landfill. So I think, in view of the fact that our laws are now changing, and that the welfare of the entire community is at stake, we must modify our point of view about individual rights in this case. And in this particular instance of the Town of Brunswick, I know that they have tried very hard to find another site, and their present site is leaching into a small stream, which in turn is probably responsible for the pollution of certain clam flats in the area.

So I urge you to support the minority report and give the towns that are under orders by the Department of Environmental Protection the right to at least make tests to see where they should relocate their sanitary landfills.

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

Mr. O'LEARY: Mr. President, one of the sites that the Town of Brunswick has in mind is adjacent to a railroad siding or track, I am not exactly certain — I can't remember the particulars of the hearing at this moment. However, I see no reason why they can't contract with some other town nearby to solve their problem.

I would also say that I don't believe that the landfill is the best way to go. I think that they should contract with some other town in the neighborhood, and that when the state comes around to the point where we are going to have and will have recycling plants set up throughout the state, then this land that is adjacent to the track would be much better suited.

So I hope that once again we take into our consideration that this is an expansion on the rights of eminent domain, it is against our basic American rights, and it should be protected.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I just would like to quickly go over the Town of Brunswick's situation. There were 24 sites that were identified from soil maps as being worthy of further study. Now, soil maps are not precise, they are very general. 15 of those 24 sites were unacceptable after visual and other investigation. 8 of the sites could not be investigated because owners denied permission to enter upon the land. One site was found suitable for their landfill after engineering tests. However, the site is poorly located, it is distant from the town, it means long distance trucking, there are bad hills which means problems during the winter so far as ice and snow.

They are interested in a site adjacent to the railroad, and the reason for this is because the railroad facilities would allow them to ship materials from their landfill, or whatever type

of setup they set up there, for resource recovery.

So all you are doing in passing a bill like this is just giving a town the right to run soil tests on property. They have the right now by public necessity to condemn the site and take the site, but again there is a problem there. It is inefficient to go take the site and then find out later that the site isn't good, and then have to sell it and then condemn another site. But there is protection in this amendment for the landowner.

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

Mr. WYMAN: Mr. President and Members of the Senate: This gets a bit confusing to me. We have all kinds of laws we pass over here, and I dislike eminent domain very much — I just think we go too far with it — but now it seems to me that we have gone so far that we are going to give eminent domain to hole diggers, and I think that is just a little bit too far.

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

Mr. SPEERS: Mr. President, I want to make one brief comment on a comment that was made by the good Senator from Oxford, Senator O'Leary, because I think it is very important to emphasize what he mentioned. That is that the policy of this state of digging holes and burying our solid waste is entirely inadequate and must be radically revised, and that the future policy of this state — and the future is coming very quickly, within a matter of a few years — the future policy of this state must be toward the recycling of solid waste, and not the totally inadequate policy which we have now of digging holes and burying it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that this bill and all its accompanying papers be indefinitely postponed.

The Chair will order a division. Will all those Senators in favor of indefinite postponement please rise in their places until counted. Those opposed will rise in their places until counted.

A division was had. 15 having voted in the affirmative, and eight having voted in the negative, the motion prevailed.

Sent down for concurrence.

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

Mr. O'LEARY: Mr. President, having voted on the prevailing side, I now move that we reconsider our action, and hope that the Senate will vote against me.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that the Senate reconsider its action whereby this bill was indefinitely postponed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will say "No."

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

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems." (H. P. 2206) (L. D. 2306)

Reported that the same Ought Not to Pass.

Signed:

Senator:

TROTZKY of Penobscot

Representatives:

DOAK of Rangeley

CURRAN of Bangor

McBREAIRY of Perham

AULT of Wayne

HUTCHINGS of Lincolnville

PETERSON of Windham

The Minority of the same Committee on the

same subject matter reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington
O'LEARY of Oxford

Representatives:

HALL of Sangerville
CHURCHILL of Orland
BLODGETT of Waldoboro
WILFONG of Stow

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-1076).

Which reports were Read.

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Provide Funding for Action on Solid Waste Litter." (H. P. 2091) (L. D. 2250) Reported that the same Ought Not to Pass.

Signed:

Senator:

MERRILL of Portland

Representatives:

COX of Brewer
MORTON of Farmington
DRIGOTAS of Auburn
MAXWELL of Jay
TWITCHELL of Norway
SUSI of Pittsfield
FINEMORE of Bridgewater
MULKERN of Portland
DAM of Skowhegan

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (H. P. 2224) (L. D. 2314).

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland

Representative:

IMMONEN of West Paris

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

Which reports were Read.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Second Readers

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

House — In Non-concurrence

Bill, "An Act Regulating Water Well Drilling." (H. P. 2231) (L. D. 2319)

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

Sent down for concurrence.

House — As Amended

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)

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

Senate — As Amended

Bill, "An Act to Revise Statutory Provisions Relating to Dropouts." (S. P. 686) (L. D. 2195)

Which was Read a Second Time.

Mr. Katz of Kennebec then presented Senate Amendment "A" and moved its Adoption. Senate Amendment "A", Filing No. S-472, was Read.

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

Mr. CONLEY: Mr. President, I would pose a parliamentary question to the Chair as to whether or not this amendment is in order.

The PRESIDENT: The Senate will be at ease.

(Senate at Ease)

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

Mr. MERRILL: Mr. President, would the Chair accept a brief argument as to the point of order?

The PRESIDENT: The Senate will be at recess, and would the majority floor leader approach the rostrum please.

After Recess

Called to order by the 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 Adoption of Senate Amendment "A".

Enactors

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

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

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

(See action later in today's session.)

An Act Relating to Definition of Retail Sale under Sales and Use Tax Laws. (S. P. 669) (L. D. 2128)

An Act to Require an Annual Governor's Report on Employment and the Economy. (S. P. 720) (L. D. 2256)

Which were Read a Second Time.

On motion by Mr. Huber of Cumberland, the above two matters were placed on the Special Appropriations Table.

Reconsidered Matter

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

Mr. CONLEY: Mr. President, relative to An Act Regarding the Rights of Students at the University of Maine in the University Bargaining Process (H. P. 1966) (L. D. 2155), I move the Senate reconsider its action whereby it passed this bill to be enacted, and urge the Senate to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby Item 8-3, L. D. 2155, was passed to be enacted. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will say "No".

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

Orders of the Day

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

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

Tabled — March 18, 1976 by Senator Speers of Kennebec

Pending — Motion of Senator Corson of Somerset to reconsider Final Passage.

(In the House — Finally Passed)

On motion by Mr. Corson of Somerset, retabled until later in today's session, pending the motion by that same Senator to reconsider Final Passage.

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

Bill, "An Act to Adjust the Disqualification Period for Voluntarily Leaving Employment and to Adjust Maximum Unemployment Benefits Paid to Individuals Discharged for

Misconduct." (Emergency) (H. P. 2116) (L. D. 2265)

Tabled — March 24, 1976 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

(In the House — Majority Ought Not to Pass Report Accepted)

(In the Senate — Committee Amendment "A" (H-1023) Adopted)

Thereupon, the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act 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)

Tabled — March 24, 1976 by Senator Conley of Cumberland

Pending — Passage to be Engrossed

(In the House — Passed to be Engrossed)

Mr. Marcotte of York then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-473, 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 fourth tabled and Specially Assigned matter:

House Report — from the Committee on State Government — Bill, "An Act to Establish a Division of Travel Information". (H. P. 2022) (L. D. 2201) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-1012); Minority Report — Ought to Pass as Amended by Committee Amendment "B" (H-1013)

Tabled — March 24, 1976 by Senator Danton of York

Pending — Acceptance of Either Report

(In the House — Bill substituted for the reports and Bill Passed to be Engrossed.)

On motion by Mr. Curtis of Penobscot, retabled until later in today's session, pending Acceptance of Either Report.

The President laid before the Senate the fifth 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)

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

Mr. CLIFFORD: Mr. President, for the purpose of offering an amendment, I would move that the Senate reconsider its action whereby it adopted Committee Amendment "A".

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, now moves that the Senate reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

Mr. Clifford of Androscoggin then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-474, to Committee Amendment "A" was Read.

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

Mr. CLIFFORD: Mr. President, this bill deals with an area which has been troublesome under Maine law for some time, and that is the area concerning what are known as joint bank accounts; that is, bank accounts payable to either of the names appearing on the book or to the survivor.

There are three areas dealing with joint bank accounts that the law is concerned with: one is who the bank actually can pay upon presentation of the bank book; who actually owns the proceeds; and how those proceeds are taxed on death. This bill does not deal with the bank's rights because the bank's rights are pretty clearly established under the law and the bank can pay anyone whose name is on the book and who presents the bank book.

As to who owns the proceeds, Maine law is unique in that the proceeds are not owned jointly in the sense that they are owned half and half by the two people whose names are on the book but, under Maine law, the proceeds are owned by the contributor, by whoever contributed to the bank account.

