

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, March 30, 1976

Senate called to order by the President.

Prayer by the Rev. Jimmy E. Doop, the Way Ministry, Winthrop.

Thank you, Mr. President. Heavenly Father, we just thank you in the name of your Son, Jesus Christ, for this great day. I thank you, God, for this body, these men and women who gather here to dictate the laws of the land. I lift to you, Father, each and every individual, the President, the Secretary, the staff, and all of these Senators who so diligently work for the betterment of mankind. We just stand in awe, Father, at the greatness that you have given unto us through your Son, Jesus Christ. We thank you for that wisdom and that knowledge. I thank you, God, that you have called us in this day and time to be the men and women that you want us to be. I thank you, Father, for the peace, for the love, and for the greatness of your word. In the name of your Son, Jesus Christ, our living Lord and Savior. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

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

In the House March 23, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (H-1010).

In the Senate March 25, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by Senate Amendment "A" There to (S-471), in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Roberts of York moved that the Senate Recede and Concur.

On motion by Mr. Pray of Penobscot, tabled until later in today's session, pending the motion by Mr. Roberts of York to Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems." (H. P. 2206) (L. D. 2306)

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

Comes from the House. Passed to be Engrossed as Amended by House Amendment "B" (H-1127), in non-concurrence.

On motion by Mr. O'Leary of Oxford, the Senate voted to Insist and Ask for a Committee of Conference.

Non-concurrent Matter

Bill, "An Act Relating to the Geologists and Soil Scientists Certification Act." (H. P. 2240) (L. D. 2322)

In the House March 25, 1976, Passed to be Engrossed as Amended by House Amendment "A" (H-1100).

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

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

On motion by Mr. Thomas of Kennebec, the Senate voted to Insist and Join in a Committee of Conference.

Joint Order

ORDERED, the Senate concurring, that, there shall be a Joint Select Committee of the Legislature which shall be known as the Legislative Budget Committee, hereafter called the committee. The committee shall consist of 23 members, who shall be: The Presi-

dent of the Senate; the Majority Leader of the Senate; the Minority Leader of the Senate, who shall be the leader of the party holding the second largest number of seats in the Senate after the majority party; the Speaker of the House; the Majority Leader of the House; the Minority Leader of the House, who shall be the leader of the party holding the second largest number of seats in the House after the Majority party; the Senate and House chairmen of the Joint Standing Committees on Appropriations and Financial Affairs; one Member of the Senate serving on the Joint Standing Committee on Appropriations and Financial Affairs, who shall be of the opposite political party from the Senate Chairman of the Joint Standing Committee on Appropriations and Financial Affairs; one Member of the House serving on the Joint Standing Committee on Appropriations and Financial Affairs, who shall be of the opposite political party from the House Chairman on Appropriations and Financial Affairs; the Senate and House Chairmen of the Joint Standing Committee on Taxation; one Member of the Senate serving on the Joint Standing Committee on Taxation, who shall not be of the same political party as the Senate Chairman of the Joint Standing Committee on Taxation; one Member of the House serving on the Joint Standing Committee on Taxation, who shall not be of the same political party as the House Chairman of the Joint Standing Committee on Taxation serving on the Joint Standing Committee on Taxation; and 6 Members of the House of Representatives and 3 Members of the Senate to be apportioned by political party to reflect as nearly as possible the number of members of each political party in the House and Senate respectively. The Speaker of the House and President of the Senate shall determine, upon recommendation by the Secretary of State, the exact number of members of each party who shall be chosen by caucus to sit on this committee. The President of the Senate, the Speaker of the House and the Majority and Minority Leaders shall be members of the committee by virtue of their offices. All other members of the committee shall be chosen by their respective party caucuses in the Senate and the House.

The committee shall elect a chairman and a vice-chairman from among the 9 members who are chosen by party caucus to be members of the committee; and be it further

ORDERED, that the purpose of the Legislative Budget Committee shall be to provide a suitable vehicle for the Legislature to more deeply involve itself in the state budget process and to formulate budgetary and taxation policy for consideration by the Legislature. The state budget process includes review of the budgetary needs of the departments and agencies of State Government and the formation of funding priorities which equate those funding needs to state revenues; and be it further

ORDERED, that on or before March 1st of each regular session of the Legislature, the committee shall present to the Legislature an order establishing the level of total state expenditures for the next fiscal year. In addition, the committee shall present to the Legislature an additional order which shall determine, by percentage, the total of state expenditures to be allocated to each of the following budget areas:

1. General Government;
2. Economic Development;
3. Educational and Cultural Services;
4. The University of Maine;
5. Human Services;
6. Mental Health and Corrections;
7. Manpower Affairs;
8. Natural Resources;
9. Inland Fisheries and Wildlife;
10. Public Protection; and
11. Transportation.

Within 14 days after the submission of the first 2 orders to the Legislature, the committee

shall submit to the Legislature a final order establishing the amount in dollars to be raised from each major source of revenue. A major source of revenue is a source of revenue which, during the previous fiscal year, yielded one million or more dollars to the State; and be it further

ORDERED, that Orders presented to the Legislature from the committee may be altered or amended by the Legislature, but shall be passed or finally rejected within 20 Legislative days after they are reported out of the committee. No revenue or appropriation measures shall be enacted by the Legislature subsequent to the adoption of these orders except in accordance with the budgetary levels and allocations established by these orders. The orders of the committee may be amended by the Legislature at any time after their initial passage; and be it further

ORDERED, that the committee is authorized to establish special task forces for the purpose of studying the operations, performance and viability of the various departments, agencies and programs funded in whole or in part by the Legislature. The committee shall use these task forces to provide the Legislature with a factual basis for establishing fiscal priorities, eliminating unnecessary activities, personnel and equipment and increasing the economic efficiency of the State Government in general. In addition, these task forces may be used to investigate state tax policy. This investigation may include the efficacy of various methods, the effects of current and proposed tax policy and the environmental, economic and social aspects of the lives of Maine citizens; and be it further

ORDERED, that any task force created by the committee may have as many members as the committee deems necessary for the performance of its duties, but there shall always be at least one member of the budget committee, one member of the Appropriations and Financial Affairs Committee and one member of the Joint Standing Committee of the Legislature having expertise in the subject area to be dealt with by the task force. (H. P. 2248)

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-1102).

Which was Read.

Mr. Gahagan of Arrostook moved that the Joint Order be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. GAHAGAN: Mr. President and Members of the Senate: I thought we had dispensed with this budget committee the other day and I am very surprised to see it before us again. The legislative debate that we had I thought very clearly indicated the will of the Senate that we were not interested in forming another mini legislature to set budgeting and taxation policy for this legislature as a whole. It seems to me, Mr. President and Members of the Senate, that it is the prerogative of the legislature as a body to consider budgetary and taxation policy, and not the prerogative of any special budget committee.

In the debate the other day we clearly indicated, I believe, that this legislature has a committee structure which was established with great wisdom and which would run with great efficiency and great economy were we to use it. We are not using our present committee structure to the best of our ability. There are many things which we could do within the existing structure which would not require us to create yet another committee of the legislature and to centralize power in one committee. As the good Senator from Cumberland, Senator Berry, said so well the other day, you would be guaranteeing that the majority party of the legislature would be controlling the taxation and budgetary policy of the state.

Quite frankly, I think this is outrageous and it represents probably one of the procedures of

this legislature that I am very concerned about, that when a bill can't make it in one way it is brought in another way. The will of the Senate has been established in the past and I hope we will defeat this today and the philosophy behind it.

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

Mr. Conley of Cumberland moved that the Joint Order be tabled, pending Passage.

Mr. Speers of Kennebec then asked for a division and subsequently Mr. Berry of Cumberland requested a roll call.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that item 1-4 be tabled. A "Yes" vote will be in favor of tabling; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators E. Berry; Cianchette, Carbonneau, Clifford, Conley, Cyr, Danton, Graham, Marcotte, Merrill, O'Leary, Pray, Reeves.

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

ABSENT: Senators Cummings, Johnston.

A roll call was had. 13 Senators having voted in the affirmative, and 17 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Mr. Berry of Cumberland then moved the previous question.

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

Mr. CONLEY: A point of order, Mr. President.

The PRESIDENT: What is the point of order?

Mr. CONLEY: Mr. President, I question the Chair as to whether or not it is the majority on moving the previous question.

The PRESIDENT: The Chair would advise in the affirmative.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would request a roll call on the motion.

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

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the pending motion for the previous question is debatable, I presume?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. KATZ: Mr. President and Members of the Senate: I would hope that the Senate does not move for the previous question at this time. Yesterday, as I recall it, was the first time this body has ever moved the previous question in my time, and it might seem to be the politic thing to do right at this moment, but from the viewpoint of freedom of debate, I am deeply concerned that it is possible that twice in two days the Senate has taken this extraordinary step to cut off debate. I would urge my colleagues to vote against the motion.

