

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, March 31, 1976

Senate called to order by the President.

Prayer by the Rev. Richard Cleaves, Augusta Mental Health Institute, Augusta:

May we pray. Eternal God, in days of trial and crisis, we always need your presence, especially when we are being called upon to struggle with our consciences and we are being called upon to struggle with that which is best for our people. So we ask your blessing upon this Senate this day. Give them strength, guidance, and your presence. Amen.

Reading of the Journal of yesterday.

Out of order and under suspension of the rules, on motion by Mr. Speers of Kennebec, the Senate voted to take up the second tabled and today assigned matter:

House Report — from the Committee on Local and County Government — 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) Ought to Pass with Committee Amendment "A" (H-1124)

Tabled — March 30, 1976 by Senator Cyr of Aroostook.

Pending — Acceptance of Report.

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

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

Mr. SPEERS: Mr. President and Members of the Senate: It is my understanding that under other provisions of the statute, the county budgets must be set by April 1, which of course is tomorrow, and that this bill should be enacted today. I therefore move the pending question.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate accept the ought to pass as amended report of the committee. Is this the pleasure of the Senate?

The motion prevailed.

The Bill was then 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.

On motion by Mr. Speers of Kennebec, and under suspension of the rules, sent forthwith to the Engrossing Department.

Papers from the House
Non-concurrent Matter

Bill, "An Act Clarifying the Use of the Mental Health Improvement Fund" (H. P. 2068) (L. D. 2238)

In the Senate March 24, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (H-1024), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" Thereto (H-1142), in non-concurrence.

On motion by Mr. Hichens of York, the Senate voted to Recede and Concur.

Non-concurrent Matter

Joint Order (H. P. 2248) relative to creating a Legislative Budget Committee.

In the House March 29, 1976, Read and Passed as Amended by House Amendment "A" (H-1102).

In the Senate March 30, 1976, Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Gahagan of Aroostook moved that the Senate Adhere.

Mr. Conley of Cumberland then moved that the Senate Recede and Concur, and subsequently Mr. Gahagan of Aroostook 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 Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I urge the Senate to vote against the motion to recede and concur. But those of us who do vote against the motion to recede and concur, I think, have a very real personal obligation to acknowledge that the system we presently use needs vigorous improvement between now and the next legislature, and that each of us have that personal responsibility to make sure that happens.

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

Mr. CONLEY: Mr. President and Members of the Senate: I urge the Senate to vote to recede and concur with the House. I would remind the Senate, in the words expressed by the good Senator from Kennebec, Senator Katz, that the journey of 1000 miles begins with the first step, and I believe this is the first step.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate recede and concur with the House. 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 Berry, E.; Carboneau, Cianchette, Conley, Cyr, Danton, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves.

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

ABSENT: Senators Clifford, Huber.

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.

Thereupon, the Senate voted to Adhere.

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

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

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate reconsider its action whereby it voted to adhere. All those Senators in favor of reconsideration will please say "Yes"; those opposed will say "No".

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

Non-concurrent Matter

Bill, "An Act Concerning the Analysis of Unexpended Balance and Payment Maximums under the Aid for Dependent Children Program." (H. P. 1904) (L. D. 2091)

In the House March 22, 1976, Passed to be Engrossed.

In the Senate March 23, 1976, Bill and accompanying papers Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to call attention once again to the members of the Senate that this bill was a unanimous ought to pass report from the Committee on Performance Audit, and we all know that the Committee on Performance Audit will be rated as the most liberal committee of the legislature.

I firmly believe that there was a commitment made on the part of leadership and on the part of the legislature as a whole during the regular session of the 107th that, through the rateable reduction program, any savings that were made by getting people off AFDC that were not worthy of AFDC, that that surplus or certainly a percentage of that surplus would be conveyed to those who were receiving the very minimal check from the Division of Human Services. I think this is an opportunity to put that to rest once and for all, and I would urge the Senate to vote to recede and concur.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would remind this body with regard to this bill that what we are talking about in this regard is not really the level of benefits to be paid to members receiving AFDC. That is an issue that is before the Appropriations Committee at this time and is before this legislature as a whole and certainly will be decided one way or the other on the merits of that particular issue within keeping of the available funds that we do have.