We have under our law a limited exception upon death, that certain people in certain relationships, husband-wife, parent-child, under the statute become the owner of certain amounts of those bank books upon the death of one of the owners or one of the persons named.

The Business Legislation Committee has reported out a bill which changes the law substantially in that it allows the husband-wife situation, when their names are on a joint bank account, it allows the survivor to take the entire amount by virtue of the bank account. I am not attempting to change this with this amendment.

Also, the version of the bill coming out of the committee provides that parent-child relationship, joint owners, or persons whose name appears on the bank account, would take the first twenty thousand. The amendment reduces this from twenty thousand to ten thousand.

The bill as it came out of the committee also provides that anyone on a so-called joint bank account, any survivor, would take up to \$5,000. Again the amendment changes this to only persons in certain relationship with the decedent, and eliminates the situation of the non-relative taking up to \$5,000 by virtue of the bank account, irrespective, of course, of the intent of the owner.

I think the ultimate answer, Mr. President and Members of the Senate — I don't want to take too long on this because it is kind of a technical field — I think the ultimate answer, which should be worked on by the next legislature, would be to create a clear distinction under our law between a true jointly owned bank account; that is, a bank account in which the people would own the property jointly fifty percent each, and under which the survivor, by virtue of the bank account, would become entitled to ownership of all the proceeds in that bank account. I think it is important that the legislature create a distinction between that, which would be a true joint bank account, and what we call a convenience bank account; that is, a bank account where someone's name is put on for the convenience of the true owner, and where there is no real intention for the true owner to give the survivor, or the person whose name appears on the account, a windfall upon the death of the true owner.

That is where the problem comes in, and this amendment I think addresses that problem. It reduces the amount in a parent-child situation from twenty thousand to ten thousand. I think the twenty thousand is very high and would result in some situations where a child, for example, whose name was put on a bank account for the convenience of the parent, would come into a \$20,000 windfall. This would reduce that to \$10,000, and it would remove from the statute those non-relatives who are normally put on bank accounts for convenience and not for the purpose of passing property to them.

This amendment does not do substantially an awful lot, but I think it does put the bill in a better posture so that we can avoid the situation of the substantial windfall going to a person whose name was put on by the true owner of the bank

account really for purposes of convenience and not for purposes of passing title to the property, and I hope you will support the amendment. Thank you, Mr. President.

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

Mr. WYMAN: Mr. President and Members of the Senate: It is with hesitation that I speak in opposition to the good Senator from Androscoggin, Senator Clifford. There is always some fault you can find with a bill. I think the committee did a lot of work on this bill, I think they came out with a good bill, and I can see no reason for adding this amendment.

The good Senator talks about intentions. This bill gives the facts, I think it is well written, and it came from the Business Legislation Committee unanimously, and I certainly hope the Senate opposes any changes in it.

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

Mr. COLLINS: Mr. President, I support the amendment offered by Senator Clifford, and I would like to make one particular observation as to its value.

I do a great deal of work in the settlement of estates and in the planning of estates, and in the regular session the Judiciary Committee had a very similar bill, which went through several drafts, and finally made only a very minor change in the limitations of amount of accounts as the law then stood, because we found it a very difficult problem.

The particular point I would like to mention to you is that there is a considerable danger that creditors will be completely left out in the cold if the privileges of joint tenancy survival are extended indefinitely. I can cite you from actual experience cases where Maine residents have placed all of their money in Massachusetts bank accounts, where the amount passing is unlimited, so that when they died their creditors got nothing. They had their real estate in joint tenancy and their securities in joint tenancy, and there was plenty of money in the estate, but they engineered it so that the creditors were left in the cold.

Now, I accept the social policy of protecting a wife ahead of creditors to a considerable extent, and I accept the social policy of preferring a child or grandchild or a brother or sister to a limited extent, and this is what Senator Clifford's amendment would do. I do not think that we ought to extend our policy favoring the joint tenant depositor beyond this because we will be inviting people who want to avoid paying their debts as they die to adopt a type of deposit that is not at all fair to the creditors.

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

Mr. CARBONNEAU: Mr. President, I am sort of confused on this bill here, particularly this amendment. To me, everything points to it being a lawyer's bill. As I read it, and I am sure somebody can clarify it for me, where somebody was able to get \$20,000 and now they get \$10,000, who gets the rest, and how is it resolved? Naturally, the lawyers and the courts, I imagine.

I have recently been involved in settling the estates of my brother-in-law, who had no wife and no kids. He left my son, which happened to be his nephew, as the executor, and a pretty good sized sum of money. And he had a bank book in his name and my son's name. And under this bill, I would like to know who gets what, and when, and how.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: As I explained before, under Maine law, without this particular law that we are talking about, the bank account is

owned by the decedent, by the person who contributes to it, and if there is no other name on the bank account, the proceeds go into his estate. If there is a name payable to either or survivor on one of those bank accounts, under the present law, if it happens to be a son or a child or a grandchild or a parent, then the first \$5,000 would belong to that child or that parent or grandchild or that brother or sister. The rest belongs to the estate of the deceased person.

Under the present law, in your situation, where you have an uncle and a nephew situation, it is my understanding that the nephew gets none of that property under the law, that the nephew, if he is the beneficiary, would have to take through the estate.

We must remember now that this law that we are talking about, allowing a person to take money under what they call a joint bank account, is irrespective of what the intent of the decedent might be. It might be the intention of the decedent to leave his property to son "B", and inadvertently or for purposes of convenience he puts the name of son "A" on the bank account, son "A" being well taken care of in life and son "B" needing the property, and under the present law son "A" would get the first \$5,000, irrespective of the intention of the decedent. Under the bill as it is unamended, son "A" would get \$20,000, irrespective of the intention of the person who is dying. Under the amendment which we are voting on here which I have presented, Senate Amendment "A", son "A" would get \$10,000.

So the purpose is to prevent the windfall situation where because someone's name is on a joint bank account, just because of that fact alone, even though the intention might be that he is on the bank account only for convenience purposes, only for purposes of paying bills for the person who owns the account, it is to prevent him from getting too much of a windfall.

Now, it seems to me that if a person wants to benefit son "A" to the extent of \$20,000, then all he has to do is put it in his will that son "A" should be benefitted by \$20,000, and he can freely then create these bank accounts for convenience only.

Another one of the problems under the present law is that the banks encourage joint bank accounts, and the banks do not fully explain to people what the law is as to these joint bank accounts. So I think many people create the joint bank accounts for purposes of convenience, and later on it is found out that the person who was on the account gets a certain amount under the statute. On the other hand, I think in the husband-wife situation, husbands and wives who create joint bank accounts are creating a joint bank account in which they think the entire amount is going to pass to the survivor by virtue of the bank account. Unfortunately, under the present law it doesn't do that. Under this bill it will do that, and this amendment doesn't change that. In the husband-wife situation, the wife would take it all or the husband would take it all upon the death of the first to die.

But this amendment only goes to the parent-child and the other relative situation to put that amount at a reasonable amount so you won't have this big windfall, and to eliminate from the bill the windfall going to the non-relative whose name is usually placed on a bank account for purposes of convenience and not for the purposes of benefitting that person upon the death of the decedent.

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

Mr. THOMAS: Mr. President and Members of the Senate: Under the committee amendment, Senator Carbonneau, your son would have got the first \$5,000. Under the Clifford amendment, he would have got nothing.

The committee worked very hard on this par-

ticular bill and it is, as Senator Clifford and Senator Collins said, an intricate matter. We felt, however, that in these times the money to go between a father and a son, a mother and a daughter, or the parent-child situation, should be set at \$20,000. Many people today have much larger estates than they realize and they don't know it when they die. It is when you start totalling up the assets of an estate that you really begin to find out what a person is worth. So the committee felt that we should raise the amount between the parent and child from \$5,000 to \$20,000, and as the other speakers have said, in the husband-wife situation all.

Now, as to the non-relative which Senator Clifford seems to be so concerned about, there are many reasons why people will open joint bank accounts with non-relatives which may be very highly personal. I know of situations in certain instances where it has been done and where it is being done. I think Senator Clifford is worried about my housekeeper. But I wouldn't open a joint bank account with my housekeeper, who is my non-relative; I would open a checking account, and when I died she couldn't write any more checks. But I know of many instances that are very personal where a person has opened a joint bank account with a non-relative, and this gives that person the first \$5,000. And I think it is a step in the right direction.

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

Mr. CURTIS: Mr. President, it would be my understanding that neither the bill as initially amended or the amendment which we are debating today in any way affects the tax revenue which would come into the state. Is that correct?

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I was under the impression that it did, and I still think that it might, but as far as the bureau, they indicate that it will not. It would affect it, of course, because now, especially in the husband-wife situation, if the husband should die first — and statistics show that the husband does in more cases than not die first — and he is the contributor and the earner, then the state can tax the entire amount in that joint account. Under the bill which has come out of the committee, and which this amendment doesn't affect, that would be taxed on a 50-50 basis, 50 percent to the husband if he died first, 50 percent to the wife if she died first, irrespective of what the earnings and the contributions were.