The PRESIDENT: The Chair would advise the Senator from Kennebec, Senator Katz, that the

Chair was in error, that debate is not permitted and the previous question is not debatable. So, therefore, you may not debate the question.

Mr. KATZ: I withdraw my comments, sir.

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

Thereupon, Mr. Berry of Cumberland was granted leave of the Senate to withdraw his motion for the previous question.

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

Mr. MERRILL: Mr. President and Members of the Senate: Before we began this little give and take here, I was about to say it was not my intention to really debate this question again today. I just wanted to point out that the order is on here because some members of the other body who were concerned about it being in the form of a law, and they thought it should be in the form of an amendment to our joint rules, and that is why this outrageous happenstance comes across our desks, not because I wish to force anybody to have to vote on this again.

I just might also say in passing that the subject of Colorado came up in the last debate, and I am glad that Colorado came up because it gives me a chance to make this observation: I sometimes think that I am too partisan and I just criticize the Republican Party all the time, so I would like at this time to soundly rebuke the Democratic Party in Colorado because they out there opposed the budget bill, but fortunately out there the Republican Party prevailed and the good state of Colorado is going to have this sort of fiscal restraint. So I have to say that I hope the Republican Party here will eventually go through the same process that we saw so many Senators go through yesterday and absolve themselves of their sins and get them on the right side of this issue before it is too late.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would just like to clarify one thing that was debated here earlier by the Senator from Aroostook, Senator Gahagan, saying that the legislature loses its prerogative to control. If I may, I would just like to read one section of this that clearly states that the legislature is in control. "Ordered, that Orders presented to the Legislature from the committee may be altered or amended by the Legislature, but shall be passed or finally rejected within 20 legislative days after they are reported out of the committee." I say that puts the legislature in firm control, and this bill only gives the State of Maine a tool to work with to promote fiscal responsibility. And I frankly can't understand how in the world the Republican Party can stand up here almost to a man and say we don't want a tool to help get control on state spending. I think this is a proven tool by the national, and it is a proven tool in other states. How in the world can the Republican Party right here represented in this Senate say that we don't want to use new tools when they become available for fiscal responsibility? That is what you are saying by defeating this order, and I would like that well known.

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

Mr. CONLEY: Mr. President, I would request a roll call.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Aroostook, Senator Gahagan, that Joint Order H. P. 2248 be indefinitely postponed. A

"Yes" vote will be in favor of indefinite postponement; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

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

ABSENT: Senators Cummings, Johnston.

A roll call was had. 17 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with two Senators being absent, the Joint Order was Indefinitely Postponed in non-concurrence.

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

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

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves that the Senate reconsider its action whereby it indefinitely postponed Joint Order H. P. 2248.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would just pose a question through the Chair, if I may, to the majority floor leader. We have had two roll call votes on this and I just wonder how stable those people who voted for indefinite postponement are.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I suspect the minority leader of this body is about to find out.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate reconsider its action whereby it indefinitely postponed Joint Order H. P. 2248. Will all those Senators in favor of reconsideration please say "Yes"; those opposed please say "No".

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

Communications
United States Senate
Committee on Finance
Washington, D. C. 20510

March 25, 1976

Harry N. Starbranch
Secretary of the Senate
The Senate of Maine
Augusta, Maine 04330

Dear Mr. Starbranch:

Thank you for providing me with copies of the Joint Resolutions adopted by the Maine Senate and House of Representatives protesting and requesting an explanation of the reasons underlying the proposed personnel reduction at Loring Air Force Base.

I appreciate your making the resolution available to me and I certainly share the Legislature's concern over the devastating impact the cutback would have in Maine and, in particular, in Aroostook County. I am enclosing a copy of the letter which the Maine Congressional delegation addressed to Air Force Secretary Reed on March 18 outlining our concerns and requesting detailed information regarding the basis of the preliminary decision and the projected consequences of its implementation.

I look forward to reviewing the Secretary's

report and when it arrives I shall be in a better position to determine the most effective course of action to pursue. You may be assured that I shall do everything I can to forestall or minimize the severe adverse impact on Aroostook County's already depressed economy which would surely accompany the proposed cutback.

With best regards,

Sincerely,
(Signed) BILL HATHAWAY
U. S. Senator

Maine
Congressional
Delegation

March 18, 1976

The Hon. Thomas C. Reed
Secretary
Department of the Air Force
The Pentagon
Washington, D.C. 20230

Dear Secretary Reed:

We are writing to express our profound concern over and opposition to the recent Air Force proposal for massive reductions at Loring Air Force Base. It appears to us most unwise, damaging and unwarranted.

We have been asked to believe that Loring has been nominated for a personnel reduction of 83 per cent, and for the removal of its B-52's and KC-135's, simply in order to meet an Air Force goal of saving \$150 million, to which goal Loring would contribute \$24 million.

While we appreciate the need to reduce federal spending and to eliminate needless military expenditures, we are not prepared to accept or condone the Air Force proposal for Loring because we are not persuaded that the proposal has merit. For thirty years we have been told that Loring is vital to our national defense by virtue of its proximity to the Soviet Union. Millions of dollars have been spent to create and maintain Loring largely on the strength of that fact. Thousands of people in Aroostook County irrevocably altered their way of life in order to fulfill the myriad demands of Loring A.F.B. and its people.

Yet this proposal to reduce and realign Loring ignores all of this. It has been presented to us without adequate justification. No evidence has been offered to suggest that Loring's mission is no longer vital to our nation's security. Furthermore, inadequate consideration seems to have been given to the economic havoc that severe cutbacks at Loring would necessarily have on thousands of citizens in northern Maine.

Beyond the national security and economic implications of the proposed action, we are concerned about the criteria upon which you based your preliminary decision.

We intend to inquire into and examine this matter in great depth and provide you with information which we believe will demonstrate the wisdom of retaining Loring at present strength. We ask that your final judgment in this matter not be made until you have had the benefit of the information with which we shall provide you.

In order that we may carefully assess this matter, we request that you provide, in writing, the following:

1) Copies of all studies, choices of options, surveys, and economic impact estimates, and other materials used in order to reach the proposed decision;

2) The standards by which you will make a final decision on Loring (and, if they differ, the standards for intermediate decisions) and the relative weight or value to be accorded to each standard;

3) A detailed description of what changes, if any, have occurred that have altered Loring's role, and why;

4) A detailed description of Loring's future role as you foresee it;

5) How our future security is to be assured were Loring to be reduced as you propose;

6) The sums you expect to spend on regular and normal base operations at Loring for each of the five consecutive fiscal quarters following June 30, 1976;

6) The sums you expect to spend on regular and normal base operations at Loring for each of the five consecutive fiscal quarters following June 30, 1976;

7) A detailed list of all actions (and their estimated date of occurrence) contemplated between now and the date on which you hope to have reduced and realigned Loring A.F.B.;

8) A list of all personnel reassignments and other activities tending to reduce the personnel and assets of Loring Air Force Base whether already undertaken or merely contemplated to be undertaken prior to a final decision to reduce and realign the base;

9) For all of the foregoing, the name, business address and telephone number of the official charged with making each study, policy decision, estimate, etc.

Because of the urgency of this situation and its importance to the people of Maine, we request that you furnish the above information and materials within ten days. As new information becomes available to you, we request that it be furnished to us. Given the dearth of information in our possession, and the depth of concern on this issue in Maine, we believe this request is not unreasonable.

Sincerely,
WILLIAM D. HATHAWAY
U.S. Senator

DAVID F. EMERY
Member of Congress
(S. P. 779)

Which was Read and Ordered Placed on File.
Sent down for concurrence.

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

March 29, 1976

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

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites" (H. P. 1948) (L. D. 2134):

Rep. QUINN of Gorham
Rep. CLARK of Freeport
Rep. AULT of Wayne

Respectfully,
(Signed) 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 29, 1976

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

Dear Mr. Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act

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

The Speaker appointed the following members of the House to the Committee:
Rep. BERRY of Buxton
Rep. LOVELL of Sanford
Rep. McMAHON of Kennebunk

Respectfully,
(Signed) EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports
House

Ought to Pass in New Draft

The Committee on Labor on, Bill, "An Act Concerning the Statutes Relating to Labor." (H. P. 2041) (L. D. 2215)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Clarify the Labor and Industry Statutes." (H. P. 2259) (L. D. 2332).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1136).

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

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

The Committee on Taxation on, Bill, "An Act to Clarify and Strengthen the Statute Governing Current Use Taxation of Farmland." (H. P. 2012) (L. D. 2193)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 2258) (L. D. 2330).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1129).

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

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I wonder if some member of the Committee on Taxation may be able to explain to the Senate the changes that are being made in the farmland taxation policy?