What we are discussing with regard to this particular bill is not the level of payments but the method by which whatever payments we arrive at are going to be funded. The problem that I perceive with this particular item is that it guarantees that any savings that may be found by reduction of the rolls of recipients of AFDC are mandated to be spent to increase the remaining recipients of AFDC. I do not believe that this legislature wants to adopt that kind of a posture. I feel that we should retain for ourselves the ability to determine the amount that is to be spent for any program in state government and not mandate that if there are some savings that they must be plowed right back into the same program.

The good Senator from Cumberland, Senator Conley, has suggested a problem that we have had in the past, but I think it is important to realize that in enacting this piece of legislation, if indeed it becomes enacted, that we are talking primarily about the future, and the future on into the future ad infinitum until the legislation may be changed, so that in the next biennium or the following biennium that any savings that may be found will again be placed back into the same program.

Mr. President, I feel as strongly as others that the level of payment to AFDC recipients is too low, but we are talking not about setting that level with this particular bill. That will come with the Appropriations Act. What we are talking about with this particular bill is the method of obtaining the funds and insuring that any savings that may be obtained through that program must be spent back in the same program. I would urge the Senate to vote against the motion to recede and concur.

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

Mr. CONLEY: Mr. President and Members of the Senate: I was very delighted to hear the majority floor leader state that he is concerned at the rate the recipients of AFDC are being paid.

I do not believe that the state has met its obligations to people who are on AFDC. First, when one gets up to speak on such a program we generally hear the echo cry out that someone is trying to support a pressure group or a constituency. Well, I think it is probably clear in

everyone's mind that people on AFDC don't vote. People on AFDC generally have great social problems, with their children ending up being more problems to us in other areas. I think we have, as I stated, a very serious and moral obligation to confront this issue.

It is not unbeknown to members of this Senate and the general public that the legislature currently is engaged in consideration of a supplemental budget that is coming from the Appropriations Committee. I haven't seen the papers this morning, but if there is any report in the press as to what was related in our leadership meeting last night relative to the supplemental budget, it is quite clear that once again AFDC recipients are going to be shortchanged. And they are currently being compensated on the 40 percent standards of need of 1969.

I think this bill here is a very important serious bill to bring the attention of this Senate to the exact problem that we are discussing. I would remind the Senate once again that this was the unanimous ought to pass report from the Committee on Performance Audit, and whether or not we agree or disagree with that language, I think we should at least consider it at this time or table the matter until the supplemental budget is submitted to both houses, and let's just see what this legislature is going to do to provide the necessary needs of these people.

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

Mr. Danton of York then moved that the Bill be tabled pending the motion by Mr. Conley of Cumberland to Recede and Concur.

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

The PRESIDENT: The Chair recognizes the Senator from 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 Cumberland, Senator Conley, 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 Berry, E.; Cianchette, Clifford, Conley, Danton, Graham, Greeley, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves.

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

ABSENT: Senators Cyr, Huber.

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.

Thereupon, the Senate voted to Adhere.

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

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

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

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

Non-concurrent Matter

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

In the House March 26, 1976, Report "A" Read and Accepted and the Bill, In New Draft (H. P. 2249) (L. D. 2323). Passed to be Engrossed.

In the Senate March 29, 1976, Bill and accompanying papers Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Trotzky of Penobscot then moved that the Senate Adhere.

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

Mr. GRAHAM: Mr. President, I move the Senate recede and concur with the House. I would speak to my motion.

Mr. President and Members of the Senate: What we are talking about here are public utilities, corporations to whom the state grants a monopoly, which means captive customers and a guaranteed profit.

This bill does not deny these corporations free speech or a free press. It simply prevents them from dishing out propaganda in their private interests at the public's expense. In other words, the bill protects the public from paying to be brainwashed by the utilities to which it grants monopoly status. For instance, this bill does not require public utilities to support public power; it simply forbids them to oppose public power at the public's expense. For even if these inserts they put in the bills cost no additional postage, they entail printing and administrative costs, and the public should not have to bear such a cost. For the rates the public pays in its utility bills are based on the utilities' costs; it is ridiculous to allow these costs to be included for special pleading for private interests.