I suspect that there will be a slight loss of revenue, however, the bureau says there will not. I suspect the motivation for the bureau saying that is because they want this bill because it would be easier to administer in their department.

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

Mr. ROBERTS: Mr. President and Members of the Senate: I think that the work of the committee is a step forward, and that is about the most that I can say for it.

In New Hampshire we have a law that all these accounts belong to the survivor. In Massachusetts you have decisions that started on the contract theory, saying that when you went into a bank and opened an account with the bank, in effect, you made a contract with the bank which said that the bank was to pay the survivor, and they have followed that law along, and they may now have some statutory law in Massachusetts to uphold their decision.

We have had in this state, and we still have, a hell of a mess, if you will pardon the language, because you don't know who owns what and you don't know who is going to get what, and half of the money that is supposed to go into estates

because they are not within the relationship of certain people never do get into the estates, and the estates never get probated anyway. It has been a mess, it always was a mess, and it will continue to be, except we have at least eliminated a little bit of it. And Mr. Clifford's bill will take us a little further back to where we were, and the committee amendment will at least take us a little further away from that.

As far as the tax consequences, there would have been tax consequences up until we passed this more recent tax law which we passed now between husband and wife to get a 50,000 exemption and between children to get a 25,000 exemption. Now that we have that, chances are that it won't make much of any tax consequence, whichever we do.

I would hope at least we would make this tiny step forward, and I would hope that we would not adopt Senator Clifford's amendment but would adopt the committee amendment. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "A" to Committee Amendment "A".

The Chair will order a division. Will all those Senators in favor of adopting Senate Amendment "A" please rise in their places until counted. Those opposed will rise in their places until counted.

A division was had. Eight having voted in the affirmative, and 16 having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

The President laid before the Senate the sixth 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").

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

Senate Amendment "A", Filing No. S-471, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted.

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

Sent down for concurrence.

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 3:30 this afternoon.

After Recess

Papers from the House

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

Non-concurrent Matter

Joint Order (H. P. 2227) relative to Committee on State Government reporting out a bill to facilitate the setting of financial and tax policy by the Legislature.

In the House March 23, 1976, Read and Passed.

In the Senate March 24, 1976, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Gahagan of Aroostook, the Senate voted to Adhere.

Non-concurrent Matter

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

In the Senate March 23, 1976, Passed to be Engrossed as Amended by Senate Amendment "C" (S-466).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "C" and House Amendment "B" (H-1088) and "C" (H-1097), in non-concurrence.

Mr. Wyman of Washington moved that the Senate Adhere.

Mr. Curtis of Penobscot then moved that the Senate Recede and Concur. Mr. Merrill of Cumberland requested a division, and Mr. Reeves of Kennebec subsequently requested a roll call.

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

Obviously less than one-fifth having arisen, a roll call is not ordered. Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Curtis, that the Senate recede and concur with the House please rise in their places until counted. Those opposed will please rise in their places until counted.

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

Thereupon, the Senate voted to Adhere.

Joint Orders

WHEREAS, the Commissioner of Human Services, the Maine Human Services Council, the Maine Municipal Association and Members of the 107th Legislature have expressed concern about the conduct of the State's medical care and intermediate care programs; and

WHEREAS, the subject of medical and intermediate care is extremely complex and interwoven with federal and state laws, regulations, administrative practices and court rulings; and

WHEREAS, it is important to the people of this State that the medical care and intermediate care programs be conducted with the highest degree of economy, efficiency and effectiveness consistent with federal and state laws, regulations, administrative practices and court rulings; and

WHEREAS, the total expenditure for medical care by the Department of Human Services has risen from \$1,500,000 a year in 1962 to \$63,000,000 in fiscal year 1975; and

WHEREAS, there is pending before the special session of the 107th Legislature an appropriations act which again substantially increases payments to medical care and intermediate care providers; and

WHEREAS, the Department of Human Services currently has no capability for direct auditing of the medical care and intermediate care programs; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs shall study and review the medical care and intermediate care programs of the Department of Human Services, including methods of determining provider payments, history of and reasons for increases in provider payments, and efficiency, economy and effectiveness of the program and its accounts; and be it further

ORDERED, that the Department of Human Services, as well as any fiscal intermediaries

under contractual services with the Department of Human Services, is requested to cooperate to the fullest extent possible with the committee in carrying out this study, and is requested to provide the committee any reasonable staff and secretarial assistance requested by the committee; 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 analysis, together with 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. 2250)

Comes from the House, Read and Passed.

Which was Read.

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

WHEREAS, the Department of Inland Fisheries and Wildlife administers the regulation of snowmobiles and watercraft; and

WHEREAS, these programs comprise a significant responsibility for that Department; and

WHEREAS, no assessment has been made of the level and method of levying fees, their subsequent distribution and use and the organizational placement of the two programs; and

WHEREAS, some activities of State Government are regulated, implemented and enforced by separate independent entities such as commissions; and

WHEREAS, this form of governing is not necessarily the most efficient and economical; and

WHEREAS, general revenues are expended for these programs; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Performance Audit shall review current Snowmobile and Watercraft registration programs to find the most efficient method of carrying out that function of the Department, and to determine whether a different procedure or Department is better equipped to carry out those responsibilities; and shall review programs that might be more efficiently and economically carried on within the Department of Inland Fisheries and Wildlife, such as the Salmon Commission, the level of funding necessary to carry out those programs and the most equitable source of funding them; 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. 2245)

Comes from the House, Read and Passed.

Which was Read.

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

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mrs. Arbeth Hodgkins Who

Has Completed 30 Years of Faithful Service as the Town Clerk of Rangeley.

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. 2244)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Resolution STATE OF MAINE

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

Joint Resolution Concerning Federal Requirements For Use of Minibus Service for the Elderly Funded Under the Social Security Act

WHEREAS, many elderly citizens in the rural areas of the State of Maine currently depend on minibus transportation services which are partially funded under Title XX of the Social Security Act; and

WHEREAS, the income verification procedures established by the regulations adopted pursuant to Title XX of the Social Security Act are discouraging many of these elderly citizens from continuing to use these minibus transportation services; and

WHEREAS, there is now pending before the Congress of the United States legislation which would suspend the income verification requirements for elderly citizens utilizing said minibus transportation services while the Congress reviews these requirements; now, therefore, be it

RESOLVED: That we, the Members of the 107th Legislature assembled in Special Session, do hereby respectfully urge and request that the members of the Maine Delegation of the United States Congress seek to have the requirements referred to above suspended in order to permit Maine's elderly citizens to use minibus services without being required to disclose their annual income; and be it further

RESOLVED: That duly attested copies of this Resolution be immediately transmitted to those congressional delegates with our thanks for their prompt attention to this important matter. (H. P. 2246)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Communications

March 25, 1976

Honorable Harry N. Starbranch

Secretary of the Senate

Legislature

Augusta, Maine

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Concerning Single Motor Vehicle Inspection Stickers" (H. P. 2009) (L. D. 2191):

Representatives:

BIRT of East Millinocket

WINSHIP of Milo

FINEMORE of Bridgewater

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports House

Leave to Withdraw

The Committee on Public Utilities on, Bill, "An Act Relating to Electric Utility Rate Structures." (H. P. 2080) (L. D. 2244)

Reports that the same be granted Leave to Withdraw

Comes from the House, the report Read and Accepted.

Which was Read and Accepted in concurrence.

Ought to Pass — As Amended

The Committee on Labor on, Bill, "An Act to Amend the Procedures of the Maine Labor Relations Board." (H. P. 1961) (L. D. 2148)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1022).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-1074).

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

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to the Effective Date of Each Individual Establishing a Benefit Year under the Unemployment Law." (H. P. 2145) (L. D. 2285)

Reports that the same Ought Not to Pass.

Signed:

Senators:

ROBERTS of York

McNALLY of Hancock

PRAY of Penobscot

Representatives:

PEARSON of Old Town

TARR of Bridgton

SPROWL of Hope

TEAGUE of Durham

SNOW of Falmouth

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1007).

Signed:

Representatives:

LAFFIN of Westbrook

FLANAGAN of Portland

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

Which reports were Read.

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

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

Mr. ROBERTS: Mr. President and Members of the Senate: This is a bill that came out of committee, as you can see, ten-to-two. There is a situation that involves certain people who for one reason or another aren't able to earn the amounts that we set at the last regular session when we increased the benefits and brought in the dependency provisions of the unemployment law. In order to do that and save tremendous costs to the fund, we tried to eliminate what was the most common practice of, well, cheating on the fund, if you want to say that. There are people who are professional people that work the minimum amount of time and then draw unemployment, and when their unemployment runs out they work the minimum amount of time and again apply. Through the

recommendations of the Manpower Affairs last year, we amended the law so that instead of requiring \$600 to be earned during a year, and at least \$250 of that \$600 to be earned in one quarter, it was amended by that law that set up the dependency benefits to \$900 for a year and at least \$250 in two quarters, instead of the old \$600 a year and \$250 in one quarter.