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: Several years ago this legislature and then the people of Maine voted to change the constitution to allow for something other than current year taxation for farmland and timberland. As a result of that, we took two different approaches. In regards to timberland, we wrote a formula by which the value of that timberland as land to produce timber can be taxed. However, in regards to the agriculture land, we just sort of gave a directive to the various assessors that worked for the cities and towns about the State of Maine and directed them to tax it on the basis of it as agriculture use and not the highest and best, if there is a difference between the two. And the experience that the committee found out about when we had the hearing on this, and it wasn't a surprise to a lot of us, was that in many communities the assessors are simply not recognizing the differential.

What this bill does is set up a formula for the determination of the value of farmland which is

really, in a sense, fashioned after the formula that we have set up to determine the value of timberland, and thus it really, I think, honestly can be described as the true legislative enactment of that constitutional amendment that was passed several years ago.

We heard testimony from farmers across the state about the problems that what is actually current use taxation are having on them, and this bill is a response to that problem.

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

It is a vote.

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

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Revise and Reform the Maine Personal Income Tax Law." (H. P. 2036) (L. D. 2211)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland

Representatives:

MORTON of Farmington
DRIGOTAS of Auburn
MAXWELL of Jay
TWITCHELL of Norway
SUSI of Pittsfield
IMMONEN of W. Paris
DAM of Skowhegan

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

Signed:

Senator:

MERRILL of Cumberland

Representatives:

COX of Brewer
MULKERN of Portland

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

Which reports were Read.

Mr. Wyman of Washington moved that the Majority Ought Not to Pass Report of the Committee be Accepted.

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

Mr. SPEERS: Mr. President and Members of the Senate: This is a rather far-sweeping bill, a very important bill, I suspect the importance of which is evidenced by the number of empty seats in the chamber all of a sudden. I would ask for a roll call on this vote, and I hope that the President rings the bell loud and long so that we can have all of those members who are present here today return to the chambers so that they can vote on this matter.

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

Mr. MERRILL: Mr. President, I take exception to the remarks of the majority leader. There is absolutely nothing to indicate that the people that are absent from the chamber are absent because they don't want to vote on this item. I don't think there is any need for the majority leader to reflect on the integrity of the members of this body.

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

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I notice this is a

divided report, and I have a great deal of respect for the Senator from Cumberland, Senator Merrill, so I would like to hear his views on why he thinks this should pass.

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: As the majority leader said just the other day in referring to another question, he never spoke to me about it. You can talk to me any time, Senator, but I would just like to say that the reason I think it ought to pass is that we had testimony in the committee that actually the effect of this bill would be that it would raise not much more money in toto, and would put into effect some more tax reform. That is really what this is about. This isn't very much of a tax increase.

What it really does is put into effect retirement income credit and some other tax measures and tax protections for middle income earners that are presently in the federal law. So if anybody thinks this is a great chance to vote against a huge tax increase, they are sadly mistaken. It might raise another one or two million dollars.

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 majority ought not to pass report of the committee. A "Yes" vote will be in favor of accepting the ought not to pass report; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators E. Berry; R. Berry; Carbonneau, Clifford, Collins, Corson, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, O'Leary, Pray, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Cianchette, Conley, Curtis, Danton, Graham, Merrill, Reeves.

ABSENT: Senator Cummings.

A roll call was had. 24 Senators having voted in the affirmative, and seven Senators having voted in the negative, with one Senator being absent, the Majority Ought Not to Pass Report of the Committee was Accepted.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Provide for More Effective Debt Management and for the Effective Administration of the State's Development Financing Capability." (H. P. 1816) (L. D. 1974)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington
GRAHAM of Cumberland

Representatives:

COONEY of Sabattus
KANY of Waterville
CARPENTER of Houlton
PELOSI of Portland
QUINN of Gorham
WAGNER of Orono

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-949).

Signed:

Senator:

CURTIS of Penobscot

Representatives:

FARNHAM of Hampden
STUBBS of Hallowell
LEWIN of Augusta

SNOWE of Auburn

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "E" (H-1121).

Which reports were Read.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending the motion by Mr. Curtis of Penobscot to Accept the Minority Ought to Pass as Amended Report of the Committee.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Prohibit Payment of Dependency Allowance to Persons with a Spouse Employed Full Time." (H. P. 2118) (L. D. 2267)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1029).

Signed:

Senators:

ROBERTS of York
PRAY of Penobscot

Representatives:

SPROWL of Hope
TIERNEY of Durham
TEAGUE of Fairfield
FLANAGAN of Portland
SNOW of Falmouth
TARR of Bridgton
CHONKO of Topsham
PEARSON of Old Town

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

Signed:

Senator:

McNALLY of Hancock

Representatives:

MARTIN of St. Agatha
LAFFIN of Westbrook

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

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

Thereupon, on motion by Mr. Roberts of York, tabled until later in today's session, pending Adoption of Committee Amendment "A".

Second Readers

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

Senate

Bill, "An Act to Revise the Maine Criminal Code as Recommended by the Criminal Law Revision Commission." (S. P. 777) (L. D. 2334)

Which was Read a Second Time.

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

Senate Amendment "A", Filing No. S-488, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: This amendment does two things. It first tightens up the language in the section which we debated and talked about yesterday, Section 104 of the code. Secondly, it gives the legislative intention to have the judges, when they are considering probation, to seriously consider restitution, requiring the criminal to make restitution to the victim and/or to the state or the county by moving the order in which restitution is listed, and also to allow the court to consider the ability of the

convicted person to earn as well as his resources.

I think that it is an important public policy to encourage restitution by the criminal in favor of the victim whenever it is possible. I think this is a small step in that direction. Thank you, Mr. President.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A" to L.D. 2334?

The motion prevailed.

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

Senate — As Amended

Bill, "An Act to Clarify Certain Provisions in the Education Laws." (S. P. 651) (L. D. 2056) Which was Read a Second time.

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

Mr. KATZ: Mr. President, I have in my possession some item by item explanations both of this bill and the amendment on it, and it is available for anybody who would like one. There will be several amendments offered later today. I would hope somebody could table it until later in today's session.

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

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

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: An Act to Provide for the Licensure of Speech Pathologists and Audiologists. (S. P. 673) (L. D. 2144)

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

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

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

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

Emergencies

An Act to Clarify Municipal Development Authority. (H. P. 1882) (L. D. 2060)

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)

An Act to Increase the Efficiency of the Investigation and Prosecution of Fraud Against the State. (H. P. 2155) (L. D. 2290)

An Act to Redefine the Administration of Medication in the Nursing Practice Act. (H. P. 1934) (L. D. 2122)

An Act Delaying the Effective Date of the Maine Criminal Code in Order to Allow Sufficient Time to Make Certain Necessary Revisions. (S. P. 776) (L. D. 2331)

An Act to Reorganize or Repeal Certain Activities and Agencies in Maine State Government. (H. P. 2143) (L. D. 2286)

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

These being emergency measures and having received the affirmative votes of 27 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.

Emergency

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

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

Orders of the Day

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

Bill, "An Act to Establish a Division of Travel Information." (H. P. 2022) (L. D. 2201) Emergency

Tabled — March 29, 1976 by Senator Marcotte of York

Pending — Passage to be Engrossed (In the House — Passed to be Engrossed)

(In the Senate — Committee Amendment "A" (H-1012), as Amended by Senate Amendment "A" (S-475) Thereto, Adopted)

On motion by Mr. Marcotte of York, retabled until later in today's session, pending Passage to be Engrossed.

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

Bill, "An Act to Change County Budgets to an Annual Basis." (H. P. 2094) (L. D. 2253)

Tabled — March 29, 1976 by Senator Speers of Kennebec

Pending — Passage to be Engrossed (In the House — Passed to be Engrossed)

Thereupon, the Bill was Passed to be Engrossed in concurrence.

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

Bill, "An Act Relating to Exceptional Children." (H. P. 1797) (L. D. 1956) Emergency

Tabled — March 29, 1976 by Senator Speers of Kennebec

Pending — Adoption of Committee Amendment "A" (H-1083) as Amended by House Amendment "A" (H-1104) Thereto

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

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

On motion by Mr. Speers of Kennebec, and under suspension of the rules, all matters acted upon by the Senate this morning were sent forthwith to the House.

Mr. Speers of Kennebec moved that the Senate be at recess until 3 o'clock this afternoon, and Mr. Conley of Cumberland subsequently requested a division on the motion.

Thereupon, Mr. Speers of Kennebec was granted leave to withdraw his motion to recess.

Reconsidered Matter

The following Bill was held on March 30, 1976 at the request of Mr. Conley of Cumberland, pending Consideration:

Bill, "An Act to Improve Solid Waste Management." (H. P. 2090) (L. D. 2249)

(In the Senate — Passed to be Engrossed as Amended by Senate Amendments "B" (S-486) and "C" (S-489)

(In the House — Bill in New Draft (H. P. 2225) (L. D. 2315)

Passed to be Engrossed as Amended by House Amendment "A" (H-1090)

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I would now move that the Senate reconsider its action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby L. D. 2249 was passed to be engrossed.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I would like to inquire through the Chair as to the purpose of reconsideration.

