

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, March 26, 1976

Senate called to order by the President.

Prayer by the Honorable Minnette H. Cummings of Newport: In the schools these days they are having meditation or thoughts. I thought perhaps, for each of us know what we are working for, that I would allow each of us to have that moment of silence. Would you bow your head for a moment of meditation please.

Let the meditations of our hearts be acceptable in Thy sight, O Lord. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

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

In the Senate March 23, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (S-450).

Comes from the House, Passed to be Engrossed, as Amended by Committee Amendment "A", as Amended by House Amendment "A" Thereto (H-1099), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the Senate March 22, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (H-985), in concurrence. Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" Thereto (H-1103), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Joint Resolution

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

Joint Resolution Concerning the Desirability of Repealing the Safe Water Drinking Act Enacted by Congress as PL 93-523

WHEREAS, the 93rd Congress of the United States has enacted Public Law 93-523, cited as the "Safe Drinking Water Act;" and

WHEREAS, this Act regulates all public water supplies including those which are not operated by a water utility; and

WHEREAS, the Act requires the State of Maine to enact complicated, complex, unnecessary and expensive legislation by July 1, 1977; and

WHEREAS, if the State fails to enact legislation deemed appropriate by the Environmental Protection Agency, all suppliers of water in Maine will be subject to the regulation of regional offices of the Environmental Protection Agency; and

WHEREAS, such regulation is not needed in the State of Maine; and

WHEREAS, the law will result in increased cost to the citizens of Maine, outweighing any benefits; now, therefore, be it

RESOLVED, That we, the Members of the 107th Maine Legislature now assembled in special session, hereby respectfully request and urge the Maine Delegation to the Congress of the United States to convince their colleagues of the necessity of repealing Public Law 93-523, and to work toward securing repeal of this Act as soon as possible; 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. 2235)

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

Joint Order

WHEREAS, the subject of state taxation policy has been of great concern to both the regular and first special session of the 107th Legislature; and

WHEREAS, the Governor of this State has indicated his concern over state tax policy and has received recommendations concerning state tax policy from a committee which he appointed and directed to study the subject; and

WHEREAS, it is apparent to the Members of this Legislature that state tax policy must be looked at as a whole, and not merely in part, as it concerns one or another aspect of state or local government; now, therefore, be it

ORDERED, the Senate concurring, that there is created a Joint Select Committee on State Tax Policy, to consist of 5 Representatives to be appointed by the Speaker of the House, 3 Senators to be appointed by the President of the Senate, and 6 public members to be appointed jointly by the Speaker of the House and the President of the Senate, one public member to be representative of the interests of consumers, one public member to be representative of the interests of agriculture, one public member to be representative of coastal interests and one public member to have served on the Governor's Tax Policy Committee; the chairman of the committee to be elected by a majority of the members of the committee; and be it further

ORDERED, that this committee shall study the past and present tax policy of this State and of other states and shall attempt to recommend a clear and comprehensive tax policy which is equitable for each of Maine's citizens and which yields the maximum benefits for all of Maine's people; and be it further

ORDERED, that the committee shall submit its report, together with complete and final drafts of any proposed legislation, to the Legislative Council by November 15, 1976; and be it further

ORDERED, that members of this committee shall be reimbursed from the legislative account in the same manner as if they were members of a joint standing committee of the Legislature; and be it further

ORDERED, that the Legislative Administrative Director shall furnish the committee reasonable staff assistance as the chairman of the committee shall request; and be it further

ORDERED, that, upon passage of this order in concurrence, the Clerk of the House shall send a copy of it to each member of the committee. (H. P. 2247)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Speers of Kennebec, Tabled pending Passage.

Orders

On motion by Mr. Berry of Cumberland,
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 Raeburn W. MacDonald of Readfield Who Retired on March 19, 1976 After 27 Years of State Service and as the Principal Architect of the Water Pollution Abatement Program

We the Members of the Senate and House of Representatives do hereby Order that our con-

gratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 770)

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: Raeburn MacDonald is a long-term career employee of the State of Maine who has just recently taken his rather unobtrusive retirement. His passing from active service in the state employ brings to an end a long period of time in an area in which the legislature has been very active, namely, the clearing up of Maine waters. Raeburn was the Chief Engineer on the Water Improvement Commission and has been instrumental in all the implementations of the various strictures we have placed in our efforts to upgrade the waters of the State of Maine. He has been the interpreter of legislative intent and a man who has, I think, and I am sure his peers agree, has done a remarkable service in the field of water engineering.

The PRESIDENT: Is it now the pleasure of the Senate that this order be passed and sent down for concurrence?

It is a vote.

On motion by Mr. Thomas 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 Howard N. Gray of Waterville Who on March 25, 1976 was Awarded the Annual Chamber of Commerce's Distinguished Service Award

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 771)

Which was Read.

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

Mr. THOMAS: Mr. President and Members of the Senate: Last night in the City of Waterville, if any of you tried to eat at the Silent Woman, I am sure you couldn't get in, because last night we had our Annual Chamber of Commerce Awards dinner, and Howard N. Gray was given the award as the distinguished citizen of the City of Waterville last evening. He is the general manager of the Waterville Morning Sentinel, and a director of the Guy Gannett Publishing Company. He has had a great deal of civic interest in the hospitals of Waterville and has raised hundreds of thousands of dollars for the Pine Tree Society Camp for crippled children at Rome, Maine, which is in my district. He also has had a great deal of interest in Maine aviation and I think has had a battle with my seatmate to the left on a central Maine airport.

All of his immediate family were present last night and his youngest sister greeted me with her usual affectionate greeting. Now, the Gray family happened to be Republicans, but the youngest sister strayed from the course. She happens to be Mrs. Edmund S. Muskie.

The PRESIDENT: Is it now the pleasure of

the Senate that this order be passed and sent down for concurrence?
It is a vote.

On motion by Mr. Thomas 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 Dean Ernest C. Marriner of Waterville Who On March 25, 1976 Was Awarded A Special Bicentennial Award By The Waterville Area Chamber of Commerce

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 772)

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

Mr. THOMAS: Mr. President and Members of the Senate: At the same dinner last evening, The Chamber of Commerce had a special bicentennial award which they gave to Dean Ernest C. Marriner, who is probably Mr. Waterville. Dean Marriner is a noted historian here in the State of Maine. He has been on the staff of Colby College, first as a librarian, then as a professor of English, then as Dean of Men, and finally as Dean of Faculty when he retired in 1957. He also happens to be the Chairman of the Board of Thomas College. For 23 years he was a member of the State Board of Education, and two times was its chairman. As I said, he is really known for history. He wrote two books, one called Kennebec Yesterdays, and the other called Remembered Maine, and two books on Colby College, one the History of Colby College, and the other one The Life of Franklin W. Johnson, former president of the college. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate that this order be passed and sent down for concurrence?

It is a vote.

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 Julius G. Sussman of Augusta Selected As The Man Of the Year by Le Club Calumet

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 774)

Which was Read and Passed.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

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

Mr. GAHAGAN: Mr. President and MEMBERS of the Senate: Washington's farewell address contained the following words:

"The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

"All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities are destructive of this fundamental principle and of fatal tendency."

George Washington was urging us to avoid factionalism. Washington warned us about factionalism, because he wanted us to remember that elected legislators sitting as a body must always govern, rather than factions in the form of political parties and lobbying entities. He also said "... A government for the whole is indispensable. No alliances however strict between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced."

In the Maine Senate, our ability to lead the people of Maine depends entirely on the Senate's credibility as a deliberative body. Since our constitutional power to spend and tax is derived from the people of Maine, work of quality and integrity is the only means which the Senate has to form policy commanding the respect of the whole citizenry of this state.

In recent weeks, the Senate has been beset with financial problems, and we have been hard pressed to solve them. We face chronic deficits, and any additional obligation we incur will require increased taxation. The Senate has been besieged with requests for money, yet we have been unable to develop the comprehensive approach we have needed to be demonstrably fair to each interest.

Not only has the Senate used a piecemeal approach to funding, but the Maine State Employees' Association, the Maine Teachers' Association, and the American Federation of State, County, and Municipal Employees have used the same piecemeal approach in lobbying with their "alliance for Maine's future." These three groups lobbied initially for one \$50 million tax package, but reverted to a fall-back position of supporting the education funding measure's \$18.3 million. This left the Maine State Employees and AFSCME with dim prospects for pay increases.

MSEA and AFSCME are presently opposing the Hay Report's job reclassification. Should we fail to enact this program, a chaotic collective bargaining situation could easily result unless we postpone collective bargaining.