There are certain people in certain areas who are unable apparently to earn the \$900 and earn at least \$250 in two periods. This bill is in to provide that we go back to the old \$600 a year and one quarter at \$250 each as the law was before. The effect, so we are told by the Manpower Affairs Committee in our committee hearing on this, would be a cost to the unemployment fund of three million dollars.

In addition to a group in Portland that are primarily longshore workers, some 30 to 40 people, there are perhaps as many as 600 other people who would be affected throughout the state. Many of these work on seasonal businesses which only start up and then stop briefly, like canning when certain fish are running, other types of canning perhaps in the season of fruits and things of that sort. Also it would involve, I suppose, students who could work during the summer and earn the \$600, but would only work during the one quarter because the summer vacation would fall primarily in one quarter. Those are people who could probably, most of them, get unemployment, provided that we went back to that previous criteria of \$600 a year and \$250 in one quarter, rather than the present \$900 a year and \$250 in two quarters.

The fund, as you know, has long since run out of money. We expect before June to have borrowed over 30 million from the federal government to keep the fund operating, and I just feel that this is a regressive step rather than a progressive step. Even though there are, unfortunately, some people that are hurt by the law as we changed it last time, I hope that you will not support the motion to accept the minority report.

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

A division was had. Five having voted in the affirmative, and 22 having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

Senate Change of Reference

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Clarify Certain Laws Relating to the Funding and Operation of the Superior and Supreme Judicial Courts." (S. P. 712) (L. D. 2243)

Reports that the same be referred to the Committee on Judiciary.

Which was referred to the Committee on Judiciary in concurrence.

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

House Reports — from the Committee on Election Laws — Bill, "An Act Relating to the Registration of Voters". (H. P. 2039) (L. D. 2212) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-1014)

Tabled — March 25, 1976 by Senator Speers of Kennebec

Pending — Acceptance of Either Report

(In the House — Majority Report Accepted)
Mr. Corson of Somerset moved that the Senate accept the Minority Ought to Pass as Amended Report of the Committee.

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

Mr. O'LEARY: Mr. President and Members of the Senate: As a signer of the majority report, I feel that I must say just a couple of words, and I am going to be very brief. This boils down to simply the question of when a person is going to be able to register to vote, but I think the time limits established within this bill will not allow a person to register and vote on the last day or on election day, as it is at the present time, and I think the basic rights of each and every American and every citizen in the state would be hurt in the sense they would not be able to register and vote on election day. This is perhaps the feeling of the majority.

Once again, it is the right to vote that really concerns me and how long a person has to register before. Some people may not be turned on until just the day before the election as to whether they want to vote in that election or not, and I believe it is a basic right.

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

Mr. CORSON: Mr. President and Members of the Senate: The bill in the form advocated by the minority would be found as the Committee Amendment, Filing No. H-1014. The bill doesn't really interfere with anybody's right to vote in any way at all. It simply would eliminate, except for certain situations, the right of a citizen to register on election day.

During the last general election in 1974, a great many of the communities, both large and small, in the State of Maine just encountered a chaotic situation at the polls with the numbers of people who attempted to register on election day. In the small town of Madison, which has a total population of under 4,000, we had over 200 people trying to register at the polls, and this created incredibly long lines. In fact, I know several people just left in disgust, because they couldn't get in to vote, who were already registered.

Prior to the enactment of the law that we now operate under, which allows election day registration, people would come in during the open period prior to the election and register, because ample opportunity is provided not only during normal working hours but in the evening and on weekends for people to do so. And if you talk to the town clerks, who are very much in favor of passing this change, you will find since we have gone to allow people to register on election day that people no longer would bother to come by because they simply don't feel they should. So the office hours are open as required by law but nobody bothers to show up; they wait until election day and then we get into this chaotic situation.

Basically this is a return to the law as it originally was, with some changes to make absolutely certain that no one would be denied the right to vote, because we have two exceptions for the categories of people who can register on election day: any person who has attained his or her eighteenth birthday since the close of registration is eligible to register on that day and anyone who was physically absent from his municipality at the time he attained his eighteenth birthday, and has remained continuously absent until after the close of registration, is allowed to register on election day. This should absolutely in no way deny any individual the opportunity to vote, and would do a great deal to improve procedures and orderly voting at the polls on election day, and I urge you to support the minority ought to pass as amended report.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I really don't think that this is a partisan issue. As a member of the Election Laws Committee that initiated the law change that allowed people to register and vote on election day, and understanding the reasons why we made that change, I feel that something needs to be said. I do realize that this has caused a problem to the registration offices and the election officials on the day of voting, and we knew it would. We tried to get them prepared to handle the problems, and I think that they can handle the problems. I do think that they can work out the small difficulties they are faced with, if they prepare properly for them. The law was changed to make sure that people didn't get turned away from the polls when they wanted to vote.

In many cases, many cases, voters come to vote and they find for some reason that they are not registered. They in good conscience thought they were registered, and this has happened in many cases, and they have been turned away from voting. We want people to participate in the election process. We want people to come to the polls and vote. And you know what happens when a person gets turned away, they sometimes get a little angry and say well the system isn't made for me anyway, to heck with it, I won't bother to come back again.

I do believe that we are really improving the system when we let people come to the polls on election day, and find out that they are not registered, to be able to register to vote. I do believe it is the obligation of the cities and towns and various party functions to encourage people to register and vote whenever they can. But for those people who do not register to vote and come to the polls and want to vote on election day, and find that they are not registered, I think we need a law that will allow them to do that.

What we are voting on here today is do we want to pass legislation that will make it easy for the election clerks, or do we want to pass legislation here that will encourage people to come and vote. I say we want to encourage people to come and vote, and we want to expect the election officials to prepare for it and allow these people to vote when they come to the polls.

For those reasons, Mr. President, I move that the bill and accompanying papers be indefinitely postponed.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: At the last election an interesting little thing happened to me. The lady across the street from me is a registered Independent voter. She went to vote, I guess she wanted to vote for me, and she couldn't. I guess the girl over there told her she would have to sign a card to change her registration from Independent to Democrat. I guess with all this hullabaloo she couldn't understand, so she came home and was quite teed off. She told me she couldn't vote and I said, "All right, why don't you get into my car and we will go see if we can make you vote." I went back there and after talking with the ward clerk, she explained to me what the situation was, she did change from Independent to Democrat because I am a Democrat.

That brings me to a question, and I am posing that question through the Chair: will this affect people of that category? If you are Independent, and you want to vote at the primaries, Democrat or Republican, will this change affect these people?

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

Mr. CORSON: Mr. President and Members of the Senate: In response to the question posed by

the Senator from Androscoggin, Senator Carboneau, this bill in no way affects the situation regarding an unenrolled voter enrolling in a party on election day. In other words, the situation remains the same, that a person who is not enrolled in a party may on election day enroll in a party if he or she so desires.

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

Mr. CONLEY: Mr. President and Members of the Senate. As I understand what the bill does, really it cuts back the time period that one can register to vote. In other words, the committee report breaks down as to the population in different communities around the state as to what time or what hours the registrar's office should be open. It appears to me that it is a step backwards in the sense that it is certainly going to disillusion or at least turn back people who for some unknown reason wait until the last moment to register to vote. It really has nothing to do with party affiliation or anything such as that matter, that law will always remain the same, but what this amendment does is change the law in the sense that it is going to cut back on the time that the board of registration office will be open for people to be afforded the opportunity to go and register to vote.

Mr. President and Members of the Senate: The Chairman of the Elections Committee is nodding his head differently to me, and if I am wrong I wish he would point it out.

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

Mr. MERRILL: Mr. President and Members of the Senate: There are three brief aspects of this that haven't been touched on and I would just like to mention them briefly. One is the problem that I have in just interpretation, and I would like to direct that to the Chairman of the Elections Committee. When it requires that the eighteen year old remain continuously absent from the municipality, that would seem to exclude the eighteen year old who had been back in the municipality but was unable to be there at times when the board of registration was open. If so, that wouldn't seem to be consistent with the intent of this, which is to allow that person to register. The other thing is that in my community, which is a city that has many voting places and only one city hall, one board of registration, it is necessary for everybody to go to city hall, and if the concern was really to make it easier, to cut down on congestion, it would help at least in the city if they had gone in the opposite direction and allowed people to register on election day in the same way that we allow them to enroll on primary election day.

Finally, I would just like to say there is an aspect of this that some of the members that represent all rural towns might not be aware of. In the City of Portland our voting list is done with a computer, and the computer often makes mistakes. That isn't too serious today because the person who is left off the computer can just go down, and if there is still a mistake at city hall, it is not tragic because he can register again. If that is not the case, we are going to have some very upset voters and I think it is going to make more problems than it is going to solve.