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair to any Senator who would care to answer.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, it is my understanding there are a number of amendments that are wished to be offered to this bill.

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

Mr. SPEERS: Mr. President, I would object to the motion and urge the Senate to vote against the motion. And I ask for a division.

The PRESIDENT: 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. 2249, "An Act to Improve Solid Waste Management", was passed to be engrossed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I think that we had a very good debate on this yesterday, and I would assume that we have allowed somebody to climb onto the bandwagon here who has a change of heart overnight. I am a little bit in doubt that perhaps we shouldn't have a roll call, and I would request one, Mr. President.

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

One-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, if this is going to be a record vote, I would appreciate it if any Senators who wish to offer amendments could describe the nature of the amendments that will be offered so that the record may have some purpose.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I find on my desk this morning an amendment that allegedly is going to be offered by the good Senator from Knox, Senator Collins. It is also my understanding that if the motion to reconsider does prevail the motion will be made also to reconsider our action whereby the Senate indefinitely postponed an amendment which was offered by Senator Clifford yesterday.

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

Mr. COLLINS: Mr. President and Members of the Senate: It is true that there is an amendment on your desks that was prepared by me, but in order to expedite the passage of the bill, it was felt that this could just as well be put on in the House. So I do not intend to vote for reconsideration.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I certainly would accommodate the Senator from Knox, Senator Collins. I think we ought to reconsider so he can offer his amendment in the Senate.

I read in the Portland Press Herald this morning, in the lead paragraph concerning the story of the returnable container bill, pertaining to the amendment which was offered yesterday which failed of passage by one vote, it says "The Maine Senate gave all but final ap-

proval Monday to a bill allowing the voters to decide whether a minimum nickel deposit should be placed on all beer and soft drink bottles and cans." It seems to me the amendment which was offered yesterday gives the voters a clear-cut indication of what this bottle bill is about. As indicated by the lead story, that is what it is about, the nickel deposit. And it seems as though if that is what it is about, then that is what the voters ought to have in the question that is propounded to them.

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

Mr. CORSON: Mr. President, I request leave of the Senate to pair my vote with that of the Senator from Cumberland, Senator Jackson. If Senator Jackson were here, he would be voting for the motion to reconsider, and I would be voting in opposition to that motion.

The PRESIDENT: The Senator from Somerset, Senator Corson, now requests leave of the Senate to pair his vote with the Senator from Cumberland, Senator Jackson, who, if he were here, would be voting in favor of reconsideration, and the Senator from Somerset, Senator Corson, would be voting in opposition to reconsideration. Is it the pleasure of the Senate to grant this leave?

If it is a vote.

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 this bill was passed to be engrossed. A "Yes" vote will be in favor of reconsideration; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Cyr, Danton, Graffam, Johnston, Marcotte, Merrill, O'Leary, Pray, Roberts, Wyman.

NAYS: Senators Berry, R.; Collins, Curtis, Gahagan, Graham, Greeley, Hichens, Huber, Katz, McNally, Reeves, Speers, Thomas, Trotzky, Sewall.

ABSENT: Senator Cummings.

Mr. Katz of Kennebec was granted leave to change his vote from "No" to "Yes".

A roll call was had. 16 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with two Senators pairing their votes and one being absent, the motion prevailed.

Mr. Clifford of Androscoggin then moved that the Senate reconsider its former action whereby Senate Amendment "B" was Adopted.

On motion by Mr. Trotzky of Penobscot, a division was had. 16 having voted in the affirmative, and 14 having voted in the negative, the motion prevailed.

Mr. Katz of Kennebec then moved that the Senate reconsider its action whereby Senate Amendment "A" to Senate Amendment "B" was Indefinitely Postponed.

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

Mr. COLLINS: Mr. President, it is obvious that the lobby for the liquor industry and the soft drink industry has been diligently at work overnight and they are asking us again to decide the question that we decided yesterday. I think the arguments were made yesterday and need not be repeated, but I would urge the Senate to vote against the motion of the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I am sure that the Senator from Knox, Senator Collins, does not realize the implication that he made in his remarks, and since the debate yesterday I have neither spoken nor written nor received any communication from one living soul, let alone a lobbyist, on this measure.

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

Mr. CONLEY: Mr. President, I too sort of resent the implication being made by the good Senator from Knox, Senator Collins. I think what the amendment does is clearly present the question to the voters. The amendment lost by one vote yesterday, and I don't think the citizens of this state should be misled.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby Senate Amendment "A" to Senate Amendment "B" failed of adoption.

The Chair will order a division. Will all those Senators in favor of the motion to reconsider 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 motion prevailed.

Thereupon, Senate Amendment "A" to Senate Amendment "B" was Adopted.

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

Senate Amendment "B", Filing No. S-491, to Senate Amendment "B" was Read.

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

Mr. COLLINS: Mr. President, since the matter has been reconsidered and is once again in a posture for amendment, I will bring before the Senate certain corrections to the bill. Although I am in vigorous opposition to the lobby, I am grateful for the fact that they have discovered certain technical errors in the version that we adopted yesterday and brought them to my attention. Some of these are pure inadvertences and there is one that has certain policy implications, and I would like to tell you what these corrections are.

By mistake, the wine and liquor bottles are included in the bill, and should not be. Therefore, this amendment will delete the references to wine, liquor, and alcohol in the definition section. The word "refundable" has been left in the bill in a couple of sections, and this amendment deletes those references. The words "sold by the dealer" in paragraph 24 were inadvertently struck from the version of the bill which was passed yesterday, and we are putting this phrase back in the bill. Also, in one section, section 1870, the date should be January 1, 1978, not 1977. The correct date appeared in other places in the bill but this is one place that was not corrected and should be.

Finally, the substantive change which this amendment would make would exempt from the requirements of accepting returnable containers those operators of vending machines which do not have an attendant on the premises. The purpose of this amendment is to allow vending machines to be operated in an isolated area without requiring the hiring of personnel. However, I want to point out that if a garage has on duty an attendant, that garage would be required to accept returnable beverage containers as long as the attendant is on duty.

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

The motion prevailed.

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

Mr. MERRILL: Mr. President, while this bill is still before us, I would just like to make one protest about the bill in its present form. It differs from the bill that I signed ought to pass out of committee in the respect, if I understand correctly, that it demands now that all people who sell these bottles take them back, and the bill that I signed out of committee would have not put that demand in the law, recognizing full well that the pressures of the marketplace

would force all store owners probably to take them back some of the time and most store owners to take them back all of the time. But it would have allowed the small store owners in areas like the one I represent possibly to say they would only take them back on two days or to say that they would only take them back in the afternoon, or to make some provision that would make it easier for them to live with the provisions of this law. I think the marketplace could have taken care of that very well, and I do not think that the change represented in the present law is an improvement. I think it is quite the opposite.

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

Mr. CIANCHETTE: Mr. President, I would just like to make a statement for the record about this bill. I might describe it a little bit by relating an incident. I had a call from a small grocery store owner in Clinton, and he said "Gee, Senator Cianchette, I wish you would do something to see that they don't pass that bill that is before them down there." I asked him if he knew what the bill said, and he said, "Well, no, I don't. Do you?" I said, "No, I don't. I am not sure that I understand all the ramifications of it at all." He said, "You know, the people in my area do the bulk of their grocery shopping in Waterville at the big supermarkets, and I know they are going to be buying their containers that they are talking about in Waterville, and he said, "Do you have any idea where those containers are going to be returned?" And I said, "Well, I think I do. I think they are going to be returned to you." And he said, "That's right. I will not have sold them but I know I am going to get a big mess on my hands, and how can I refuse the customers that I generally deal with." He said, "I don't know what I am going to do with this sort of thing."

I think that is indicative of the whole bill. I don't think there is any member in this legislature who understands this bill, understands the implications of it and understands what it is going to do to many of the people of the State of Maine, and I object to the bill. I think it is wrong. I don't think there is enough time, I don't think it has been figured out, and I think it is a conglomeration of ideas that doesn't make a heck of a lot of sense. And further supporting my remarks is that we have seen every day that the bill has been before us with new amendments, new corrections, changing a word here, changing a word there, that have a meaningful impact on the whole law. I think it is a little bit of a disgrace to this legislature to be passing this kind of legislation, and I just wanted to go on the record so I can come back later and say I didn't have any part of passing that fiasco, and I think it is a bad mistake for this legislature to push something like this through when they don't know what they are doing.

The PRESIDENT: Is the Senate ready for the question?

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

Sent down for concurrence.

(See following action.)

(Off Record Remarks)

Reconsidered Matter

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its former action whereby it Passed to be Engrossed:

Bill, "An Act to Improve Solid Waste Management" (H. P. 2090) (L. D. 2249).