In a situation as polarized and tense as this one, the quality and integrity of our Senate deliberations are all that sustain our credibility with both the public employees and with the other citizens of our state. Everyone must feel that they have equal access to us, and they especially must believe that no one in this highly charged situation has a privileged access or position of influence.

It concerns me that the Secretary of the Maine Senate is employed by the Maine State Employees Association as legal counsel. In my opinion this situation presents the possibility of the appearance of a conflict of interest on the part of the Secretary.

Lobbying is a legitimate function, and to be respected, it must be done on behalf of the best interests of those being represented. Legal representation of Maine State Employees, or any other entity, must approach the legislature solely on that basis. There especially must be no conflict, direct or apparent, with a constitutional or appointed office of state government.

Committee Reports House

Ought to Pass — As Amended

The Committee on Health and Institutional Services on, Bill, "An Act to Redefine the Administration of Medication in the Nursing Practice Act." (H. P. 1934) (L. D. 2122)

Reported that the same Ought to Pass as Amended by Committee Amendment "A". (H-1025).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" Thereto (H-1091).

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.

The Committee on Judiciary on, Bill, "An Act to Clarify Various Statutes Relating to Superior Court Fees and Costs." (H. P. 1866) (L. D. 2037)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1016).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto (H-1055).

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.

On motion by Mr. Speers of Kennebec, House Amendment "A" was Indefinitely Postponed in non-concurrence.

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

Sent down for concurrence.

Ought to Pass in New Draft

The Committee on Business Legislation on, Bill, "An Act Concerning the Geology and Soil Scientist Certification Act." (H. P. 1993) (L. D. 2182)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to the Geologists and Soil Scientists Certification Act" (H. P. 2240) (L. D. 2322).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1100).

Which report was Read.

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

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I think before we do we should have an explanation as to this new draft. Can anyone give us an explanation of just who is involved?

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

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, I will have to move then for indefinite postponement. As I understand it, these people want to have an exclusive on soil testing. Last session, last year, I had a bill to extend these duties to soil conservationists, agronomists, other people that might be involved in soils and would know just as much as these people. Probably these people, the geologists and soil scientists, I will accept

that they probably know the theory a lot better than many people that otherwise might be qualified to do this testing but having got the theory, but are they practical.

I have been involved, I am an agronomist by profession, and when I work for the Soil Conservation Service we were involved in many cases in draining agricultural fields. Now, you don't necessarily have to have just a classification of the soil. If you take the classification of the soil, maybe you aren't going to have a proper drainage but you can improve the drainage. There are ways and means to improve the drainage, and the same in this. In my bill last year I withdraw it, because in the law it says soil geologists and scientists, engineers, and others. Now, what they mean by others are people that have taken courses from the Health and Welfare Department. They are offering courses around the state in regards to this percolation and regards to the absorption of soils. I was told at the hearing that others could cover and, as a result of that, I withdraw my bill. Those that were in opposition to it were the same people, the soil scientists and soil geologists, because they want to have an exclusive, and they want to have an exclusive because they want to have a chance to charge whatever fee they want.

There is only one soil scientist that would fit this bill here in Aroostook County, and I know of cases where individuals have asked for a soil test where it cost them as much as \$250 to get a test on whether or not a septic tank will work. Most of us know that around lakes you have a clay pan, you have a clay soil, and you are not going to have much percolation. But you can improve it, the same as I did on my cottage before this came along. In my drainage field I put in a perforated pipe and then I put in two feet of screening on top of it, and it has been acting beautifully ever since.

I am not in favor of giving this group an exclusive. I think that other people, some plumbers, some soil conservationists, some agronomists, or other classifications, if they take the courses that are required and they pass the exams and are certified, I think they should have the right to be able to make a little inspection on whether or not you can put in a septic tank for your camp or some other facilities that you need. For those reasons, I hope that you help me to defeat this bill.

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

Mr. THOMAS: Mr. President and Members of the Senate: I am not a geologist, I am not a soil scientist, and I am not an engineer, so I don't know too much about this particular bill, except that it did put us in conformity with the new plumbing code, and it put some teeth in the ability to have the people who do this work do it correctly, it also made changes in the makeup of the board.

I remember at the hearing that there was a great deal of conflict over section one and section fourteen. We eliminated section one and rewrote section fourteen, which concerned the geological plans and specifications, the reports and the documents which would have to be filed. It also put this under the Department of Human Services.

I don't know who the gentleman is from Aroostook, because he says there is only one, but a gentleman from Fort Fairfield did testify in favor of this bill. The State Geologist testified in favor of this bill and so did Mr. Donald Hoxie from the Department of Human Services. The opponents, and there were six, only opposed it because of section one and section eighteen, asking us to remove section one and to rewrite section eighteen, and that is what we have done.

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

Mr. Berry of Cumberland then moved that the

Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Cyr of Aroostook to Indefinitely Postpone the Bill.

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending the motion by Mr. Cyr of Aroostook to Indefinitely Postpone the Bill.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Clarify the Fish and Game Laws." (H. P. 1933) (L. D. 2121)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1049).

Signed:

Senator:

PRAY of Penobscot

Representatives:

MILLS of Eastport

DOW of West Gardiner

TOZIER of Unity

MacEACHERN of Lincoln

USHER of Westbrook

MARTIN of St. Agatha

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-1050).

Signed:

Senators:

McNALLY of Hancock

GRAFFAM of Cumberland

Representatives:

CHURCHILL of Orland

PETERSON of Caribou

WALKER of Island Falls

KAUFFMAN of Kittery

Comes from the House, Recommended to the Committee on Fisheries and Wildlife.

Which reports were Read.

On motion by Mr. McNally of Hancock, the Bill was Recommended to the Committee on Fisheries and Wildlife in concurrence.

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Redefine 'Subdivision' in the Site Location and Development Act." (H. P. 1979) (L. D. 2169)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1000).

Signed:

Senators:

WYMAN of Washington

O'LEARY of Oxford

Representatives:

CURRAN of Bangor

HALL of Sangerville

CHURCHILL of Orland

HUTCHINGS of Lincolnville

McBREAIRTY OF Perham

BLODGETT of Waldoboro

AULT of Wayne

WILFONG of Stow

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

Signed:

Representatives:

DOAK of Rangeley

PETERSON of Windham

(Senator Howard Trotzky Abstained)

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-1041).

Which reports were Read.

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

Mr. Berry of Cumberland then moved that

Committee Amendment "A" be Indefinitely Postponed.

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

Mr. WYMAN: Mr. President and Members of the Senate: The committee did a lot of work on this bill. It came out with a ten-to-two ought to pass report, with the committee amendment, with one member abstaining, and I oppose the motion to indefinitely postpone this committee amendment.

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

Mr. BERRY: Mr. President and Members of the Senate: The difference between the committee amendment, of which I am moving indefinite postponement, and the House amendment, which was adopted by the House and is on the bill that comes to us, is that the House amendment provides that a hundred acres would be permitted by the action of the basic bill, and when it got over the hundred acres then the matter would go back to the state control for permit purposes. It seems to me that a hundred acres to be subject to local control is ample. This is plenty of leeway, and it seems to me that we are trying to go whole hog here when we don't put on some control. I am sure that five acres is a very respectable minimum lot size, and when we have twenty of these it seems to be adequate. When we get above a hundred acres we certainly are getting into wholesale development, and I think then the state should be in the picture as they would be now. So I would hope that the Senate would go along with the indefinite postponement of this amendment, and then concur with the House by the adoption of the House amendment.

The PRESIDENT: Is it now the pleasure of the Senate to indefinitely postpone committee amendment "A"?

Whereupon, Committee Amendment "A" was Indefinitely Postponed in non-concurrence. House Amendment "A" was Read.

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

Mr. WYMAN: Mr. President and Members of the Senate: House Amendment "A" completely rewrites the bill, and I moved indefinite postponement of House Amendment "A".

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves that the Senate indefinitely postpone House Amendment "A". Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I think that once again we have some legislation here that is in danger of extinction, and I kind of think it would be good for everybody if we went through with this.

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

Mr. CURTIS: Mr. President and Members of the Senate: Earlier this morning I distributed a reprint from the Bangor Daily News article so people would have an opportunity to understand some of the problems that have occurred under our existing laws, which doesn't seem to be too strict in the entire matter of subdivisions when there are large lots involved, namely, over ten acres. I would like to suggest that it would not be appropriate to indefinitely postpone this House amendment. I think that some change here is needed. I would ask for a division when the vote is taken.