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

Mr. ROBERTS: Mr. President and Members of the Senate: My experience in the Town of Sanford has been one of utter confusion since we changed the law and allowed registration on that day, because we have a college there with approximately 600 students and nearly half of them decided they wanted to vote. Whether they voted home in Massachusetts, or wherever they came from, there was no way to find out, but at least they all decided they wanted to vote, and the only place that you can register is

at the town clerk's office. In the meantime we that are trying to run for office are trying to get absentee ballots and get applications and so on, and everybody is so busy enrolling new voters that you can't get a chance to get your absentee applications or get your applications filed to get your vote, and it was just pandemonium all the time. The office is only so big, and they had three extra girls there that were in each others way a good part of the time, and still they registered 300 voters in that relatively small town for that day. The town clerk just said that he had never put in such a day and he didn't know whether this was going to be right or that was going to be right. We had recounts and everything afterwards, and it was just terrible.

I can see the point that Senator Merrill makes, that perhaps that is too restrictive about someone who just becomes of age, because he perhaps ought to have an opportunity to enroll, and there wouldn't be many of those, but when you are in a situation like several of them around the state where you have college towns, where all of a sudden these students for one reason or another will decide they want to vote on that day, and now we don't have a 90-day or three months or even a two-day residence requirement, we let them come right in and vote, and there is no way possible in that short a time to check to see whether they are already registered somewhere else. It seems to me it creates more problems than it solves.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I think that the Senator from York, Senator Roberts, gave some good arguments to give this law a chance to work. I have a great deal of sympathy for town clerks that face this problem, and I think that now they know what the problems are going to be that they are going to be in a better condition to handle these problems as they develop. The very case in point here, in Sanford, there is about 300 voters who obviously would not have voted had they not been able to register on election day. And I say that it is our duty and our obligation to encourage people to vote. The law as it exists today I think, does that. I think it would be wrong to change it on such short notice. Let's give this law a chance to work please and go along and indefinitely postpone this bill.

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

Mr. CORSON: Mr. President and Members of the Senate: In response to the points raised by the good Senator from Somerset, Senator Cianchette, the testimony that we received in the committee from the town clerks, who are, so to speak, the people right on the battlefield on this, and many of them have had years and years of experience with these elections, their testimony to us was that prior to this change the people came in during the open registration period, and it was very, very rare indeed that they would have anyone who was not registered come to the polls and think they were eligible to vote on election day. The problem has arisen since we have changed the law. People who would normally have gone in during the open period are not going in now. They are all waiting until election day, and it is just causing this chaotic situation to which Senator Roberts referred.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would just like to share with the Senate very briefly the experience we had in Portland last time. In Portland, as we got to the day when it was going to be closed and then it would be open again on election day, it was just as it always was on that last day preceding election day registration, the city hall was full of

people that night. And a lot of us make it a point to go down who are JP's and help out with that problem, so people were still coming in before, and yet on election day we had more people register to vote than ever before. I think a lot of that is due to the enthusiasm that the then candidate Longley put into the race, and I think that complaining about too many people registering to vote, for people who are concerned about apathy in the public sector, is like a businessman worrying about having too many customers.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Somerset, Senator Cianchette, that this bill and all its accompanying papers be indefinitely postponed. The Chair will order a division. Will all those Senators in favor of indefinite postponement please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had, 13 having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President. I request a roll call.

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

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

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I admit to being confused and I wonder if someone would be kind enough here to enlighten me and explain to me how this could possibly be a partisan vote?

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

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, if anyone was to examine the report of the committee they would see it is not a partisan issue. However, I would like to address myself to Senator Roberts and the community of Sanford. In most of these towns we have a board of registration, and on election day it is the board that accepts these new registrations. The clerk will continue to take care of your applications for absentee ballots. In the larger municipalities you will register with your board of registration and they will give you a ducat or a tab or something that will allow you to go to your ward or precinct to vote. In my town the registrar at the last election took care of about 150 on the day and said it was no problem at all. There is nothing partisan about this issue.

The PRESIDENT: The pending question before the Senate is acceptance of the minority ought to pass as amended report of the committee. A "Yes" vote will be in favor of accepting the minority ought to pass report of the committee; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, R.; Corson, Cummings, Curtis, Gahagan, Graffam, Hichens, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Berry, E.; Carboneau, Cianchette, Clifford, Collins, Conley, Cyr.

Danton, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves.

ABSENT: Senator Greeley.

A roll call was had. 16 Senators having voted in the affirmative, and 15 Senators having voted in the negative, with one Senator being absent, the Minority Ought to Pass as Amended Report of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read.

Thereupon, on motion by Mr. Corson of Somerset, tabled and Tomorrow Assigned, pending Adoption of Committee Amendment "A".

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

House Reports — from the Committee on Natural Resources — Bill, "An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems." (H. P. 2206) (L. D. 2306) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled — March 25, 1976 by Senator Speers; of Kennebec

Pending — Acceptance of Either Report

(In the House — Minority report Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-1076).

Mr. O'Leary of Oxford moved that the Senate accept the Minority Ought to Pass Report of the Committee, and Mr. Trotzky of Penobscot subsequently moved that the Bill and accompanying papers be Indefinitely Postponed.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I opposed the introduction of this bill into the legislature at a late date. Twelve members of the committee were all for the introduction of this bill. However, after the hearing, of those in attendance seven voted that it ought not to pass and three that it should pass. So those who were at the hearing I think were educated as to the importance of soil scientists and site investigations in relationship to septic systems.

We have the best and clearest sewerage disposal laws in the nation, and a local plumbing inspector who just came back from a conference in Wisconsin, this fact was remarked to him by many people.

What this bill does is eliminate the soils investigation when someone decides they want to alter an existing septic system. At the last discussion of this bill, the good Senator from Oxford, Senator O'Leary, mentioned a situation that took place in West Peru, Maine, and I got information from the Department of Health and Welfare to find out exactly what took place, and this is what took place: A person who was not competent and not certified either looked at the soils and said the water table is 48 inches before the surface, therefore, a septic system can be put in here. The person built the foundation — and I have the photos right here of a very expensive foundation — and then the Department of Health and Welfare came and looked at it later on in the year and found that the water table was eight inches below the surface. That person right now isn't building there, but he can't come back on anybody as far as liability and he has got a large investment in the foundation and is not building. However, if he had gotten a competent soils investigator to look at that, the soils investigator would have seen the mottling on the side of the soils and been able to tell that the water table would rise within eight inches of the surface.

Now, soil tests, the ones that we heard about at the hearing, cost approximately \$65, let's say between \$50 and \$100. These include a soils investigator going out and taking a boring, he then goes and analyzes the soils, he then draws

plans for the installation of that septic system, the type and so on, he then also helps in the processing of the application through the Department of Health and Welfare. Now, \$65 to me doesn't seem to be that much money when, if you put in the wrong system, it costs you five, six, seven hundred or a thousand dollars. So in a sense the consumer is protected when he has to have a soils investigation.

This bill deals specifically with those systems which are existing septic systems. Now, with an existing septic system you can go in and you can remove the whole septic tank and replace it with another one, as long as you get the local plumbing inspector to give you a permit. However, if you start altering the drainage field, then you have to get a site investigation, by altering the drainage field.

This amendment applies to the whole state. If a person has a 100 acre farm, sure, if he changes his drainage field the chances are it is not going to affect, even if it malfunctioned a second time, the chances are it isn't going to affect anyone. However, if you take a lake with hundreds of cottage lots, each with a 75 or 100 foot frontage, if people start changing their drainage fields, if their system malfunctioned in the first place, there is a very good chance that system will malfunction the second time also. What the local plumbing inspector does, he goes and he looks at the soil, and if there are problems with the soil, he can design other systems; for example, systems with mounds, where gravel is hauled in and a mound is built, and so on. Let me say also that there are 300 local plumbing inspectors in the State of Maine and only one is qualified as a site investigator.

This bill does not really address the problem. The problem is that in many cases there are very few site soils investigators and some of these people are charging too much. For example, I understand there is one away up in Aroostook County, and there are very few others up there, so he is able to get away with tremendous prices. But as more soils investigators are coming into the field these prices are going to go down, as competition will drive them down.

We have the finest plumbing code in this nation. By passing this bill, what we are going to do is break up existing systems from new systems, and what this legislation will eventually state is that the existing Maine State Plumbing Code is applicable only for new installation and not for old installations. I hope you will support me in indefinitely postponing this bill.

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

Mr. O'LEARY: Mr. President and Members of the Senate: Just a few moments ago I was involved in perhaps the first partisan bill that has come before us here that I have ever participated in. I don't want to be involved in any more partisan discussions and I don't believe that this is. This is a bill that has the endorsement of most of the municipal officials throughout the state. The Oxford County municipal officials unanimously endorse this bill.

I heard and you have heard about the incident at West Peru where an incompetent examined the soil. His analysis in the month of September of last year proved the water table was down 48 inches below the level of the ground and, therefore, he signed the permit or statement to the fact that the soil was acceptable. However, through many discussions with the Senator from Penobscot, and we had another meeting this noon at lunchtime with the Department of Health and Welfare, I have no quarrel with the findings at West Peru. But you must remember this was new construction, and that this bill here does not address itself to new construction. The bill addresses itself only to existing septic systems, those in existence as of today.