On further motion by the same Senator, Senate Amendment "B", as Amended by Senate Amendments "A" and "B" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

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

On motion by Mr. Speers of Kennebec,
Recessed until 3 o'clock this afternoon.

Alter Recess

Called to Order by the President.

Papers from the House

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

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

In the House March 29, 1976, Passed to be Enacted.

In the Senate March 29, 1976, Failed of Passage to be Engrossed.

Comes from the House, that Body having Insisted.

Mr. Collins of Knox moved that the Senate Adhere.

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

The PRESIDENT: The Chair will order a division. Will all those in favor of the motion of the Senator from Penobscot, Senator Trotzky, that the Senate recede and concur please rise in their places until counted. Those opposed will rise in their places until counted.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

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

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

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

The Chair recognizes the Senator from Kennebec, Senator Thomas.

Mr. THOMAS: Mr. President, for the same reason as given yesterday, I request permission to be excused from voting on this issue because of an apparent conflict of interest.

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

It is a vote.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I feel the people of the State of Maine have a right to know how much of the money goes for charity and how much of the money goes for administration costs, and I feel that this is an important bill that should be passed.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: I fear that the concerns of my good colleague from Penobscot, Senator Trotzky, will not be solved by this bill. Because it exempts so many of the major charities and groups that are federally and nationally affiliated, the concerns that he voices will not really be met.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate recede and concur. A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators E. Berry, Conley, Cummings, Danton, Graham, Hichens, Merrill, Pray, Reeves, Trotzky.

NAYS: Senators R. Berry, Carbonneau, Clifford, Collins, Corson, Curtis, Cyr, Gahagan, Graffam, Greeley, Huber, Jackson, Johnston, Katz, McNally, O'Leary, Roberts, Speers, Wyman.

ABSENT: Senators Cianchette, Marcotte.

A roll call was had. 10 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with two Senators being absent and one excused from voting, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act Concerning the Salary of Knox County Register of Probate and Clerk Hire and Legal Fees of the York County Treasurer." (H. P. 2230) (L. D. 2318)

In the Senate March 25, 1976, Passed to be Engrossed as Amended by Senate Amendment "A" (S-473).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" and House Amendment "A" (H-1138), in non-concurrence.

Thereupon the Senate voted to recede and concur.

**Joint Orders
State of Maine**

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Bernard A. Mackenzie of Old Town retiring after forty-one years of public school teaching

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. 226)

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

WHEREAS, The Governor's Economic Advisory Committee has recommended that communications by elected public officials regarding projects or cases before sensitive regulatory and loan granting bodies be made public; and

WHEREAS, Legislative Document 2175, "An Act, Requiring Disclosure of Communications Made by Elected Public Officials to Sensitive Regulatory and Loan Granting Government Bodies," was introduced into the First Special Session of the 107th Legislature in an attempt to enact this recommendation; and

WHEREAS, the Legislature has concluded that the proposed legislation demanded greater study than was possible in the First Special Session of the 107th Legislature: now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government conduct a study of the problem of communications by elected public officials regarding projects or cases before sensitive regulatory and loan granting bodies of this State, with par-

ticular attention to the recommendations embodied in Legislative Document 2175; and be it further

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

ORDERED, that upon passage of this Order in concurrence, the Clerk of the House shall forward a suitable copy of this Order to the Senate and House Chairmen of the committee. (H. P. 2262)

Comes from the House, Read and Passed.

Which was Read.

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

Communications

Edwin H. Pert
Clerk
Maine
House of Representatives
Augusta, Maine 04333
March 30, 1976

Honorable Harry N. Starbranch
Secretary of the Senate

107th Legislature
Augusta, Maine

Dear Mr. Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Regulate Drinking Water" (S. P. 687) (L. D. 2198).

The Speaker appointed the following members of the House to the Committee:

Rep. LEONARD of Woolwich
Rep. CAREY of Waterville
Rep. GARSOE of Cumberland

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

State of Maine
Office of the Governor
Augusta, Maine
04330

March 26, 1976

To the Honorable Members of the House of Representatives & Senate of the 107th Legislature:

I am today returning without my signature and approval, L. D. 2303, An Act to Establish a Program to Protect the Clam Fishery from Green Crab Predation.

This legislation is considered unnecessary since the Department of Marine Resources already has authority for this type of program under 12 MRSA 4311, paragraph 1. A program to accomplish exactly the same objectives has been under development by the Department for well over one year and details were publicly announced recently to all coastal towns.

The legislative document mandates an annual obligation of \$25,000 from the Shellfish Fund. This amount exceeds current and projected annual revenues which are presently needed for day-to-day operation under this account. Demands from qualifying municipalities could quickly deplete the reserve funds which are necessary for proper administration.

The sponsor advises me that he has discussed this with the previous Commissioner of Marine Resources and was told there were insufficient funds. He also advised me that the present Commissioner of Marine Resources authorized the implementation of this program simultaneously with processing of this legislation.

In the interest of cost efficiency and fulfillment of the joint Legislative Executive effort

toward the repeal of mandated programs involving unnecessary legislation and/or expense, I would suggest that legislators in the future bring these matters to the Office of the Governor and allow us to attempt to resolve these matters administratively prior to taking valuable legislative time through the legislative process.

This bill mandates a program through legislation that can and is being implemented administratively. I respectfully request that you sustain my veto.

Very truly yours,
JAMES B. LONGLEY
(H. P. 2265)

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

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

comes from the House with the following endorsement:

In the House, March 30, 1976, this Bill, having been returned by the Governor, together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

96 voted in favor and 46 against, and accordingly, it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

Signed:

EDWIN H. PERT

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

Mr. BERRY: Mr. President and Members of the Senate: The question that we shall be voting on is shall this become a bill not withstanding the objections of the Governor, and I rise as Chairman of the Marine Resources Committee which reported out this bill to advise you that, in my opinion, the objections of the Governor are well taken, and this fact was known to the committee at the time it made its decision. I think the reason the committee did report out the bill, and I think it was unanimous ought to pass, was that it was felt that the passage of the bill would instruct the Department of Marine Resources to pursue the subject of the green crab predation problem, which is very definitely a real problem in the State of Maine. The department has the money, the department says it is going to do the work, and it is my opinion, frankly, that we don't need this legislation. For that reason, I would ask you to sustain the objections of the Governor and vote "No" when the question is put.

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

Mr. COLLINS: Mr. President and Members of the Senate: In reading the veto message from the Governor, it seemed to me that there was one point made by the Governor which was indeed valid and I conferred with the sponsor of this legislation in that respect. The point that seemed to me important was the prospect that this might become an annual charge against these dedicated revenues. The amount of the charge is \$25,000. The fund presently, or on January 1, according to a memorandum which I have from the commissioner, had in it a balance of \$107,000, plus.

This program needs to have behind it the force of statute if we are to be assured that it will succeed. And I have been assured by the sponsor of the legislation that if this veto is overridden that he will make the necessary moves to see that this expenditure happens only in the fiscal year which commences July 1st. This would give an opportunity for an experiment with this fencing off of the green crab

on a matching basis. The individual towns that wanted to try to protect their clam resources would have to match the state dollars on a one for one basis, so that there is going to be definitely a local participation in this experiment.

The bill also provides that a report has to be made about this experiment, that the commissioner will have to report back to the legislature about the success or lack of success that this program may have. It seems to many of us on the coast where clams are an important resource, and these clams of course are served in restaurants all over the state, it seems to us important that there be a legislative direction, not merely an administrative judgment, to try to protect this important resource. For this reason, I am recommending as a representative from the coast that we override this veto message.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is: Shall this bill become a law notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by the "Yeas" and "Nays". A vote of "Yes" will be in favor of the bill; a vote of "No" will be in favor of sustaining the veto of the Governor.

Is the Senate ready for the question? The pending question before the Senate is: Shall this bill become a law notwithstanding the objections of the Governor. A vote of "Yes" will be in favor of the bill; a vote of "No" will be in favor of sustaining the veto of the Governor.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators E. Berry; Clifford, Collins, Conley, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Graham, Hichens, Huber, Jackson, Johnston, Katz, Merrill, Pray, Reeves, Roberts, Thomas, Wyman.

NAYS: Senators R. Berry, Carbonneau, Corson, Greeley, Marcotte, McNally, O'Leary, Speers, Trotzky.

ABSENT: Senator Cianchette.

A roll call was had. 22 Senators having voted in the affirmative, and nine Senators having voted in the negative, with one Senator being absent, and 22 being two-thirds of the membership present, it is the vote of the Senate that this Bill become a law notwithstanding the objections of the Governor, and the Secretary presented the Bill to the Secretary of State.

Committee Reports House

Ought to Pass — As Amended

The Committee on Health and Institutional Services on, Bill, "An Act Providing for Evaluations of Mentally Retarded Persons Residing in Community Residential Facilities." (H. P. 2069) (L. D. 2239)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1118).