Let the utility executives and the stockholders do this on their own money. This they can do under this bill. I urge you to recede and concur with the House.

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

Mr. SPEERS: Mr. President and Members of the Senate: I sincerely hope that this Senate will not change its former position and accede to those who would propose or support anything which I feel is a very real step towards the adoption of a form of censorship. I would ask for a division on the motion.

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 the good Senator from Cumberland, Senator Graham. With this piece of legislation, where it is going to restrict certain literature that could be mailed with the consumer bill, the customer bill, if he wouldn't consider this to be sort of an anti-consumer bill, whereas these utilities have to maintain a posture with public relations, as any other business does, and if he would require or consider them sending these out in separate mailings and passing this on to the consumer.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, has posed a question through the Chair to the Senator from Cumberland, Senator Graham, who may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM: Mr. President, I do not believe that the public should have to pay for receiving poisoned information.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, might I pose a question through the Chair to anyone who may care to answer. The charge has been made by the Senator from Cumberland, Senator Graham, that the cost of the inserts are borne by the subscriber. It was my distinct impression that the cost of these inserts is borne by the stockholder. I think this is an important issue and an important question that needs clarification.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: As I understand it, The Lamplighter or a similar organ such as that is paid for and is considered in the ratemaking structure. Any other information that has to do with referenda, as in the case of public power, those inserts are paid for by the stockholders. I think the quarrel comes with whether or not these inserts should be put in with the bills, meaning that they get sort of a free ride in that there is no increased postage. But the inserts themselves, when they have to do with the referendum, are paid for by the stockholders.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Graham, that the Senate recede and concur with the House. 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 Berry, E.; Cianchette, Clifford, Conley, Cummings, Danton, Graham, Merrill, O'Leary, Pray, Reeves.

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

ABSENT: Senators Cyr, Huber.

A roll call was had, 11 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

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

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

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

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

Mr. Curtis of Penobscot was granted unanimous consent to address the Senate.

Mr. CURTIS: Mr. President, before proceeding, there is a very fine occasion that is to occur this morning. A little while ago we passed an order, and there is an opportunity today to honor the gentleman in whose honor that order was passed. Before making some remarks about him, I wonder if it would be appropriate, Mr. President, to ask if the State Director of Veterans Services, Mr. Robert Washburn, and the Maine Department Adjutant for the American Legion, Mr. Daniel Lambert, and a number of department officers of the

American Legion and the American Legion Auxiliary could stand and be recognized, because they have gathered for this event also.

The PRESIDENT: I am very pleased to have you with us this morning. I would like the Senate to give these people a proper greeting, as we are very pleased to have you with us. (Applause, the members rising)

Mr. CURTIS: Mr. President, these folks have gathered here today to join with the Senate in a very fine occasion in honor of Mr. James Boyle and Mrs. Boyle. Mr. Boyle, as those of us who have been privileged to go to Boys State know, is the founder of Dirigo Boys State in the State of Maine, and he was coordinator of that program from 1948 until 1975. He was Adjutant General of the American Legion for the State of Maine, State Adjutant, from 1919 until 1964.

His background is an interesting and a fascinating one. He, for example, worked in a paper mill in order to obtain funds during his youth so that he could attend the University of Maine Law School, from which he graduated with an LL.B. Degree in 1912.

Mr. Boyle has had a considerable amount of experience with the Maine Legislature and with the federal officials in Washington. As a matter of fact, he drafted the very first Workmen's Compensation Act for the State of Maine which was adopted in 1915. He has been the legislative agent for the American Legion for many, many years, from 1919 until 1964, and those of us who know him well know that he worked for veterans and for many other patriotic causes for many, many years both in Maine and in Washington, on things such as the G.I. Bill and assistance to veterans who desired to go on to the university, and many other causes.

He is a philanthropist and a civic leader in his own community of Waterville and one of the real outstanding gentlemen of the State of Maine.

But today we honor him because of his particular concern for the young people of the state and his founding of Boys State, a program which along with Girls State has served thousands and thousands of Maine young people, including many who now serve in the legislature. I see the Senator from Cumberland, Senator Merrill, who I know is a graduate of the Boys State program, and there are others in this legislature. I was honored to be there in 1957, and worked there for about ten years afterwards in assisting that program.