I would also like to request that somebody who is familiar with this piece of legislation explain or answer the question of whether or not under the existing law without House Amendment "A" there would be any review at all by the Department of Environmental Protection

for a very large subdivision, say of a thousand acres, if the lots are all more than ten acres.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, 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: For information, under the site location law, if lots are over ten acres they go for municipal approval but do not go to the Department of Environmental Protection for review.

The Chair recognizes the Senator from Washington, Senator Wyman.

Thereupon, on motion by Mr. Wyman of Washington, tabled until later in today's session, pending the motion by that same Senator to Indefinitely Postpone House Amendment "A".

Divided Report

Six members of the Committee on Judiciary on, Bill, "An Act Relating to Conflicts of Interest in Offices Subject to Legislative Confirmation." (H. P. 2127) (L. D. 2279)

Reported in Report "A" that the same Ought to Pass.

Signed:

Senators:

COLLINS of Knox
MERRILL of Cumberland

Representatives:

HENDERSON of Bangor
SPENCER of Standish
HOBBS of Saco
HUGHES of Auburn

Six members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Senator:

CLIFFORD of Androscoggin

Representatives:

HEWES of Cape Elizabeth
MISKAVAGE of Augusta
PERKINS of So. Portland
BENNETT of Caribou
McMAHON of Kennebunk

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

Which reports were Read.

Mr. Clifford of Androscoggin then moved that the Senate accept the Ought Not to Pass Report "B" of the Committee.

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

Mr. COLLINS: Mr. President and Members of the Senate: During the past year and a half there have been a number of cases where state government has had to face the issue of conflict of interest. This bill came before us as an attempt to outline the criteria that should be considered in determining whether a conflict of interest exists or will exist unless certain conditions change when appointments are made.

I had mixed feelings about this and I read the material presented, which consisted of one court opinion and several attorney general opinions, some of them prior to the present administration, some of them during the present administration. It seemed to me that the material in these attorney general opinions was sound and well reasoned and provided a good precedent for guidance of future confirming bodies as they examined that question.

At the same time there is a usefulness in having the general principles of conflict of interest clearly stated in a statute, which, of course, has more authority than a collection of several opinions of the attorney general. This was my reason for voting on the side of Report "A". I do not feel that Report "A" setting out these principles changes the law as developed by these

opinions of the attorney general, but it does bring them into one place and show that the legislature has examined the problem and provided its best judgment for the guidance of future confirming bodies. I think that is all I can contribute to this. We would not be making any radical change, but we would be making a practical and useful step.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: The bill defines what a conflict of interest is, but it really does not improve on the definition which presently exists under the case law, so it is not an improvement as far as defining what in fact a conflict of interest is. But the part of the bill that is a little more troublesome is section two, which goes into some detail of the duties of a legislative committee which is going to inquire into a nominee in the confirmation process.

I think the duties of those committees are better left to legislative rules rather than being locked into statutes. And it also has language in it which I think is bad language to use. It has language in it which mandates how a committee shall vote on recommending approval or denial of a nominee. I don't think it is good language to say that the committee shall recommend denial. It seems to me you are taking away from the committee its legislative prerogative. It rightly avoids using that same language in talking about the Maine Senate but it seems to me that the same kind of flexibility, the same kind of legislative discretion, should reside with the committee as resides with the Senate in the confirming process. It seems to me that the duties of the committee are better left to the rules and that the conflict of interest is put in the statute and perhaps, with the changing circumstances, even that is better left to the case law. Thank you, Mr. President.

The PRESIDENT: The pending question before the Senate is the acceptance of Report "B" of L. D. 2279. The Chair will order a division. Will all those Senators in favor of accepting Report "B" please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had, 17 having voted in the affirmative, and 11 having voted in the negative, the Ought Not to Pass Report "B" of the Committee was Accepted.

Divided Report

Seven members of the Committee on Taxation on, Bill, "An Act to Improve Solid Waste Management." (H. P. 2090) (L. D. 2249)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland

Representatives:

IMMONEN of West Paris
FINEMORE of Bridgewater
TWITCHELL of Norway
MAXWELL of Jay
DRIGOTAS of Auburn

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft under New Title: "An Act to Strengthen Litter Laws and Improve Solid Waste Management in this State" (H. P. 2225) (L. D. 2315).

Signed:

Senator:

MERRILL of Cumberland

Representatives:

COX of Brewer
MORTON of Farmington
SUSI of Pittsfield
MULKERN of Portland

One member of the same Committee on the

same subject matter reported in Report "C" that the same Ought to Pass as Amended by Committee Amendment (H-1015)

Signed:

Representative:

DAM of Skowhegan

Comes from the House, Report "B" Read and Accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1090).

Which reports were Read.

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

Senate

Leave to Withdraw

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

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Enactors

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

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

An Act to Grant the Power to Confer Graduate Degrees of Doctor of Osteopathy to St. Francis College of Biddeford. (H. P. 1929) (L. D. 2116)

An Act to Conform Certain Maine Statutes to the 14th Amendment of the Constitution of the United States, to Title VII of the United States Civil Rights Act of 1964, as Amended in 1972, and to the Maine Human Rights Act. (H. P. 2052) (L. D. 2219)

An Act to Exempt Community Based Retardation Services from the Sales Tax. (H. P. 2070) (L. D. 2240)

(On motion of Mr. Huber of Cumberland, placed on the Special Appropriations Table.)

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

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

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

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

Emergencies

An Act Increasing the Indebtedness Limit of the Mexico Sewer District and Creating a Special Debt Limit for Interim Financing. (H. P. 2190) (L. D. 2302)

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

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

An Act to Charge Supplemental Weekly Benefits for Dependents to the General Fund Account of the State Unemployment Trust Fund. (H. P. 2117) (L. D. 2266)

These being emergency measures, and having received the affirmative votes of 26 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

There being no objections, all matters

previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

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

Mr. SPEERS: Mr. President and Members of the Senate: I am incensed by some of the remarks that I heard this morning under the privilege of addressing this body raising questions regarding one of the officers of this Senate. I am afraid I am quite disturbed by the approach that has been taken in regard to this matter, quite disturbed with the way in which this was presented to us and the way in which this was raised. I feel that we have witnessed a time honored practice of raising questions without actually accusing of any wrongdoing.

This is a time honored practice because it accomplishes two things: it accomplishes a great deal of publicity, but it also accomplishes that publicity at great expense, and the expense is the expense of another individual. The expense is the expense of an individual's reputation, an individual's integrity, which goes to the real heart of his family and of its daily lives.

We have witnessed the impugning of the integrity of an individual by raising questions without answers. Mr. President, if there has been any wrongdoing or if there is any wrongdoing on the part of any member of this body, or on the part of any one of its officers, then let that charge be made, and let it be made fairly, openly and directly. If any one of us feels that there is any wrongdoing on any part of any of us, then I feel you should have the courage to ask for the resignation or to take the necessary action to remove that individual who is involved in any wrongdoing, if that becomes necessary. If there are any illegalities involved, any conflict at all, then the one raising those questions ought to have the courage to make that charge and to ask for the appropriate action, rather than simply raising the questions and leaving them unanswered.

It is a great privilege to serve in this body, Mr. President. I think every one of us feels very deeply that it is a great privilege and a great honor. I would not like to see any one of us abuse the privilege of addressing this body by impugning the integrity of any other individual by simply raising unanswered questions. We have witnessed this tactic before in our nation's history and we have seen it too much, far too much, in this state and in our recent history within the last year.

I would urgently hope that this most honorable body would not repeat a very black moment in our nation's history by trying to emulate our national counterpart and what that has been through in the past.

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

For what purpose does the Senator arise?

Mr. GAHAGAN: I request unanimous consent to address the Senate on the record.

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

Mr. BERRY: Mr. President, I wish to raise a parliamentary point.

The PRESIDENT: The Senator may state his inquiry.

Mr. BERRY: Mr. President, it is my belief that the request for unanimous consent to address the Senate should be denied. I believe, as was stated by the majority floor leader, that the Senator requesting this privilege has demonstrated an inability to properly exercise it. If the Senator does not withdraw his request, I shall object.

The PRESIDENT: The Chair hears objection and the Senator may not proceed.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

On motion by Mrs. Cummings of Penobscot, Recessed until 2 o'clock this afternoon.

(After Recess)

Called to Order by the President.

Papers From the House

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

House Paper

Bill, "An Act Relating to Borrowing Capacity of Community School District No. 915 Consisting of the Towns of Litchfield, Sabattus and Wales." (H. P. 2256)

Comes from the House, Passed to be Engrossed Without Reference to Committee.