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

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

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

The Committee on Local and County Government on, Resolve, for Laying of Additional County Taxes for the Year Nineteen Hundred and Seventy-six and to Authorize Certain Reallocations to Conform with Line Budget Statutes. (H. P. 2053) (L. D. 2230)

Reports that the same Ought to Pass as

Amended by Committee Amendment "A" (H-1124).

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

Which report was Read.

Mr. Cyr of Aroostook then moved that the Resolve be tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

Thereupon, on motion by Mr. Jackson of Cumberland, a division was had, 18 having voted in the affirmative, and 11 having voted in the negative, the motion prevailed.

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Persons Residing in Community Residential Facilities." (H. P. 2142) (L. D. 2282)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1119).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" Thereto (H. 1141).

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.

Enactors

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

AN ACT to Amend the Employment Security Law. (S. P. 691) (L. D. 2210)

AN ACT to Require a Majority of Consumer Representation on Governing Boards of Nonprofit Hospital and Medical Service Organizations. (H. P. 1865) (L. D. 2036)

AN ACT Relating to Town Ways. (H. P. 1920) (L. D. 2108)

AN ACT to Require Nursery Schools to Meet Minimum Fire Safety and Health Standards. (H. P. 1965) (L. D. 2154)

AN ACT to Redefine "Subdivision" in the Site Location and Development Act. (H. P. 1979) (L. D. 2169)

Which 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 to Require Registration and Reporting of Professional Lobbyists. (S. P. 766) (L. D. 2313)

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

Mr. REEVES: Mr. President and Members of the Senate: This may be my final comment in this session on the lobbyist disclosure law, so I will make it a brief one.

I can see the writing on the wall, and only incidentally I point out that it was the hand of a lobbyist that did the writing on the wall; in fact, the hand of one of Augusta's highest paid lobbyists. Also, ironically, under this bill, none of the work that the lobbyist did on this bill would ever have to be reported or disclosed.

I realize too I may be standing alone on this issue, and although some of my friends in this chamber have been offended by my remarks in the past, there has never been any such offense intended. Public disclosure of the state house lobby has been my crusade in this legislature, just as all of us have been deeply involved in one issue or another, and I don't intend to give up on this now or ever. I do realize that it may well be a lost cause at this point, but I do have

faith that this issue will come up again and that this wrong, this bill, will be righted.

I oppose this bill as a toothless old lap dog sponsored by the lobbying industry and not a disclosure law at all, and I feel it would be hypocritical to let the people of Maine think otherwise. I want to go on record against it. I ask for a roll call on the final enactment of this legislation, but I realize full well that I may be a voice crying in the wilderness. I hope you will permit a roll call but, if not, I ask for a division. At any rate, Mr. President, I vote against it even if I am the only one.

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

Mr. CURTIS: Mr. President, the bill before us today is certainly one that I think could be improved upon, but right now we have no law at all. This bill does provide for registration and for some disclosure, and it seems to me that it is an improvement upon the status quo. So I agree that we ought to have a roll call on the matter, but I will be voting in favor of it.

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

Mr. MERRILL: Mr. President, just one quick comment about this toothless old lap dog. The only part of it that I have really heard criticized with any degree of authority by those few individuals who have read the bill is the fact that we haven't expanded the definition of lobbying to include procedures other than communicating directly with the legislature. I would point out that in taking this posture we have taken a posture identical to the posture of the bill that was enacted previously by the regular session of the 107th and a posture which is identical with the bill that was offered by the good Senator from Kennebec, Senator Reeves, at the beginning of this session. So if there is a tooth missing from the old dog, it is missing because that is the old dog that was handed to us by the good Senator from Kennebec, Senator Reeves.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senator present and voting. Will all those Senators in favor of a roll call on the enactment of L. D. 2313 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 enactment of L. D. 2313. An Act to Require Registration and Reporting of Professional Lobbyists. A "yes" vote will be in favor of enactment; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators E. Berry, R. Berry, Carbonneau, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Marcotte, McNally, Merrill, O'Leary, Pray, Roberts, Speers, Thomas, Trozky, Wyman.

NAY: Senator Reeves.

ABSENT: Senators Cianchette, Katz.

A roll call was had. 29 Senators having voted in the affirmative, and one Senator having voted in the negative, with two Senators being absent, 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.

Papers from the House

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

Committee Reports

House

Divided Report

The Majority of the Committee on Taxation

on, Bill, "An Act to Establish a Maine Community Jobs Act." (H. P. 2165) (L. D. 2293)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland

Representatives:

DRIGOTAS of Auburn
MORTON of Farmington
COX of Brewer
IMMONEN of W. Paris
MAXWELL of Jay
TWITCHELL of Norway
SUSI of Pittsfield
FINEMORE of Bridgewater
DAM of Skowhegan

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

Signed:

Senator:

MERRILL of Cumberland

Representative:

MULKERN of Portland

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-1126).

Which reports were Read.

Mr. Reeves of Kennebec moved that the Senate accept the Minority Ought to Pass Report of the Committee.

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

Mr. SPEERS: Mr. President, I would inquire of any member of the committee as to the difference in the two reports, or as to the import of the ought to pass report.

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

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I hope I can answer this question, and I should have said it at first. The bill has been completely reworked. And why I moved to accept the minority report is that I would like to have a second reading and put on the amendment which is a complete new bill; in fact, it is not a bill any more, it is a resolve. It was done this way to meet all of the objections that were raised at the public hearing, and in particular by the Commissioner of Manpower Affairs who would have direct responsibility in this matter.

The amendment that I would like to offer is the one that was passed in the other body, so perhaps I should wait, or what is the correct procedure on that. Mr. President?

The PRESIDENT: The Chair would advise the Senator the correct procedure would be to wait until this bill is in the posture for second reading.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: This is a complex measure as it started out. I think it is going to be entirely different if the good Senator from Kennebec amends it, so I think it won't amount to too much anyway. But I can see no useful purpose in it, especially at this late date, and I hope that we defeat the acceptance of the minority report and accept the majority report of the committee.

The PRESIDENT: Is the Senate ready for the question? The Chair will order a division.

The Chair recognized the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, it is my understanding that the amendment the good Senator speaks of that changes this from a bill to a resolve is in full agreement with the members

of the Taxation Committee that heard the bill. Secondly, the objections that were raised at the public hearing that instituted the corporate tax and so forth have been removed from the bill. It established really a commission on jobs that would work in compliance with Mr. Emilien Levesque, who, as you know, is the head of the Manpower Division within the state.

The resolve could have the potential to create between five and eight thousand jobs in the state. It is just enabling legislation, and I think it certainly would be in the best interest of this Senate to accept the minority ought to pass report and allow the good Senator from Kennebec, Senator Reeves, to apply his amendment.

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

Mr. JACKSON: Mr. President and Members of the Senate: I would like to pose a question through the Chair to any Senator who may care to answer. In reading the amendment, the same with the bill, I see that they address themselves to title 2 and title 6, which are the CETA funds. Now, it is my understanding when these funds expire, and I assume it is something like thirty weeks unless there is an extension granted, as to who picks the slack up, I see that that is in here, and I wonder if the good Senator from Kennebec, Senator Reeves, might address himself to that section of the bill.

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 Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, the filing number of this amendment, which is really the new bill, is 1126. And in answer to the question of the good Senator from Cumberland, Senator Jackson, I would like to point out a few things about this amendment and what it does, and how it has the potential to change the CETA program.

The CETA program, which stands for the Comprehensive Employment Training Act, is a federal program, and it is designed basically for large cities in the United States. It obviously was not designed with the State of Maine in mind, and it has created problems in many communities throughout Maine because most of the job slots under this CETA Act go to bureaucratic positions, such as planners, assistants to city managers, and so on, and what happens is that when these funds run out, as the Senator from Cumberland, Senator Jackson, has pointed out, future tax dollars may be required to maintain them. At any rate, even in the best of times when there are enough funds, these jobs go on forever, or at least until employment improves to the point where the person in that job gets another job.

What we are proposing here is a really new design geared for the State of Maine for public job funds. This would place the emphasis on community work projects rather than bureaucratic slots. These would be short-term projects no longer than thirty weeks in length, and many of these which were recommended by different communities are listed in the amendment on pages 6 and 7 under section 5. They involve such things as clean-up projects, the clearing of land for industrial development parks, road repair, even homemaker services for the elderly. And it is the purpose of this bill by emphasizing short-term projects, rather than these long-term bureaucratic slots, that twice as many people will be employed.

But even more important, and one of the main reasons why the Commissioner of Manpower Affairs endorses this — and he is sending me a letter with his endorsement — is that it would give the state of Maine the flexibility to use these public job funds in a way that fits our

seasonal employment needs. For example, why should we go on spending the same rate of funds during the summer months when temporary jobs are available, or even in the fall months during harvesting time when other types of temporary employment are available. This would give us the flexibility to plan these funds when our unemployment peak reaches its high in the winter and on into the spring in Maine. It also fits the nature of our employment problem by emphasizing these short-term jobs.