Anyone that has a septic tank knows or will know when they do have a problem with it what their problem is. If someone has a septic system that has been in the ground for fourteen or fifteen years and all of a sudden it begins to plug up on them, they have stoppages, then they know their septic system field, drainage field, is plugged. So all this bill is asking is that the local plumbing inspector be given the right to go on site and observe this system, and if he in his own belief believes that simply by moving the drainage field the problem could be corrected then he would issue the permit. If you look at the bill itself, the bill says "may approve." It doesn't say "shall," it says "may", and it is just to repair these systems. He may issue all necessary permits. Then you get to the meat of it, it is right in House Amendment "A", and it says once again, "may be granted when the waiver will not result in a violation of other regulations or ordinances adopted pursuant to the plumbing code." Then there is a guarantee in here for the abutter or anyone that may be concerned, and it says, "any person aggrieved by the granting of the waiver may appeal to the municipality and request a hearing." The definition of "person," as I understand it, is a human being who walks on two feet, and is also a municipality, a corporation; I am not lawyer but I understand that this is what the word "person" means. So if there was something done, the state could step in here and take care of the problem. This doesn't create any problem at all.

I was almost misled into believing that this was a bad bill too, and I have been told that this bill would completely destroy the plumbing code. The plumbing code runs anywhere from 150 to 200 pages, and if you can do it in any title such as this, that doesn't say an act to repeal the plumbing code, I don't know how we are going to do it. I would suggest that if this bill was going to wreck the plumbing code, then the only thing that is in the plumbing code is the existing septic tank system.

Now talk about soils analysis, these men, and I mean a lot of them, get up to \$200 apiece for a soils analysis. One man alone can make \$90,000 a year. Now that is a pretty good sum of money. But in this bill the licensed plumbing inspector is not going to do any soils analysis, and this seems to be a concern of a lot of people. This bill does not give anyone who is not a licensed plumbing inspector the right to do soils analysis. All he is going to do is give the right to any person that has a blockage of his system, if he can put in another drain field on his own property, then fine.

The Department is coming out with a new plumbing code which allows the municipalities to grant waivers. Presently this is being used by about a dozen LPI's, and they say that perhaps in another three months they will adopt these rules and regulations. I am not so certain that these rules and regulations are anything that we want. I think that this bill has them scared and that they are trying to get us to say that sure, you kill this bill and this is what we will do. Let me give you an example: it reduces the distance from the owner's well, to reduce the 100 foot requirements to nothing closer than 50 feet. It also reduces the distance from your neighbor's line. I am not so sure that this is good either, but your licensed plumbing inspector would know what you are attempting to do, he knows what the plumbing code is, and he would know whether what he is doing is right or wrong. There is nothing wrong with this bill and I move that we accept the minority report of the committee, and I hope you vote against the motion to indefinitely postpone this bill and accompanying papers.

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

Mr. TROTZKY: Mr. President and Members

of the Senate: I would like to point something out here in the bill. First of all, under the present law right now, the person who is changing his system right now can hold a soil scientist liable. However, if you look at this bill here and the amendment it says, "the plumbing inspector shall be immune from any liability for any subsequent malfunction of the private sewage disposal system." And they should be immune, because the LPI's are not qualified to do the job.

Secondly, this bill was inspired by a gentleman who is a code enforcement officer, he is a local plumbing inspector, and he is reator all in one.

Next, I would like to correct a statement here. The department has been testing a waiver form here, and they have been testing it on 12 LPI's I believe in the Augusta area for the last three months. They have been testing it not as a result of this bill, but were testing it before this bill ever came in or was thought up. The good Senator from Oxford was with me this lunchtime and it was stated to both of us, and also to other members of the committee, that this waiver will be put into effect before the end of April, which will give the local plumbing inspectors a little bit more leeway. I do hope you will defeat this bill.

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

Mr. BERRY: Mr. President and Members of the Senate: If I may pose a question through the Chair, as I read the bill itself, L. D. 2306, I notice in there it says, "replacement of any part or parts of these existing private sewage disposal systems." My question would be with the words "part or parts", if a complete system could be replaced and, if so, would this allow for that system to be replaced with a system not exactly like the existing system? The reason I ask that question is that we are now facing an era where aeration systems are trying to come into this state. They have not been accepted by the State of Maine or by several other states, and I wonder if this bill might open the door to that type of system.

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: It is my understanding that if the entire system is being replaced, including the leaching field, because of malfunction, there would have to be a soils analysis.

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

Mr. COLLINS: Mr. President and Members of the Senate: I have had mixed feelings about this bill but I would like to raise a couple of questions that seem to me important. I have two or three building lots for sale and I had paid \$105 per lot to have the soil analysis work done, but I can tell you it was a very good investment because in each case the proposed location of the dwelling or disposal site was entirely wrong according to the soil conditions and by discovering this early on before selling the lot and getting a builder involved, I am sure that I have saved a great deal of money. I realize that this bill doesn't go to that particular case, but I site it because sometimes we have a tendency to be penny wise and pound foolish.

My particular concern is of course to protect our waters, particularly around lakes. There are a number of our lakes which have cottagers rather close together and have septic systems that have been in a long time, that were installed in an era when there was no electricity, when the cottage was the camping — out place, with very little usage of the system. Now, with electricity, there are dishwashers and washing

machines, showers, and the burden on the old system is much greater than it was ever designed to accept, so a lot of these systems run into trouble.

Well, when I read the bill at first I thought, well, doesn't this pretty well do away with the plumbing code. In fact, I heard a plumbing inspector who is a member of the other body so testify. But I was bothered more when I read the amendment and saw that when there was, "unnecessary hardship, a waiver could be granted." The language confuses me because it says, "unusual or unnecessary and undue hardship because of site conditions, lot size, or impracticability a waiver may be granted when the waiver will not violate some other rules." Well, you have a rather contradictory situation because if the other rules didn't apply you wouldn't need a waiver. So you have a situation where if this amendment is going to make any sense you are inviting waivers really, because otherwise there wouldn't be any need for it. It does seem to me that the amendment really compounds the problem, that it invites the local inspector to just push aside all the other ordinances that the town may have or that the plumbing code may have. I am really confused. If I were a local judge being asked to decide about the performance under this amendment "A" that has been put on the bill, I just wouldn't know how to rule. I think that is a bad situation because when you get that you get buck passing, and the local inspector is not going to stick his neck out. I don't wonder there is an immunity clause tacked onto the end here. This bothers me and I ask any member of the Senate who may care to answer if he can see anything in this bill that answers my concern.

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

Mr. O'LEARY: Mr. President and Members of the Senate: The good Senator from Knox, Senator Collins, apparently listened to the debate, and it is true that one of our committee members is and was opposed to this piece of legislation, although I believe now it has been amended in such a form that he is not opposed to it any longer. I cannot make that a true statement of fact because it is only hearsay and perhaps I shouldn't repeat it.

I think that the good Senator can appreciate the plumbing code that we have when it comes to new construction because of his concern about the property he did buy, and I think that people are more conscious about pollution now than they ever have been, but if you look at the statement of fact on the L. D. itself, the intent is to encourage the repair of existing malfunctioning septic systems. There may be a vehicle now or a way you can make these people repair these systems, I am not aware. However, when you take a lot of camps on the lakes and ponds, if they have to repair their systems at the present time, I am afraid, if they have to have a soil analysis, that they would find the soils were perhaps not acceptable and they would, therefore, not want to repair their malfunctioning systems.

There is a lot of merit in this bill. I think there would be a lot more benefit to the people of this state than there would be harm. As for an aeration type system coming in and being put in in place of the existing system, it cannot be done. That would have to have a permit.

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

Mr. BERRY: Mr. President and Members of the Senate: One of the problems that I think is a major one here was just lightly touched upon in the debate. I think that is the protection of the person who has the investment in the property. It will may be that the Senator from Oxford, Senator O'Leary, is trying by this legislation to correct the explicit situation that was explained by Senator Trotzky. However, I call to your at-

tention that if it is going to be corrected in this manner it is going to present a real attractive problem for people who are relying on a report and make an investment in their land of hard earned savings or home or anything else.

If we go to professional people for any purpose, be it an attorney, a doctor, an engineer, a soil scientist, or anybody who is licensed by the state, and they give an opinion that a situation exists and that such and such should be done, be it your health or a legal problem, or whatever it is, you rely upon that decision. You pay the bill, and you walk away and you have something, either better health or your legal problem is cured or your building is properly built. Now, if for any reason you are not satisfied in the future, or it turns out that that individual didn't assess the problem correctly, gave you ill advice which results in your misfortune, your poor health, or something doesn't go right that he said would go right, your redress is very simple. You can go to the chap and say it cost me this much to straighten it out, and here is my bill, you pay it, and if you don't pay it, I will go to the board of registration that gives you the license to do what you are doing or go to court. This is exactly what happens. This means that you are protected and the state stands behind the acts of that individual.