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

Orders of the Day

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

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

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

Pending — Consideration.

(Comes from the House — Bill and Accompanying Papers, Indefinitely Postponed)

(In the Senate — Passed to be Engrossed as Amended by Committee Amendment "A" (S-454))

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Consideration.

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

House Reports — from the Committee on Taxation — Bill, "An Act to Provide Funding for Action on Solid Waste Litter." (H. P. 2091) (L. D. 2250) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass in New Draft under Same Title (H. P. 2224) (L. D. 2314)

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

Pending — Acceptance of Either Report.

(In the House — Majority Report Accepted)

Mr. WYMAN of Washington moved that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. WYMAN: Mr. President and Members of the Senate: This is a solid litter management bill, solid waste litter. It doesn't go all the way as did one bill, which would cost about eight million dollars, but it does make a start. It provides for taking care of all solid litter, not only bottles. Some of these other bills, when they are really stripped down, they are bottle bills, and I can remember when I was a child the kids would go around and pick up bottles and take them to the store and collect on them, they were returnable. But that was in the horse and buggy days, and in the days of automobiles sooner or later, if we have a straight bottle bill where the bottles are redeemable, we are going to have some kids that are going to get killed by automobiles, and I certainly wouldn't want their blood on my hands. I think that this is a good bill. It is solid waste litter management bill, and it is a good start. It will cost the grocers and eventually the consumers something like a million dollars, but I certainly hope that this committee report will be accepted.

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

Mr. COLLINS: Mr. President and Members of the Senate: I urge the Senate to vote against the pending motion. I hope very much that the Senate will have an opportunity to vote on a solid waste management measure and one that

has a chance of passage, an opportunity for a referendum of the people, and which does not involve a new tax. It is my understanding that this bill does include a new tax, that it has very little opportunity, and that it does not do the job nearly as well as another measure which will be before us later this afternoon. I would call the Senate's attention to Item 6-7 on our calendar which was tabled this morning for action this afternoon, which will be coming up in a few minutes, and I would urge all those who would seriously like to support a solid waste management measure to turn down the pending item in favor of some choices that can be made under Item 6-7.

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

Mr. JACKSON: Mr. President and Members of the Senate: I rise to support the motion of the good Senator from Washington, Senator Wyman. This bill was a result of a study that the Natural Resources Committee handled this summer and this fall. It was Committee Report "C" from that committee. True, it does add another tax to the layer of taxes that we already have, but this bill, I believe, is a step in the right direction on solid waste management, a problem that exists in the State of Maine. It provides employment for the State of Maine. It provides an incentive for people who want to be involved in the recycling process of solid waste, and it also provides for Maine people voluntarily separating their waste into three different categories. It will provide the means necessary for these people who would like to be involved in recycling.

We have one company in the state which is already involved in this. There was testimony given at the hearing that we held, the Taxation Committee held, that he has 25 centers presently and he would like to expand those centers, but with the passage of the bill Senator Collins mentioned, it would virtually put him out of business. I don't know how many people this fellow employs but he is making a living from it, he is providing for employment, and he is paying taxes with this. So I feel that this bill would be a step in the right direction in providing for one of the problems that Maine faces. We are all aware of the fact that we have visual pollution on the roadside with cans, bottles, paper products, which have been distributed by the people who purchase these products carelessly throwing them from their car or whatever means of transportation they have.

This bill, with this one percent tax at the distributor level, means that a case would possibly rise, the price of it would rise, by approximately six cents. The bill that Senator Collins addressed himself to would increase the price of beverages by approximately \$1.94 a case. I have done some comparison figures with the figures that came from Vermont up to 1974, and they had a reduction in beverage sales of approximately ten percent. Their figures from 1975 were not available. A ten percent reduction, and we know that the current economic situation of Maine has not improved, that is has deteriorated, if we stuck with the ten percent decline in sales, the State of Maine through the sales tax would lose approximately \$225,000. From the industry itself, with the possibility of loss of jobs for some of the smaller bottling companies in the state which couldn't afford or would not want to put any more good money after bad money, would probably result in a greater reduction of these funds.

We talk about energy conservation. With a bill of this nature, where they were required to return containers, would mean an increase in the gasoline consumption with the mere fact that trucks can only haul so much, and most of these routes today are loaded for one route, and

If they have to take back the returnable containers they are going to have to provide for more equipment.

Another fact that comes to light is the fact that we are going to still have the problem with litter. It probably won't be as great as it is presently. We are in the four season state, we have snow in the winter, and I assume that the children or the people, or whoever is going to pick up these bottles that have a deposit, aren't going to do it during the snowy months. So you are still going to have the problem with the snow banks when the weather warms up and it starts to melt, you are still going to have the visual pollution, though it might not be as great. But I do think that these are some of the things that we should consider while we are voting on this bill. And if we want to take this \$225,000 loss or reduction — it could be greater than that, it could go as high as a half a million dollars — if we want to give this to the State of New Hampshire or we want to give this to the Province of Quebec or New Brunswick, I think that we should realize that we are going to have to make this money up from some other source. I would really wonder and ask each and every one of you where we are going to get the funds that are going to be lost if we do pass the legislation that Senator Collins has mentioned.

I feel rather strongly about legislation of this type because I am involved in an area where this would greatly affect me, and it would affect most every other business in the State of Maine which is in the retail business, but I could live with the other bill and I could probably make money with it, but I just wonder what we are going to do in some areas where we have to expand the facilities that we presently have, where the zoning laws are in effect, such as maybe in Lewiston, Auburn, Portland, Bangor, where we are going to have to ask these businessmen to put their containers, because they are going to have an investment, gentlemen, they are going to have an investment on every case of \$1.20, plus fifty cents for the cardboard, \$1.70. They are going to have to place or store these where they can be secured, where they will not be opened to people stealing them and then bringing them back for another \$1.70, and in the breakage. But these are some of the problems that exist, and I realize that we have a problem with littering on the roadside, and I am sure that everybody else does, but I think we should take a step in the right direction, and I believe that 2314 is a step in the right direction.

If anybody has read the bill, I am not aware if everybody is familiar with this bill or not, but the statement of fact generally finalizes the bill. It increases the fines for littering, and it changed litter receptacles. In the original bill the Natural Resources Committee put out, they took covering off from litter receptacles and I replaced that provision, which I believe is a necessity. It bans completely non-aluminum from being sold from this state 16 ounces or under. Bi-metal products delivered in Massachusetts sell for \$22 a ton. Aluminum products delivered in Portland, Maine, sell for \$320 a ton, that is a long ton.

I expanded the definition of beverages to include non-carbonated beverages, such as the small bottles you find now in the stores on the shelves, the small juice bottles which can very easily be thrown from a window. And another thing that we did with the bill in the breakdown of the fiscal note is we allocated monies to various programs for education in the litter field and provided for a provision for the Secretary of State's Office that they must require at least one question on their license examination pertaining to the littering problem, the littering question in the State of Maine. We gave the Department of Environmental Protection a substantial amount of money to go ahead

and investigate the solid waste problem and come up with various ideas on this. We have provided for the Department of Transportation, as far as placing of litter receptacles beside the highways and posting of the fines on the highways. And finally we provided in the bill an amount of money for the Department of Commerce and Industry that will be directly dedicated to the Department of Tourism to promote tourism and at the same time explain the litter laws to these people that pick up the brochures.

I do think that it is a good bill, I think it would be a step in the right direction, and I think that it can be improved upon in years to come if it doesn't work. Thank you.

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

Mr. TROTZKY: Mr. President and Members of the Senate: The joint Standing Committee on Natural Resources was given an order which was passed by this legislature in the last session. That joint order stated that the Committee on Natural Resources was to study the economic, social, and environmental feasibility of instituting a statewide comprehensive system of recycling consumer and industrial goods. I believe 11 members out of the 13 members of that committee felt that a returnable beverage container provision should be included in a comprehensive solid waste bill. A vote for this bill, I believe, will prevent the Senate from being able to vote on a bill including a returnable beverage container provision.

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

Mr. CYR: Mr. President and Members of the Senate: The only objection I have to this bill is that it doesn't go far enough. However, it is a step in the right direction and I shall support it. I shall support it because it is a user's tax, therefore, the user is the one that should be paying for the disposal of the container that has been put at his service.

However, I think the approach should be national instead of statewide. And where we have a member of our body here who will be going to Washington shortly, I hope that he will bring the message to Washington that this user's tax should be charged against the industry, against the glass industry, against the can industry, and against the aluminum industry. There should be a small fee levied against the price of that bottle or that can for the disposal of it. And the money which would be generated by this user's tax should be returned back to the communities on the basis of a revenue sharing on a per capita basis to help municipalities with their solid waste programs.