There is a further provision in here which is really enabling legislation. There are people in the U.S. Senate that are working on changes in the federal regulations governing unemployment compensation. Under the present system of unemployment compensation, a person can only receive benefits if he does not work. So you find a person, particularly a middle aged person who has worked all their life, in order to survive must refuse to accept even part-time employment, at least no more than \$20 a week. Under this bill, providing the federal regulations are changed, a person could exchange his unemployment check for a community work job. And it is the feeling of myself and others, and the Commissioner of Manpower Affairs, that maybe up to half of our unemployed workers would prefer to take a job even on a short-term basis rather than go on long-term demoralizing unemployment.

So these are some of the things that we seek to change with this new design of public job funds. As I say, this is a resolve, this is permissive enabling legislation, but I think it does show our intent that we would prefer to see people working in work projects in their own community rather than go into these long-term bureaucratic slots or stay on unemployment for a long period of time. And of course you do come into that situation in certain towns where they might hire five extra policemen, and as the town gets used to them the funds run out, and then the town is stuck paying for these extra positions. This would seek to avoid that kind of a situation.

So I ask your support in this matter. And as I say, we have taken out all of the controversial aspects of this bill, the corporate profits tax which the Chairman of the Taxation Committee, the Senator from Washington, Senator Wyman, objected to, and other controversial parts. So it is a resolve and, as I say, it is completely favored and endorsed by the Commissioner of Manpower Affairs.

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

Mr. JACKSON: Mr. President, I move that this lie on the table one day. I think that every one of us should have the opportunity to look through the amendment.

The PRESIDENT: The Chair would advise the Senator that he is debating a tabling motion.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Reeves of Kennebec to accept the Minority Ought to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Protect Owners and Bona Fide Purchasers of Real Property from Unrecorded Mechanics' Liens and to Protect them from Double Payment to Contractors and Subcontractors." (H. P. 2126) (L. D. 2274)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-1114).

Signed:

Senators:

COLLINS of Knox
MERRILL of Cumberland

CLIFFORD of Androscoggin

Representatives:

SPENCER of Standish
MISKAVAGE of Augusta
HOBBINS of Saco
HENDERSON of Bangor
McMAHON of Kennebec
HEWES of Cape Elizabeth
BENNETT of Caribou
HUGHES of Auburn

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

Signed:

Representative:

PERKINS of So. Portland

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

Which reports were Read, the Majority Ought to Pass as Amended Report of the Committee. Accepted in concurrence and the Bill read once. Committee Amendment "A" was Read and Adopted in concurrence.

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

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Implement a Central Licensing Division within the Department of Business Regulation." (H. P. 2153) (L. D. 2294)

Reports that the same Ought Not to Pass.

Signed:

Senator:

CURTIS of Penobscot
WYMAN of Washington
GRAHAM of Cumberland

Representatives:

PELOSI of Portland
QUINN of Gorham
LEWIN of Augusta
SNOWE of Auburn
STUBBS of Hallowell
CARPENTER of Houlton
KANY of Waterville

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

Signed:

Representatives:

FARNHAM of Hampden
COONEY of Sabattus
WAGNER of Orono

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-1111), as Amended by House Amendment "A" Thereto (H-1116).

Which reports were Read.

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

Mr. CURTIS: Mr. President, this is one of those ideas that the State Government Committee worked on a little bit in the past year, as we were directed to do by some legislation last year. The executive office, I think, tried in the last month to put some legislation together. It seems to me it is hastily drawn. It might have some value in the future, but the piece of legislation as it is written now I think ought not to pass. Consequently, Mr. President, I move that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that L. D. 2294 and all its accompanying papers be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Agriculture on, Bill, "An Act Concerning the Establishment of Minimum Prices of the Maine Milk Commission." (H. P. 1942) (L. D. 2129)

Reported that the same be granted Leave to Withdraw.

Signed:

Senators:

HICHENS of York

JACKSON of Cumberland

Representatives:

MAHANY of Easton
ALBERT of Limestone
CARROLL of Limerick
TORREY of Poland
DYER of South Portland
ROLLINS of Dixfield
TEAGUE of Fairfield
WILFONG of Stow

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1120).

Signed:

Senator:

JOHNSTON of Aroostook

Representatives:

BERRY of Buxton
HALL of Sangerville

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

Which reports were Read.

Mr. Trotzky of Penobscot moved that the Senate Accept the Majority Leave to Withdraw Report of the Committee.

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

Mr. CONLEY: Mr. President and Members of the Senate: I think it is unfortunate that this Senate has yet to go on record in support of its party platforms as to whether or not retail price fixing should be eliminated in dealing with this product.

I hope to play a major role in the statutory initiative to bring this bill to the voters, and I therefore am going to vote along with the Senator from Penobscot, Senator Trotzky, just so we won't further the agony of both political parties later on in this session.

The PRESIDENT: Is it now the pleasure of the Senate to accept the leave to withdraw report of the committee?

Thereupon, the Majority Leave to Withdraw Report of the Committee was Accepted in concurrence.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Prevent Impoundment of Funds." (H. P. 1985) (L. D. 2173)

Reports that the same Ought Not to Pass.

Signed:

Senators:

HUBER of Cumberland
MARCOTTE of York

Representatives:

JALBERT of Lewiston
MacLEOD of Bar Harbor
LeBLANC of Van Buren
CARTER of Winslow

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

Signed:

Senator:

GAHAGAN of Aroostook

Representatives:

GOODWIN of Bath
GARSOE of Cumberland
SMITH of Dover-Foxcroft

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

Which reports were Read.

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

Sent down for concurrence.

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

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

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

Tabled — March 30, 1976 by Senator Pray of Penobscot

Pending — Motion of Senator Roberts of York to Recede and Concur

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-1010).)

(In the Senate — Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by Senate Amendment "A" Thereto (S-471), in non-concurrence.)

Mr. Roberts of York was granted leave to withdraw his motion to Recede and Concur.

Mr. Conley of Cumberland then moved that the Senate Recede and Concur.

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

Mr. PRAY: Mr. President, I was going to move to table this until later in today's session, because I had an amendment that I just sent out to have copied, and I would like to know if the Senator from Cumberland would defer his motion.

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

Thereupon, Mr. Conley of Cumberland was granted leave to withdraw his motion to Recede and Concur.

On motion by Mr. Pray of Penobscot, retabled until later in today's session, pending consideration.

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

Bill, "An Act to Clarify and Strengthen the Statute Governing Current Use Taxation of Farmland." (H. P. 2258) (L. D. 2330)

Tabled — March 30, 1976 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed in New Draft, as Amended by House Amendment "A" (H-1129))

(In the Senate — House Amendment "A" Adopted)

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

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

House Report — from the Committee on State Government — Bill, "An Act to Provide for More Effective Debt Management and for More Effective Administration of the State's Development Financing Capability." (H. P. 1816) (L. D. 1974) Majority Report — Ought to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-949)

Tabled — March 30, 1976 by Senator Speers, of Kennebec

Pending — Motion of Senator Curtis of Penobscot to Accept the Minority Ought to Pass as Amended by Committee Amendment "A" Report

(In the House — Majority Ought to Pass Report Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "E" (H-1121))

Mr. Curtis of Penobscot was granted leave to withdraw his motion to Accept the Minority Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CURTIS: Mr. President, this is another bill which was very lengthy and which the State Government Committee spent some time on, one provision of which I and some other members of the committee thought there might be some redeeming value to, so we tried to save it. It would seem that the Debt Management Committee is a committee which really could be created by the executive office without legislation, so this is probably an unnecessary piece of legislation, and consequently, Mr. President, I move that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that L. D. 1974 and all its accompanying papers be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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

Bill, "An Act to Prohibit Payment of Dependency Allowance to Persons with a Spouse Employed Full Time." (H. P. 2118) (L. D. 2267)

Tabled — March 30, 1976 by Senator Roberts of York

Pending — Adoption of Committee Amendment "A" (H-1029)

(In the House — Majority Ought to Pass as Amended by Committee Amendment "A" Report Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A")

Committee Amendment "A" 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 President laid before the Senate the following tabled and Specially Assigned matter:

Bill, "An Act to Revise the Maine Criminal Code as Recommended by the Criminal Law Revision Commission." (S. P. 777) (L. D. 2334) (Emergency)

Tabled — March 30, 1976 by Senator Collins of Knox

Pending — Passage to be Engrossed

(In the Senate — Senate Amendment "A" (S-488) Adopted).

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

Senate Amendment "B", Filing No. S-495, was Read.

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

Mr. COLLINS: Mr. President, this amendment deals with the transition from the old law to the new law. It was discovered after our draft went to print by one of the legal scholars in the Attorney General's Department, and it is designed to cover the instance, for example, where a storekeeper closes up on the evening of April 30th and discovers a burglary when he opens the morning of May 1st, and this will remedy a problem about which law prevails.