I invite your attention to the wording in the amendment, keeping in mind what I have just mentioned. We no longer in our dealing with somebody who is professionally responsible — this man is a licensed individual as a plumber — and you say, fine, well, if he gives me bad advice, we will complain to the plumbing board and take his ticket away if he doesn't perform the way he should, or if he had not performed the way he should. But this is the language in the amendment, and look what it does: "The plumbing inspector shall be immune from any liability for any subsequent malfunction of the private sewage disposal system." I have never seen anything like this in my fifteen and a half years in Augusta. Then it nails it down by saying that the owner of the family dwelling to whom the waiver is granted shall sign a waiver of liability, sign away completely all your rights against this person who granted you the waiver, and yet he is totally immune from you going after him.

I think that this is terrible, it is probably unconstitutional and so forth, but it almost acts as though somebody were trying to solve a problem here specifically, and they are going to jeopardize everybody who in the future is going to try to get an appraisal of their lot based on the functioning of the sewer system. I think we should keep for the protection of the people of the State of Maine, we should keep the protection which we now have on the books, so that we do not see situations arise such as Senator Trotzky cited. It seems to me that we should very enthusiastically vote to indefinitely postpone the bill.

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

Mr. TROTZKY: Mr. President, I request a roll call.

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

Obviously less than one-fifth having arisen, a roll call is not ordered. The Chair will order a division. The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate indefinitely postpone L.D. 2306 and all its accompanying papers. Will all those Senators in favor of indefinite postponement will please rise in their places until counted.

A division was had. 15 having voted in the af-

firmative, and 12 having voted in the negative, the motion prevailed.

Sent down for concurrence.

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

Mr. SPEERS: Mr. President, I move the Senate reconsider its action whereby it indefinitely postponed this bill, and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby it indefinitely postponed L.D. 2306. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will please say "No".

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

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

Bill, "An Act to Revise Statutory Provisions Relating to Dropouts." (S. P. 686) (L. D. 2195)

Tabled — March 25, 1976 by Senator Speers of Kennebec

Pending — Adoption of Senate Amendment "A" (S-472) (In the Senate — Committee Amendment "A" (S-467) Adopted)

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

Mr. KATZ: Mr. President, because I am a completely reasonable man, and the minority leader has shown me the error of my ways, I ask leave to withdraw Senate Amendment "A" from consideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now requests leave of the Senate to withdraw Senate Amendment "A" which he proposed earlier in the day. Is it the pleasure of the Senate to grant this leave?

It is a vote.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would just like to inform the good Senator from Kennebec, Senator Katz, that every day is St. Patrick's Day.

The PRESIDENT: Is it now the pleasure of the Senate that this bill as amended be passed to be engrossed in concurrence?

It is a vote.

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

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

Tabled — March 25, 1976 by Senator Corson of Somerset

Pending — Motion of Senator Corson of Somerset to Reconsider Final Passage (In the House — Finally Passed)

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for March 29, 1976, pending the motion by Mr. Corson of Somerset to Reconsider Final Passage.

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

House Reports — from the Committee on State Government Bill, "An Act to Establish a Division of Travel Information". (H. P. 2022) (L. D. 2201) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-1012) Minority Report — Ought to Pass as Amended by Committee Amendment "B" (H-1013)

Tabled — March 25, 1976 by Senator Curtis of Penobscot

Pending — Acceptance of Either Report (In the House — Bill substituted for the reports and Bill Passed to be Engrossed.)

Mr. Curtis of Penobscot moved that the

Senate accept the Majority Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. CURTIS: Mr. President and Members of the Senate: I am well aware of the lateness of the hour, and in an attempt to clarify the issue, which could be a little confusing because we basically have three choices before the Senate on the matter of a bill to assist in the promotion of tourism for the State of Maine, I distributed earlier today an eight and a half by fourteen inch sheet of paper which describes how the bill and the two committee reports differ.

I would like to point out only that the state at this point is doing almost nothing to promote tourism. Sometime earlier this session I distributed a copy of a letter, a mimeographed letter, which is being sent out under the state stationery and indicates that the Deputy Director of the State Development Office sincerely regrets to inform the addressee that material requested regarding the State of Maine and its promotion, usually requested in bulk, as I understand it, is not available for distribution. There is almost nothing being done at this point.

The bill and the two committee reports are all three attempts to do something. The question that is posed is largely one of how to raise the money to do something. Also whether or not the office that should be charged with the responsibility of promoting tourism ought to be located in the State Development Office, where the statute now requires that function be located, even though almost nothing is being done, or whether it ought to be located in the Department of Transportation.

Having made the motion to accept the majority report, I would be glad to answer any questions people have of the technicalities of the bill, if they are not answered in the sheet that has been distributed.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would like very briefly to commend the good Senator from Penobscot, Senator Curtis, and the staff of the Committee on State Government for this explanation which they have presented. I think it is a very complex issue with all three reports, and if anyone cared to read down through the explanation provided, I think it provides a very clear identification of the various issues involved.

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

Mr. PRAY: Mr. President and Members of the Senate: As I look over this sheet, I am a little bit leery about supporting any or the bill itself. Since Committee Report "A" has been moved, I would like to point out a few things in just going down and looking at it, particularly under the third category, the financial category. Looking over at the tax that is being proposed, fifty cents per day per bedroom, twenty-five cents per day per camp site, in doing a quick check first of all in the camp site category, being familiar with a number of campsites and knowing their fees of either two dollars or three dollars, basically that is the most common fee in my district, that will be a twelve and a half percent tax on the two dollar camp site, and an eight and a third percent tax on the three dollar camp site, and that seems like an extraordinarily high tax.

Going back to the fifty cents per day per bedroom, I am a little bit leery about the situation of the different types of facilities we have around the state, bunkhouse type units perhaps or motel with one bedroom, they would be paying a fifty cent tax, with no consideration being given to the amount of people. Taking cottages or motels with multi-bedrooms or adjoining rooms, I don't know how they are going to count adjoining rooms, we see that they are paying more, still with no consideration being given to

the number of people. In other words, an individual is going to be taxed on the lodging that the individual owner owns. For example, if I worked at a particular place that has seven units that have three bedrooms, sometimes people come in and two people will rent the whole unit, and as I read this explanation sheet, they would be paying one dollar fifty tax because it has three bedrooms. I would at this time like to ask a question through the Chair to the Chairman of the State Government Committee. If that would be true.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: The answer to that question is found on the committee report, which is under Filing Number H-1012, on page seven of that report, and the answer to the question is yes, it is true. I would also like to add that on second reader I certainly would be very amenable to taking a look at any proposed amendments that somebody might come forth with to improve our work.

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

Mr. MERRILL: Mr. President and Members of the Senate: I submit to this body that this is exactly the type of problem we were talking about yesterday. We have here a proposal for a new tax, a tax increase in the State of Maine, to replace a program that was cut out presumably because somebody decided that other programs were of a higher priority. I don't think that that decision was probably the right one, but I am certainly not going to vote for a new tax to replace something that has been cut out through no conscious decision of weighing priorities. I move indefinite postponement of this bill and all accompanying papers, and I hope that those who are against a further tax increase will vote with me.

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

Mr. DANTON: Mr. President and Members of the Senate: I don't know if some of you or most of you got one of these Maine-Vacation Travel Council tax sheets, but it is really a shame when we here in the State of Maine have a ready market of 60 million people within a one day trip of the state, the sales taxes that we get amount to over \$30 million dollars; business transactions \$457,546,000; wages, and this is from the tourist industry — you know I am in the tourist industry and maybe I am a little concerned about this; I don't know if I am concerned enough to want to vote for a tax increase but I think something has to be done — wages, \$130,407,000, that is the tourist industry. That is 4.1 percent of all Maine wages. Property tax revenues in many Maine communities amount to up to 75 percent, non-resident, which I imagine the new tax reform bill will take care of.

I think the state has to do something, I am not sure what I want to do, whether I want to vote to kill this bill, or I would like to see it kept alive and maybe we can get together with the chief executive. I know the Appropriations Committee has its hands full trying to fund pay raises, the University of Maine, and social service programs, but some way, somehow we just have to figure out a way to fund this.

I would hope that maybe we can allow this bill to just hang around for a couple of days. I really don't know what I want to do. The chief executive has threatened to veto this bill. If we pass it, what good will it do if it is vetoed. The House, I guess, has passed one version, we are discussing another one, so let's see if we can really come up with something to help our

tourist industry until we can find something to take place.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I can assure you that it was with no great pleasure that we brought this bill out of the State Government Committee, but we were presented with these facts, that virtually nothing is being done by the state government for the tourist industry, and yet the tourist industry is Maine's second largest industry. It brings in 400 million or 500 million dollars annually. You only have to look at the way the tax receipts for hotels and restaurants jump during the heavy tourist months of July and August. And the tourist industry itself came to us and said can't something be done by the state for the tourist industry.