Now, this only addresses itself, of course, to the bottle industry and the can industry. It takes just as much space to bury an olive jar as it does to bury a coke bottle, and this is the problem that communities are going to be faced with very soon. In my own community, we figure that it is going to cost us about \$50,000 a year, starting next year, for our solid waste program. Now, all communities in the State of Maine are faced with the same thing.

I realize and I understand that we cannot do anything on the national scene from the state level here, however, if we want this problem solved, it has got to be solved on the national level. And I repeat myself again, it should be a user's tax levied against the industries that are producing these products, these containers, and there should be a small levy for the disposal of these materials for the service of the people that are using it, and it should be returned to the communities where the costs are going to be incurred. Thank you. I shall support this because it is a step in the right direction.

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

Mr. JACKSON: Mr. President, one thing I didn't mention that this bill does do is something that the good Senator from Aroostook mentioned, and that is that it has a provision in it which gives the municipalities the option of having household garbage separated into recycleable components prior to disposal. From the testimony by Mr. Rudy that was received in committee, the gentleman I mentioned before who is in this field, they are doing this presently in some areas of the state, which means juice cans, vegetable cans, mayonnaise bottles or jars, whatever the case may be, that people are voluntarily separating these products now and are taking them to the centers where he picks them up.

Now, this language is in the bill, and I would assume that the municipalities which so undertake this activity would utilize the funds received from this separated garbage or separated waste, whatever the case may be, would utilize these funds through the sale of this merchandise to the people I mentioned before to assist them in the development of a sure solid waste disposal program.

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

Mr. WYMAN: Mr. President and Members of the Senate: If I understood the good Senator from Knox correctly, he tells us we should defeat this bill because it doesn't have any chance for passage, or at least passage in the other house. Now, to me that is a poor reason. It seems to me we should pass this bill. If the other branch will not buy it, and we have another measure which is the only measure that this legislature can enact to control waste and bottles, I certainly will go along and vote for it. I just think this is the better of any choices that we have, and I hope the Senate will support the ought to pass report of the committee at this time. Certainly it can be killed later on.

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

The Chair will order a division. All those Senators in favor of accepting the minority ought to pass in new draft report will please rise in their places until counted. Those opposed to the motion will rise in their places until counted.

A division was had, 13 having voted in the affirmative, and 18 having voted in the negative, the motion did not prevail.

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

Mr. WYMAN: Mr. President, is it too late to have a roll call on this?

The PRESIDENT: The Chair would advise the Senator that he may ask for a roll call.

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

The PRESIDENT: 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 Merrill.

Mr. MERRILL: Mr. President, as much as I like to vote with the Chairman of my Taxation Committee on these tax matters, I am just not liberal enough to vote for a tax increase at this time.

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

Mr. BERRY: Mr. President and Members of the Senate: As the architect of the 41 percent increase in the personal income tax, that is sure a change of heart.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Washington, Senator Wyman, that the Senate accept the minority ought to pass in new draft report of the committee. A "Yes" vote will be in favor of accepting the ought to pass in new draft report; a "Nay" vote will be opposed. The Secretary will call the roll.

ROLL CALL

YEAS: Senators Carbonneau, Clifford, Conley, Cyr, Danton, Graffam, Jackson, Johnston, Marcotte, O'Leary, Wyman.

NAYS: Senators Berry, E.; Berry, R.; Collins, Corson, Cummings, Curtis, Gahagan, Graham, Greeley, Hichens, Huber, Katz, McNally, Merrill, Pray, Reeves, Roberts, Speers, Thomas, Trozky.

ABSENT: Senator Cianchette.

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

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

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

Bill, "An Act Relating to the Registration of Voters." (H. P. 2039) (L. D. 2212) (Emergency) Tabled — March 25, 1976 by Senator Corson of Somerset.

Pending — Adoption of Committee Amendment "A" (H-1014).

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

Thereupon, Committee Amendment "A" was Adopted and, 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.

Reconsidered Matter

The following Bill was held at the request of Senator Berry of Cumberland, pending Consideration:

Bill, "An Act to Establish a Division of Travel Information." (H. P. 2022) (L. D. 2201) (In the House — Bill substituted for the reports and Bill Passed to be Engrossed.)

(In the Senate — Papers and Bill committed to Appropriations and Financial Affairs, in non-concurrence)

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its former action whereby the Bill was committed to the Committee on Appropriations and Financial Affairs.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that this bill and its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I hope this motion gets defeated. It would seem to me that the only opportunity for any help this year, a very important year in the tourist industry, when so many millions of people will be traveling in the nation's bicentennial, the only hope for any help from the State of Maine for the tourism industry lies in some sort of measure, and the only way to provide that measure is to keep this bill alive. I would suggest that it would be inappropriate at this time to kill the bill, and I ask for a division.

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

Mr. CONLEY: Mr. President and Members of the Senate: I think many of us are in a quandary relative to this particular measure. I notice that even the other body has substituted the bill for the report, and the motion before us has just left me in a terrible quandary. We are talking about trying to get out a supplemental budget, we are wrestling for available tax

dollars, if there are any available tax dollars, and I know that I am one who is willing to stay here extra hours to make sure that some of the needs that have been put before the Appropriations Committee are met, and I am sorry to say that I feel I am going to strongly support the motion by the Senator from Cumberland, Senator Merrill, on the indefinite postponement of this bill. And when the vote is taken, I ask that it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question? Will all those Senators in favor of a roll call please rise in their places until counted?

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that L.D. 2201 and all its accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Conley, Cyr, Danton, Hichens, Huber, Jackson, Johnston, Marcotte, McNally, Merrill, O'Leary, Reeves, Wyman.

NAYS: Senators Berry, R.; Clifford, Collins, Corson, Cummings, Curtis, Gahagan, Graffam, Graham, Greeley, Katz, Pray, Roberts, Speers, Thomas, Trozky.

ABSENT: Senator Cianchette.

Mr. Pray of Penobscot was granted leave to change his vote from "Nay" to "Yea", and Mr. Clifford of Androscoggin was granted leave to change his vote from "Nay" to "Yea".

A roll call was had. 17 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with one Senator being absent, the motion prevailed.

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

Mr. CONLEY: Mr. President, I now move that the Senate reconsider its action whereby this bill was indefinitely postponed, but I wish the Senate would vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby this bill was indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I am very sorry to see the Senate take this action here this morning because at the present time this is the only hope that the second largest industry in the State of Maine has of having any kind of support and any kind of help from its state government.

I don't know whether this bill would be the final bill that would be presented to this body to be enacted, but certainly by taking this action here this morning, and by failing to reconsider this action, we are closing the door on any possibility of working out some manner in which the state government can help the second largest industry in the State of Maine. I think it is thoroughly irresponsible.

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

Mr. CONLEY: Mr. President, I thoroughly agree with the remarks made by the good Senator from Kennebec, Senator Speers, but I remind the Senate of one thing, that we are in the closing days of this session and we are in non-concurrence with the House on the acceptance of the bill. If we were going to fund this industry for advertising or such, the publicity of the state, then we should do it the right way and not trying to be playing around with funny money, and that is exactly what we would be doing. To tax the very industry that is trying to promote itself to me it seems ludicrous. For an industry that raises so much taxes for the state,

it should be taken from the general fund, and there isn't any ifs, ands or buts about it, and all we were trying to do today was given an industry an opportunity of a little hope, to tax themselves to promote this industry, and I think it is wrong.

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

Mr. SPEERS: Mr. President, I would like to correct an impression that may have been given with regard to this bill. Indeed, it is in the closing days of this session, but there is a very remarkable difference between this and some other measures which may come before us for the first time at this late date. The difference is that this bill has been in the legislative process, it has been before our committee and has had a public hearing, it has been considered by that committee, and has now come out before the legislature and onto the floors of the two bodies with all due deliberation.

The good minority leader of this body has suggested that the funds should come from the general fund. Well, Mr. President, that is exactly where they are coming from, from the general fund of this state. And the industry itself has suggested that it would be willing to help itself, to promote itself, and that is all we are being asked here today to do, to allow it to do just exactly that. And I am very sorry to see the position taken by the minority leader of this body in killing this bill.

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

Mr. MERRILL: Mr. President and Members of the Senate: I have heard a lot about the industry helping itself. It seems to me that the consumers are going to be paying this tax, and not the industry. And I would like to point out that if there is a great deal of concern on the part of the Senate about doing something about this problem, and if it is impossible to do it by changing our priorities, Phil Ingegneri's tax bill is on its way over and everybody can vote for it.