After this amendment is adopted, I will have one further amendment to offer.

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

The motion prevailed.

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

Senate Amendment "C", Filing No. S-496, was Read.

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

Mr. COLLINS: Mr. President and Members of the Senate: Sometimes we don't realize how important our staff is until we are without them. The Judiciary Committee is very fortunate in having a capable young lawyer who assists us but last week he was suddenly called away by a family crisis, and in carrying on without him we fumbled a paper or two. Since the committee had voted to include this item in the bill, and it was inadvertently omitted, I feel that it is my duty to present it.

This particular amendment deals with the good time provisions of the criminal code. It would cause the application of good time to the sentences of prisoners — and this in particular affects the Maine State Prison — to be applied on a retroactive basis. It was the judgment of a majority of the committee that this would be a helpful measure in the penology problems that now exist in Thomaston. It has the blessing of Commissioner Rosser of the Department of Mental Health and Corrections.

The result of it will be to cause some seventy odd inmates of that institution to become eligible for parole in the last three months of this fiscal year. I think one of the reasons that the commissioner recommended it is because the institution is bulging at the seams. There is a very difficult condition of crowding in our state prison. The other reason is a matter of morale among the prisoners. Prisoners who are coming in with a new standard of good time will be incarcerated next to people who have had a different standard of good time in the past. I think that because of this the committee felt justified in asking that this provision be inserted in the criminal code, and I move its adoption.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "C" to L. D. 2334?

The motion prevailed.

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

Sent down for concurrence.

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

Bill, "An Act to Clarify Certain Provisions in the Education Laws." (S. P. 651) (L. D. 2056) (Emergency)

Tabled — March 30, 1976 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

(In the Senate — Committee Amendment "A" (S-480) Adopted).

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

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

Bill, "An Act to Establish a Division of Travel Information." (H. P. 2022) (L. D. 2201) (Emergency)

Tabled — March 30, 1976 by Senator Marcotte of York

Pending — Passage to be Engrossed

(In the House — Passed to be Engrossed)

(In the Senate — Committee Amendment "A" (H-1012), as Amended by Senate Amendment "A" (S-475) Thereto, Adopted)

Mr. Danton of York presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-493, was Read.

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

Mr. SPEERS: Mr. President, in very briefly taking a look at Senate Amendment "B", I am not sure whether or not it has any resemblance

to what I have heard as an alternative plan to be offered to this bill, and I wonder if the good Senator would explain his amendment.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question to the Senator from York, Senator Danton, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. DANTON: Mr. President and Members of the Senate: As you all know, the other day when we first got the Maine Travel Bureau Bill from the State Government Committee, I think we all agreed that something should be done to help promote the tourist industry. Of course, the two proposals that were put forward seemed to be directed at the hotel, motel, and restaurant industry. I think you will all agree that that is not the only industry that benefits by our tourist trade.

So what this amendment does is allow for the Bureau of Taxation to add a charge of \$30 a year to the 34,000 sales tax collecting businesses in the State of Maine. The 34,000 sales tax collecting businesses paying \$30 apiece will raise enough money to fund this bureau. I think it is a fair amendment. I am quite sure none of us want to take and vote to raise any sales tax on food, and I am sure none of us want to vote to raise any taxes on lodging. And we all know that the chief executive has threatened to veto the bill, but I think something should be done to help our tourist industry.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: So that there is no confusion, in looking at the statement of fact on this amendment, the statement of fact reads: "The purpose of this amendment is to substitute a license fee in place of one-half of one percent self-imposed tax." Well, the sales tax is not the posture of this bill before the Senate at this time.

The Senate adopted a different approach than that adopted in the other body, the approach being adopted by this body being that the funds would be raised by a flat 50 cent room fee per night for lodging and a 25 cent fee per night for campgrounds. That is quite a bit different from a one-half of one percent self-imposed sales tax.

I am not at all sure either that I am prepared to vote for an increase on the retail businesses of this state of \$29 for the first year and \$30 per year thereafter, because at the present time retail establishments are allowed to apply for a license and the fee therefor is \$1, and it is a non-recurring fee. Now, there may be indeed some considerable merit to raising that license fee, there may indeed be considerable merit to charging for that fee on an annual basis, but I certainly hope this body would not take that action, at least without a little more discussion here this afternoon.

I would further ask the question, Mr. President, as to whether or not the adoption of Senate Amendment "B" would be in conflict with our prior action whereby we adopted Committee Amendment "A"?

The PRESIDENT: The Chair would advise the Senator from Kennebec, Senator Speers, that this amendment is not in conflict with the prior amendment adopted.

Is it now the pleasure of the Senate to adopt Senate Amendment "B"?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I think this amendment makes a great deal of sense. I think the good Senator from York, Senator Danton, has tried to reach a more sane approach to the Division of Travel Information within the state. It certainly appears to me to be discriminatory, in a sense, that we are charging just motels and camps a tax to raise the monies for the purpose of advertising the great State of Maine as being vacationland. This seems to be a far more fair approach in the sense that you are spreading the funds that need to be raised more equitably throughout the state to those people that are going to benefit most by the tourist trade that we have in the state.

I think the approach that the good Senator from York has taken is, like I say, a much more fair approach, and if we are to have a bill pass in this session of the legislature, it is this type of a bill that I could lend my support to. If we are going to follow the same road that we did last week, I think that it puts us in a very tough position to try to enact a piece of legislation.

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

Mr. KATZ: Mr. President, as I understand this amendment, it would equitably place a \$30 burden on every retail outlet in the state. I would like the sponsor of this legislation to go up to the north end of Augusta to a little mama and papa store and explain the equity of this bill. I wouldn't want to try. There are certain stores that reap the benefit and other stores that don't reap the benefit, and I think that mama and papa stores in many parts of the state are just going to get socked \$30, and if they are going to get anything out of it I would like to know what it is.

The PRESIDENT: The pending question is the adoption of Senate Amendment "B" to L. D. 2201. A division has been requested. Will all those Senators in favor of the adoption of Senate Amendment "B" please rise in their places until counted. Those opposed will rise in their places until counted.

A division was had. 12 having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

Mr. Danton of York then moved that the bill be Indefinitely Postponed and subsequently requested a roll call.

The PRESIDENT: The Senator from York, Senator Danton, now moves that L. D. 2201 and all its accompanying papers be indefinitely postponed and has requested a roll call. In order for the Chair to order a roll call, it must be the expressed desire to 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 same Senator.

Mr. DANTON: Mr. President and Members of the Senate: I would just like to say that I don't think it is right that we should raise the sales tax or a room tax to fund an industry that puts 35 million dollars into the general coffers annually and provides employment. This was a good amendment. It would have allowed for businesses to support the industry itself. Therefore, I hope you would support me and we will kill this bill.

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

Mr. CURTIS: Mr. President, the bill in its present status is not a sales tax increase. It is a room tax, a room fee, a hospitality fee, or whatever a person might care to call it. I don't think it is going to finally be passed by this legislature. It was, as I initially described it, the best effort on the part of a committee which is not very familiar with taxation to come out with a bill which would fairly tax those people who

most benefit from the services which were to be provided.

I said earlier in the debates on this matter that I hoped somebody would come forth with a better proposal, if they could, and it seems to me there have been no better proposals, that we are in a situation in which the state is about to do nothing to promote or assist the tourism business in this state and, for that reason, I will be voting for the bill.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from York, Senator Danton, that L. D. 2201, "An Act to Establish a Division of Travel Information", 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 — E. Berry, Carbonneau, Clifford, Conley, Corson, Cyr, Danton, Hichens, Huber, Jackson, Johnston, Marcotte, Merrill O'Leary, Pray, Reeves.

NAYS: Senators — R. Berry, Collins, Cummings, Curtis, Gahagan, Graffam, Graham, Greeley, Katz, McNally, Roberts, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senator Cianchette.

A roll call was had. 16 Senators having voted in the affirmative, and 15 Senators having voted in the negative, with one Senator being absent, the Bill was indefinitely Postponed in non-concurrence.

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

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

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate reconsider its action whereby L. D. 2201 was indefinitely postponed. Those Senators in favor of reconsideration will please say "Yes"; those opposed "No".

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

Sent down for concurrence.

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

Bill, "An Act Relating to Exceptional Children." (H. P. 1797) (L. D. 1956) (Emergency)

Tabled — March 30, 1976 by Senator Speers of Kennebec

Pending — Adoption of Committee Amendment "A" (H-1083), as Amended by House Amendment "A" (H-1104) Thereto.

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

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

Senate Amendment "A", Filing No. S-497, to Committee Amendment "A" was Read and Adopted.

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending Adoption of Committee Amendment "A", as Amended by House and Senate Amendments "A" Thereto.

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

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

Pending — Consideration.

On motion by Mr. Roberts of York, retabled
and Tomorrow Assigned, pending Consideration.

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