Now, the tourist industry is a highly competitive industry. We are in competition with every state in the union, plus many foreign countries, the Caribbean, Latin American, Mexico, all screaming for the tourist dollar. And even the Canadian provinces, the Maritime Provinces and Quebec, which have roughly the same economies that we have, they are spending something like 30 million dollars a year on the tourist industry, and we are spending virtually nothing. The Senator from Penobscot told how a letter sent to the Development Office came back saying sorry, we don't have any information for you. So I hope you will keep this around for a day or so, so that we can think of something for Maine's second industry.

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

Mr. PRAY: Mr. President and Members of the Senate: I guess I have to agree with the last two previous speakers, I am not sure if I want this bill killed. I have to agree it is a highly competitive market that we are talking about, but I am just bothered by looking at this as to what has been proposed. I have talked on several occasions to businesses in my area not associated with the tourist industry, foodliner stores and whatnot like that, and they say during the tourist season their business increases up to sixty percent. Yet, I see we are talking about the tourist industry, and we are helping all these associated businesses through the state, the foodliners, smalltime grocery stores that sell beer, from which a lot of the tax dollars come in, and we don't talk about the money that they raise through the tourist business; we are talking about the tourist industry only, those individuals who run lodges, sporting camps, motels, restaurants, the ones that we see as being the direct beneficiary from tourism, but that is not true.

We get into individuals tarring their driveway in front of the motels or something, these individuals are making money off the tourist industry because that individual wants to make his motel more attractive. Yet we are not putting a burden onto them. I guess from the argument and the argument of Senator Danton that this bill should be kept around and looked at and see if we could hit it at another angle, for another tax angle or something, maybe we should keep it. But I also have to agree with my seatmate that at this time we shouldn't have any type of tax increase.

I know my advertisement goes out of state at my own expense, and I feel as if I do a good amount of business. Sometimes at certain parts of the year I am filled up over a year ahead, because the individuals that come into my area are satisfied with that area, satisfied with the service that they receive, so they go back and they tell their friends. That is the best type of advertisement you have.

We have on our license plates the fact that Maine is vacationland, so wherever a Maine car travels we receive advertisement that way.

But I think at this time, taking all these factors into consideration, I am going to support my seatmate's motion. If it is defeated, I would

like to see some other types of proposal than what are being presented to us here. I think they are not hitting the problem and they are not hitting the people that are benefitting from this. For those reasons, I am going to support my seatmate.

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

Mr. CURTIS: Mr. President, if we defeat the pending motion, we will have an opportunity to work on the bill and come up with whatever anybody might like for a funding limit or a method of raising the money. If the pending motion to indefinitely postpone the bill and all accompanying papers is successful, then there will be no vehicle to provide any assistance this year. I think it is fairly clear that that is the answer.

Right now the state is answering requests for information about how to come to Maine by sending a beautiful four colored cover brochure, enclosed with a state map and the last dwindling supplies of the Baxter State brochure, the State Parks brochure, and a brochure on skiing in Maine. That is what is sent to tourists who request information from the state. There is no more material being printed.

In committee, we asked the director of the office what they would do when they ran out of material, and his answer — and I am sure it was facetious — but his answer was that we would request the executive council for a small sum from the contingent account so we could buy an incinerator to burn the requests from out of state. And that is the level where we are with the tourism industry. It is an important industry, it ought to get some attention and some assistance and some promotion.

Now, all of the money being proposed in any of these bills would be spent on printing or mailing materials out of state. Some would be spent on continuing and increasing our efforts at providing centers for information within the state so that tourists, when they come to Maine, could be assisted in being directed to those areas which did not have an overflow of out-of-staters.

The people who would pay for Report "A", the one that I would like to see adopted, are the people who can afford to come to Maine and stay in motels, hotels, and camp sites. And I would suggest that that does indeed basically put the burden of the cost upon those people who benefit.

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

Mr. DANTON: Mr. President and Members of the Senate: It just doesn't seem to sound right to me to take our second largest industry in the State of Maine, whether we would accept it as the second largest or not, and say the hotel, motel and restaurant industry is going to support the tourist industry. It just doesn't sound right.

You know, in my business I have electricians that come in and do work, carpenters, paving men, refrigeration men, air conditioning men, masons, and it just doesn't sound right that we should take this great big industry and say there you are, hotels, motels and restaurants, you are going to support it. It just doesn't sound right, and I would hope that someone in this Senate would come up with what would be right for everybody.

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

Mr. MERRILL: Mr. President and Members of the Senate: I might misunderstand the situation and, if I do, I am anxious to be corrected, but it seems to me the only thing we lose if we kill this bill today is the chance to pass this special tax. I don't think that there is anything that would keep the Appropriations Committee from putting this in the supplemental bill. So

what we are really talking about here today is whether or not we are going to pass a special tax for this purpose.

Isn't it interesting that this should follow by just a day the great debate in which our present system was so well defended yesterday. And here we stand trying to defend a tax. Nobody has talked about it in the context of all the other taxes we have, nobody has talked about this spending on the context of all the other priorities we have. We are just in here being told that a program has been cut out, through no conscious decision of the legislature, and in order to save it, we have to add on a tax that is already overused in Maine, and that is the sales tax in one form or another.

I would suggest that this sort of ad hoc increasing of taxes and funding of programs has got to stop, and I don't think anything is going to be improved by keeping this tax measure around any longer. We all know that in the end we are not going to pass this tax. We all know that we would like to get home before the trees are completely leaved out, and we are not going to be able to do it unless we face up to reality and get rid of this sort of measure right now.

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

Mr. CYR: Mr. President and Members of the Senate: In listening to this debate, I think it makes sense to charge the cost to the industry that is involved. It is nothing more or less than an industry tax.

Now, the good Senator from York, Senator Danton, mentioned that he just could not understand why the industry that is involved, that would benefit by it, should be the only one to pay this tax. Well, we have an industry tax on the potato industry, for instance. The industry itself taxes itself to publicize the industry. You have an industry tax in the blueberry industry. And I see no difference whatsoever with this one, so I think I would be in favor of having an industry tax on them.

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

Mr. PRAY: Mr. President, I will try to be very brief. The Senator from Penobscot, Senator Curtis, has said let's keep this thing alive so we can offer some amendments to it. As I look down over it, I see three proposals now before us, after the State Government Committee has met and worked on this. I sit down and look at all the different categories that they have got here. I look at the bottom where they are going to give priority to the major border points of access, so I think the people that are in state or not on a border area where there is major access better start thinking about that, where that tax money is going to go once it is collected. If it is going to go to that area on the border very close to the other states and to the Canadian Provinces.

I can remember when not too long ago we had a tax through the association that we belong to, or dues that they collected to promote the Maine industry, and they asked everybody to give in a little bit more so that they could promote the State of Maine during the gasoline crisis, and everybody gave a little bit, and then they said that it is only something like five hours from Boston to the coast of Maine. I felt as if my share of the dues that I paid in on that to the group to which I belong was very unfairly spent, since they promoted nothing in the inner part of the State of Maine. And I see here, in looking at the very bottom section, where they say they are going to give priority to the coastal area or the border areas, and I don't think that this bill should go any longer.

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

Mr. MERRILL: Mr. President, I wish the Senator from Kennebec, Senator Katz, was here because he is more expert on this than I

am, but shouldn't this go the the Appropriations Committee?

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

Mr. CURTIS: Mr. President, this bill I am sure came to the State Government Committee because it proposed the creation of a new office and the placing of that new office in the Department of Transportation. The State Government Committee disagreed with that suggestion and thought that the existing office ought to be continued.

I think there are three possible committees that this bill could have been referred to: Taxation, Appropriations, or State Government. Since we got it, we worked on it, we did as well as we could, and I think it would be a very great shame to see it die at this point.

I think that the suggestion made by the Senator from Cumberland, Senator Merrill, that the tourist industry ought to be assisted by an appropriation out of the general fund is a good one. That would be an excellent idea if there were any money in the general fund right now to provide any assistance.

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

Mr. DANTON: Mr. President, would I be in order if I moved to recommit this bill to the Appropriations Committee?

The PRESIDENT: At the present time, the Chair would advise that you would not be in order. The pending motion is the motion by the Senator from Cumberland, Senator Merrill, that this bill be indefinitely postponed, and we have to dispose of that motion.

The Chair is in error. Your motion would take priority over the motion to indefinitely postpone.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President, I so move.

The PRESIDENT: The Senator from York, Senator Danton, now moves that the Senate recommit L. D. 2201 to the Appropriations Committee.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

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

The PRESIDENT: A division has been requested on the recommittal motion. Will all those Senators in favor of recommitting this bill to the Committee on Appropriations and Financial Affairs please rise in their places until counted. Will those opposed to the motion rise in their places until counted.

A division was had. 18 having voted in the affirmative, and eight having voted in the negative, the motion prevailed.

Sent down for concurrence.

On motion by Mrs. Cummings of Penobscot, Adjourned until 11 o'clock tomorrow morning.