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

Mr. CYR: Mr. President and Members of the Senate: I would like to remind the majority leader that if he had voted favorably on L.D. 2314, on the solid waste, there is \$100,000 in there for the Publicity Bureau.

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

Mr. CURTIS: Mr. President, I hope that the Senate will reconsider this. I think it is an extremely important measure. The exact method for funding some sort of assistance, a dollar, some kind of assistance from the State of Maine for this industry, is immaterial, but the fact that we do something is very, very material. The industry has not been showing the growth that has been shown in the provinces to the north with whom we are in direct competition for tourists.

The Province of Quebec spends 20 million dollars per year of provincial money to assist in promoting tourism. The Province of New Brunswick spends 5 million dollars. The Province of Nova Scotia spends 5 million dollars. And that is matched to some extent by federal Canadian money. Here in Maine, the only thing we are spending at the moment, as I explained last night, is when people write to the State of Maine and ask for material, if they are looking for just one piece of material, we send them a map, two brochures about state parks and one brochure about skiing, as long as those brochures last. If they ask for bulk information, if they are writing representing the Hartford Automobile Association, and they would like to keep their members informed about some place their members could drive to and enjoy a vacation away from the State of Connecticut, for example, then what they receive is this reply:

"I thank you for your recent request for Maine travel literature. I sincerely regret to inform you that the particular material which you have requested or other material which might meet your needs is currently not available. Although we do not anticipate having additional quantities available in the near future, I shall retain your request on file for future reference. Thank you again for your interest in the State of Maine." And that is signed by the deputy director of the State Development Office.

Now, when that letter and the consequences of it came to the attention of the State Government Committee, we were so concerned that we wrote to the governor of the state and requested him to take some action and, if necessary, to allocate some money from the contingent account so that there could at least be a brochure which was printed by the state and sent out. The answer we received, which answer is dated March 10, 1976, indicates that, "The governor is instructing his staff before the end of the week to discuss your letter and questions with Mr. Atlass. While the Development Office, as well as other departments and agencies of state government, is having to tighten its belt because of the State's financial and economic problems, I want to make certain we are doing everything within our means to promote tourism."

Mr. President, to this date neither the House Chairman nor myself, who signed the initial letter to the governor and received this letter addressed to us, have received any reply. That was March 10th. It is now March 26th, and we are getting closer and closer to the major tourism season of the year. I would suggest that if we do nothing at all then we are going to put the State of Maine in a position where we will not be supporting, as the state, this industry which is so important to the jobs and welfare of our people.

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

Mr. JACKSON: Mr. President, I would like to ask a question through the Chair to any Senator who could care to answer. Mention was made of the Canadian provinces. I am not familiar with their policy up there, but I have a question that one of the Senators might be able to answer. I would like to know how they generate their funds for tourism up there. Do they have a two-tax system such as is being presented here?

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

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I hope this bill stays alive so I can answer the question with a great deal of authority. I am not familiar with exactly how much is spent on provincial money in the provinces involved. The way they raise the money, I am not sure, but somebody who was speaking to me last night who had just been in Fredericton said that they were really busy up there, with a number of provincial employees preparing the materials and answering the requests that are coming in for Americans who are planning their vacations for this summer.

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

Mr. PRAY: Mr. President, just to clarify a statement the Senator from Penobscot, Senator Curtis, has made several times in speaking of the tourist industry for this summer, as an individual who is well related with the tourist industry, I will tell you that any action we take here is too late for this year.

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

Mr. BERRY: Mr. President and Members of the Senate: I don't believe it is too late this year

to do anything. I think we should try anyway, and not just toss in the rag and run in the other direction. I think what we are talking about with the present motion is just to keep something alive here with the hopes that an accommodation can be worked out between the governor and the other branch.

Now, the sardines are taxed, the potatoes are taxed, the blueberries are taxed, and everything is taxed, so if this industry wants to tax itself to help the state out, it seems to me that this is a procedure we could use.

In response to the inquiry as to where the Province of Quebec gets its money, it is just from where the good Senator wouldn't want to get it; it gets it from an 8 percent sales tax which is passed upon and paid by everybody in the province.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate reconsider its action whereby L. D. 2201 was indefinitely postponed.

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

A division was had. 16 having voted in the affirmative, and 14 having voted in the negative, the motion prevailed.

Mr. Curtis of Penobscot then moved that the Senate accept the Majority Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Chair will order a division on the motion. All those Senators in favor of accepting the majority ought to pass as amended report of the committee will please rise in their places until counted. All those opposed will rise in their places until counted.

A division was had. 16 having voted in the affirmative, and 14 having voted in the negative, the Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read.

Mr. Speers of Kennebec then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-475, to Committee Amendment "A" was Read.

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

Mr. SPEERS: Mr. President, I certainly think in fairness to the members of this body I should give an explanation as to the purport of this amendment.

Very briefly, the bill itself with the committee amendment works very closely with the Maine Publicity Bureau, which is a private organization set up under state law but, nevertheless, is a private corporation. The intent of the amendment is to insure that state monies spent in the promotion of the tourist industry will indeed be spent fairly and without discrimination as to any of the individuals or corporations in the state who are involved with the travel vacation industry based upon their membership or non-membership in the organization known as the Maine Publicity Bureau.

The PRESIDENT: 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" to Committee Amendment "A" please rise in their places until counted. Those opposed will rise in their places until counted.

A division was had. 18 having voted in the affirmative, and 10 having voted in the negative, Senate Amendment "A" to Committee Amendment "A" was Adopted.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Committee Amendment

"A", as amended by Senate Amendment "A"?

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I now move the indefinite postponement of Committee Amendment "A". Also, may I ask the filing number on that too please?

The PRESIDENT: The filing number on Committee Amendment "A" is H-1012.

The Senator from Cumberland, Senator Jackson, now moves that Committee Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, last night I distributed a handwritten memorandum which describes the differences in the bills, and you will see that Committee Amendment "A", under Filing H-1012, is the middle proposal which differs from the other committee recommendations, primarily in the method of raising some finances. And if you will look at the amendment itself, you will find that on page 7 is the description of the hospitality fee. That fee is something which was debated at some length last night. I don't think it needs any further description, and I ask for a division.

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

Mr. JACKSON: Mr. President and Members of the Senate: I moved for the indefinite postponement of Committee Amendment "A" because it is not in uniformity. As you know, throughout the state there are many, many campgrounds which do not support the Maine Travel Bureau. They send out their own brochures at their own expense without the assistance of the travel industry. They are going to be assessed 25 cents on camp sites under this committee amendment, whereas the hotels are going to be assessed 50 cents.

Now, I ask you, for the fairness of all parties interested in this bill, if they all shouldn't share in it equally? Camp sites range from \$2.50 to \$6, and they are going to be paying 25 cents. Motel rooms, as most of you people know, range anywhere from \$15 to God only knows what, and they are going to be assessed 50 cents. That is the reason I moved for the indefinite postponement of this committee amendment, and I would urge every member of the Senate to support that motion.

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

Mr. PRAY: Mr. President and Members of the Senate: As mentioned earlier in relationship to the tax that is on this bill, I want to make sure that some of you are aware that you are talking for a camp site somewhere in the vicinity of between 5 percent to 12½ percent tax on the fees that are going to be paid to these people. Also, in addition, you are talking very close to that same percentage of a tax increase in the motel-hotel industry.

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

Mr. CURTIS: Mr. President, I am sure the Senate appreciates some of the difficulties that the State Government Committee went through in looking at this bill. On one hand somebody says that the tax is too high, and on the other hand somebody says it is not enough. We tried to come up with the best possible solution that we could find, and I think it is a reasonable solution. It is one in which the money raised would go to promote the activities of the Maine Publicity Bureau and the activities of the state both in getting tourists to this state and, once they get here, in assisting them to find a place to stay so that they don't go into an overcrowded camp site or overcrowded municipality or area that is full of tourists already.

The materials which would be distributed are the materials about any campground, whether

or not they were a member of the Maine Publicity Bureau, and would be distributed at the hospitality centers such as the one that already exists in Kittery, which is run by the Maine Publicity Bureau, belongs to the State of Maine, and distributes everybody's materials, whether or not they are a member of the Maine Publicity Bureau. As a matter of fact, the amendment which we just adopted which was offered by the Senator from Kennebec, Senator Speers, insures that there would be no discrimination whatsoever as to whether or not a branch of the tourist industry or a particular campground or motel owner was a member of the Maine Publicity Bureau or not. So I think we are safe on all grounds.

And as I said last night, when I was suggesting that anybody who found that they had minor differences with this bill could work on it, I would suggest again that anybody who thinks that they can find a better way, an improvement over this proposal, is entirely welcome to offer amendments to the bill. We have no particular pride of authorship. We had one major goal, the committee did, and that was to try to provide some assistance to the industry.

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

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to anybody who may care to answer. Is there anybody in this chamber who is planning to offer any amendments to try to remedy the situation we are in?

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, I support the motion of Senator Jackson, and I will say that the original bill, which we will get back to if we indefinitely postpone the committee amendment, is a bill that was proposed by the governor's committee which was directed to come up with a bill to help the industry. And this original bill states that you have one-half of one percent tax on both food and lodging. I feel that this is fairer than a 50 cent tax on all hotel rooms no matter what price they may be.

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

Mr. CURTIS: Mr. President, this is a question that was reviewed very, very carefully by the State Government Committee. As a matter of fact, in the public hearing there was a full room, and almost everybody from the industry who was there said that it was the fairest method to raise the sales tax by one-half of one percent upon transient rooms and upon takeout and restaurant food. The committee members, the vast majority of them, could not agree with that approach. We did not think that an across the board sales tax increase on those areas was appropriate.

The primary reason I think we were concerned about that method was that it provided a dedication of the sales tax income, or some of it. The second very important reason was that the tax would be levied upon everybody who ate in restaurants in the State of Maine and everybody who took takeout food from food establishments in the State of Maine, and that includes a lot more people and a lot higher percentage of people than tourists.

The tax on rooms and camp sites is a tax that is applied to those people who are tourists. They might be in-state tourists, that is true, and they might be out-of-state tourists, but they are people who are going to benefit from the facilities that are available through the information centers and through the material which should be distributed by the state. That is a fee, a

hospitality fee, that would be paid by people who are on vacation or who are conducting their business and having expense accounts, and who we thought could afford to pay the fee.

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

Mr. JACKSON: Mr. President and Members of the Senate: The motion I made to indefinitely postpone will put us in concurrence. We will have something to work with, and we might be able to do something with the bill which might be acceptable to everybody and everyone that is involved in this industry.

Again, with this amendment, it is discriminatory towards the campgrounds by the fact that they are going to be assessed at a higher rate than the motels.

I do agree with the good Senator from Penobscot that the food industry, which was removed from the original bill by this committee amendment, should not be in there because Maine people utilize the restaurants more frequently throughout the year than do tourists. But I do think we can come to a compromise and, therefore, I would hope everybody would support the motion to indefinitely postpone Committee Amendment "A".

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

Mr. PRAY: Mr. President, since I didn't get any answer to my question, I would just like to make one last point. Taking into consideration the 50 cents per day per bedroom fee that is on this thing, if I could afford to get an extra dollar fifty for the units that I have, I would be charging it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Jackson, that the Senate indefinitely postpone Committee Amendment "A".

The Chair will order a division. Will all those Senators in favor of the indefinite postponement of Committee Amendment "A" please rise in their places until counted. Will all those opposed 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.

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

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

House Reports — from the Committee on Business Legislation — Bill, "An Act Concerning the Geologist and Soil Scientist Certification Act." (H. P. 1993) (L. D. 2182) Ought to Pass in New Draft Under New Title of "An Act Relating to the Geologists and Soil Scientists Certification Act." (H. P. 2240) (L. D. 2322)

Tabled — March 26, 1976 by Senator Speers of Kennebec

Pending — Motion of Senator Cyr of Aroostook to Indefinitely Postpone bill and papers.

(In the House — Passed to be Engrossed as Amended by House Amendment "A" (H-1100)

On motion by Mr. Thomas of Kennebec, retabled and Tomorrow Assigned, pending the Motion by Senator Cyr of Aroostook to Indefinitely Postpone the Bill and Accompanying Papers.

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

Bill, "An Act to Redefine 'Subdivision' in the Site Location and Development Act." (H. P. 1979) (L. D. 2169)

Tabled — March 26, 1976 by Senator Wyman of Washington

Pending — Motion of Senator Wyman of Washington to Indefinitely Postpone House Amendment "A" (H-1041)

(In the House — Passed to be Engrossed as Amended by House Amendment "A" (H-1041)

Mr. Wyman of Washington was then granted leave to withdraw his motion to Indefinitely Postpone House Amendment "A".

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

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

Mr. CORSON: Would it be in order at this time to move to reconsider our action whereby we adopted House Amendment "A"?

The PRESIDENT: The Chair would advise in the affirmative.

The Chair recognizes the same Senator.

Thereupon, on motion by Mr. Corson of Somerset, the Senate voted to reconsider its action whereby House Amendment "A" was Adopted.

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

Senate Amendment "A", Filing No. S-481, to House Amendment "A" was Read.

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

Mr. KATZ: Mr. President and Members of the Senate: Reluctantly, I cannot seem to find in our book any such amendment.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A" to House Amendment "A"?

Thereupon, Senate Amendment "A" to House Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

House Reports — from the Committee on Taxation — Bill, "An Act to Improve Solid Waste Management." (H. P. 2090) (L. D. 2249) Report A — Ought Not to Pass; Report B — Ought to Pass in New Draft and New Title of An Act to Strengthen Litter Laws and Improve Solid Waste Management in This State. (H. P. 2225) (L. D. 2315); Report C — Ought to Pass with Committee Amendment (H-1015).

Tabled — March 26, 1976 by Senator Speers of Kennebec

Pending — Acceptance of any Report (In the House — Report "B" accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1090).

Mr. Collins of Knox moved that the Senate accept the Ought to Pass as Amended Report "C" of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: I indicated when we discussed solid waste management earlier that this seemed to be the most promising vehicle for presenting to the Senate a clear-cut opportunity to make some judgments in that field.

The effect of adopting Report "C" is to adopt the bill with a committee amendment. The Committee Amendment itself does not improve the bill, and it will be necessary in order to carry out a successful program with this bill to strip from it the committee amendment, and then on second reading to add to the bill some further amendments.

The further amendments, just to give you a

general outline of what is hoped to be achieved here, would result in this including a returnable bottle provision with deposits, but there would be no new tax and the merchant handling the canned or bottled goods would not be compelled to take back empties.

There is in this bill a referendum provision, and I urge the Senate to permit this important opportunity to improve the appearance of the State of Maine to go to referendum of the people. It seems to me this not only has a value involving a judgment but a value in educating our citizens to the importance of solid waste management, not just bottles, but all kinds of litter. We need all the education that we can bring to this issue, and one of the ways is the public referendum. I urge you to adopt Report "C".

The PRESIDENT: Is it the pleasure of the Senate to accept Report "C" of the committee?

Thereupon, the Ought to Pass as Amended Report "C" of the Committee was accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read.

Thereupon, on motion by Mr. Collins of Knox, Committee Amendment "A" was Indefinitely Postponed and the Bill Tomorrow Assigned for Second Reading.

Papers From the House

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

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).

In the House March 24, 1976, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" Thereto (H-1065), in non-concurrence.

In the Senate March 25, 1976, the Senate Insisted.

Comes from the House, that Body having Adhered.

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

Non-concurrent Matter

Bill, "An Act Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites." (H. P. 1948) (L. D. 2134)

In the House March 24, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (H-993), as Amended by House Amendment "A" Thereto (H-1063).

In the Senate March 25, 1976, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

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

Mr. O'Leary of Oxford moved that the Senate Adhere.

Mr. Graham of Cumberland then moved that the Senate Insist and Join in a Committee of Conference.

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

Mr. O'LEARY: Mr. President and Members of the Senate: I would ask for a division on the motion, and would just restate here very briefly that it is a very grave matter before us about the taking of land. In the Committee on Natural Resources, I can't remember the bill at the present time, but there was recited to us a number of Supreme Court cases that ran contradictory to the very thoughts of this bill. Also, the heading on this is very misleading. This bill should have been heard by the Committee on

Judiciary. I hope you will defeat the motion so we can adhere.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Graham, that the Senate insist and join in a committee of conference. Will all those Senators in favor of insisting and joining in a committee of conference will please say "Yes"; those opposed will please say "No".

A viva voce vote being taken, and the Chair being in doubt, a division was had, 14 having voted in the affirmative, and 11 having voted in the negative, the motion prevailed.

Joint Resolution STATE OF MAINE

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

IN MEMORIAM

Having Learned of the Death of the Honorable C. Henry Holman of Dixfield Member of the 89th and 90th Maine Legislatures

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

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 2253)

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

Joint Orders

WHEREAS, the value of Maine's public school buildings is reputed to be \$738,000,000 and the cost of insurance premiums to pay for their protection during the last 4 years has been almost \$6,000,000; and

WHEREAS, there is grave concern that, despite these high premiums, many school buildings are underinsured and their replacement in case of disaster would place a heavy burden on the state's taxpayers over and above the payment of claims by insurance companies; and

WHEREAS, the State of Maine, operating under a \$500,000 deductible self-insurance program paid \$329,000 in premiums in 1975 to cover \$442,000,000 value in state buildings; and

WHEREAS, it is imperative that the Legislature identify unnecessary costs and the possibility of serious emergency cash demands wherever found in the threat of State Government; now, therefore, be it

ORDERED, the Senate concurring, that the special subcommittee of the Appropriation and Financial Affairs Committee study the funding of state agencies, review the procedures by which our public schools are presently insured, examine the possible financial jeopardy to the taxpayer in case of an emergency and identify alternative methods to protect school buildings which might offer more coverage at the same or lower cost; and be it further

ORDERED, that the subcommittee report its findings, along with suggested legislation it may choose to support, at the earliest possible time to this special session or the next special or regular session of the Legislature. (H. P. 2251)

Comes from the House, Read and Passed.

On motion by Mr. Speers of Kennebec, tabled pending Passage.

(See action later in today's session.)

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Bath Chapter of the Distributive Education Club of America in Morse High School, whose members have raised \$1,700 by a dance marathon on behalf of Muscular Dystrophy research

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. 2252)

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

Communications

Edwin H. Pert
Clerk
Maine

House of Representatives
Augusta, Maine 04333
March 26, 1976

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

Dear Mr. Secretary:

The House today voted to Insist and Joint in a Committee of Conference on Bill "An Act to Establish the Dates of Legislative Sessions and to Clarify Laws Relating to Expenses of Legislators" (S. P. 663) (L. D. 2087)

Respectfully,
Edwin H. Pert
Clerk of the House

Which was Read and Ordered Placed on File.

Edwin H. Pert
Clerk
Maine
House of Representatives
Augusta, Maine 04333
March 26, 1976

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

Dear Mr. Secretary:

The House voted today to Adhere to its former action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Labor on Bill "An Act to Adjust the Disqualification Period for Voluntarily Leaving Employment and to Adjust Maximum Unemployment Benefits Paid to Individuals Discharged for Misconduct" (Emergency) (H. P. 2116) (L. D. 2265).

The House also voted to Adhere to its former action whereby it Indefinitely Postponed Bill "An Act Regulating Water Well Drilling" (H. P. 2231) (L. D. 2319).

Respectfully,
Edwin H. Pert
Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports House

Ought to Pass-As Amended

The Committee on State Government on, Bill, "An Act to Reorganize or Repeal Certain Activities and Agencies in Maine State Government." (H. P. 2143) (L. D. 2286)

Reports that the same Ought to Pass as

Amended by Committee Amendment "A" (H-1079).

The Committee on Public Utilities on, Bill, "An Act to Increase the Borrowing Capacity of the Topsham Sewer District and to Specify and Clarify Eminent Domain Powers." (H. P. 2187) (L. D. 2301)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1081).

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

Which reports were Read and Accepted in Concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and, under suspension of the rules, the Bills, as Amended, Read a Second Time and Passed to be Engrossed in concurrence.

The Committee on Local and County Government on, Bill, "An Act to Clarify Municipal Development Authority." (H. P. 1882) (L. D. 2060)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1077).

The Committee on Health and Institutional Services on, Bill, "An Act to Repeal Certain Statutory Provisions for the Licensing of Boarding Homes and Day Care Facilities." (H. P. 1965) (L. D. 2154)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1056).

Come from the House, the Bills, Passed to be Engrossed as Amended by Committee Amendments "A" as Amended by House Amendments "A" Thereto (H-1075).

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read. House Amendments "A" to Committee Amendments "A" were Read and Adopted and Committee Amendments "A", as Amended by House Amendments "A" Thereto, were Adopted in concurrence.

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

Divided Report

Seven members of the Committee on Public Utilities on, Bill, "An Act to Prohibit Public Utilities from Including Certain Political Advertising Material along with Customer Bills." (H. P. 1809) (L. D. 1968)

Report in Report "A" that the same Ought to Pass in New Draft under Same Title (H. P. 2249) (L. D. 2323).

Signed:

Senators:

CUMMINGS of Penobscot
CYR of Aroostook

Representatives:

KELLEHER of Bangor
NADEAU of Sanford
SPENCER of Standish
BERRY of Buxton

Four members of the same Committee on the same subject matter report in Report "B" that the same Ought Not to Pass.

Signed:

Representatives:

LUNT of Presque Isle
LITTLEFIELD of Hermon
TARR of Bridgton
GRAY of Rockland

One member of the same Committee on the same subject matter reports in Report "C" that the same Ought to Pass as Amended by Committee Amendment "A" (H-1089).

Signed:

Representative:

LEONARD of Woolwich

Comes from the House, Report "A" Read and Accepted and the Bill in New Draft Passed to be Engrossed.

Comes from the House, Report "A" Read and Accepted and the Bill in New Draft Passed to be Engrossed.

Which reports were Read.

On motion by Mrs. Cummings of Penobscot, tabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

Enactors

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

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

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

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

An Act Relating to the Priority of Attorneys' Liens in Regard to Allegedly Stolen Property. (H. P. 2234) (L. D. 2321)

An Act to Provide Funds to the Department of Inland Fisheries and Wildlife. (S. P. 718) (L. D. 2254)

(On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.)

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

An Act Exempting Public Accountants and Certified Public Accountants from the Insurance Consultant Law and Deleting the 3-Year Limitation on Applications for Permits to Practice Accountancy. (H. P. 2084) (L. D. 2262)

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

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

An Act Providing for the Collection of Motor Vehicle Use Taxes. (H. P. 2232) (L. D. 2320)

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

Mr. MERRILL: Mr. President and Members of the Senate: In passing L. D. 2320, I would just like to say that this is a bill that at least in a modest way will help the revenue picture in the State of Maine and help us to collect monies that are due to us. It came about because of the cooperative work between the Taxation Committee and the new Secretary of State, Mark Gartley. And as a member of the Taxation Committee, I would like to thank him for the work that he has done in behalf of the state to help us collect this money.

The PRESIDENT: Is the Senate ready for the question?

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

Indefinitely Postponed

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

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

Which was Passed to be Enacted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Merrill of Cumberland, the Senate voted to reconsider its action whereby the Bill was Passed to be Enacted.

Thereupon, on motion by Mr. Huber of Cumberland, tabled and Tomorrow Assigned, pending Enactment.

Emergencies

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

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

An Act to Incorporate the Frye Island Municipal Services Corporation. (H. P. 2109) (L. D. 2117)

An Act to Incorporate the Frye Island Municipal Services Corporation. (H. P. 2109) (L. D. 2263)

These being emergency measures, and having received the affirmative votes of 25 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money and to Permit the Legislature to Override All or Part of Such a Veto by a Two-Thirds Vote of Each House. (H. P. 1981) (L. D. 2170)

Comes from the House, Failed of Final Passage.

On motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending Enactment.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the unassigned tabled Joint Order H. P. 2251.

Tabled — earlier in today's session by Mr. Speers of Kennebec.

Pending — Passage.

Thereupon, on further motion by the same Senator, the Joint Order received Passage in concurrence.

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

Mr. BERRY: Mr. President and Members of the Senate: We have come to what is hopefully the closing moments of the last day of the first week we have had double sessions every day, and I think everybody seems to be in remarkably good humor. I think especially noteworthy is our extremely capable presiding officer who has had a pretty good week but who I think has maintained an excellent sense of humor and, I have noticed with a great deal of interest, has in these closing moments performed impeccably as a parliamentary presiding officer. (Applause)

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

Mr. SPEERS: Mr. President and Members of the Senate: We have heard in these closing moments a good deal of talk about the possibility or work actions on the part of state employees. I would like to report with a great deal of pleasure the fact that there was indeed a work action that was performed here on behalf of the state employees last night and Tuesday night as well, when the state employees of the Cultural Services Bureaus of the Library, Museum, and Archives, voluntarily and on their own time, to a man and woman, held an open house in the cultural building for those three bureaus. I would like to commend those employees for their imagination, public service, and their dedication in performing their own work action.

On motion by Mrs. Cummings of Penobscot, Adjourned until 10 o'clock Monday morning, March 29, 1976