So today it is our honor to have Mr. Boyle present with us, and Mr. President, as has been arranged, there is an order which has been previously passed by both the House and the Senate, and I wonder if it might be appropriate if that order was to be presented to Mr. Boyle at this time.

The PRESIDENT: The Chair would respond that certainly we are very honored to have you here with us today, Mr. Boyle, and wish you many years of success and happiness. We are delighted to have you with us. And as a token of our esteem, I would like to have the Sergeant-at-Arms escort the Senator from Cumberland, Senator Merrill, the Senator from Kennebec, Senator Thomas, and the Senator from Penobscot, Senator Curtis, to Mr. Boyle, so they may present in a formal fashion the joint order which was passed by this legislature.

Thereupon, the Sergeant-at-Arms escorted Senator Merrill of Cumberland, Senator Thomas of Kennebec, and Senator Curtis of Penobscot to the rear of the Chamber whereupon presentation of the Joint Order was made to Mr. Boyle, amid the applause of the Senate, the Members rising.

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

Mr. THOMAS: Mr. President, it is indeed a great personal pleasure for me to see this honor;

conveyed to Jim and Ethyl Boyle, because I have known them since I was born and they were very good friends of my parents. In fact, when I was born, my father gave my mother a lot on which they were going to build a house, and in 1948 my mother sold that lot to Mr. Boyle, and he now lives on that lot.

Communications

March 30, 1976

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

Dear Mr. Secretary:

House Paper 1858, Legislative Document 2026 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?"

Thirty voted in favor and one hundred and five against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

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

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Greeley of Waldo,
WHEREAS, a fundamental obligation of the Maine Legislature is to review programs which it has approved in order to insure that those programs are in the best interests of the State of Maine and the people served by the programs; and

WHEREAS, chapter 448 of the Public Laws of 1967 created a program whereby certain semitrailer registrations could be obtained on a 6-year basis upon paying a \$5 annual registration fee for each year of the 6-year program in advance; and

WHEREAS, chapter 589 of the Public Laws of 1975 doubled the annual registration fee; and

WHEREAS, chapter 639 of the Public Laws of 1975 made additional changes in the program dealing with the payment of the increased registration fee effected in the Regular Session of the 107th Legislature; and

WHEREAS, other jurisdictions have or are contemplating registration fees for semitrailers lower than those currently charged by the State of Maine and have or are contemplating plates which are valid for the life of the semitrailer and have or are contemplating the payment of the registration fees on an annual basis; and

WHEREAS, the State of Maine ought not to lose the income generated by the registration of semitrailers under the present program because it fails to recognize changes being made by other states; now, therefore, be it

ORDERED, the House concurring, that the

Joint Standing Committee on Transportation shall study, review and evaluate the subject of registration of the semitrailers with the goal of determining what changes, if any, should be made in the current program; and be it further

ORDERED, that the committee evaluate the possibility of adopting a different fee schedule for the registration of semitrailers, the possibility of paying the fees annually or on a basis other than the current 6-year program and the possibility of having registration plates for semitrailers valid for the life of the trailer; 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 Secretary of the Senate shall forward a suitable copy of this Order to the Senate and House chairmen of the committee. (S. P. 780)

Which was Read.

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

On motion by Mrs. Cummings of Penobscot, ORDERED, the House concurring, that the Joint Standing Committee on State Government report out a bill to provide that after April 2, 1976, Legislators shall receive no further per diem allowance for the remainder of the first special session of the 107th Legislature. (S. P. 781)

Which was Read.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: It is my hope that if this does go through that we will not be saving a great deal of money because I hope we will be here just one more week. But to show our intent, that we have funded for 55 days, and those days will be up this Friday, I think it would be just as well if we were to serve for expenses only, with no more per diem. It is also my hidden hope that perhaps those who were going to speak for the third and fourth time in the other body might reconsider if they weren't going to be paid for it.

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

Thereupon, the Joint Order received Passage. Sent down for concurrence.

On motion by Mr. Conley of Cumberland,
WHEREAS, children who are mentally retarded need every advantage to develop confidence in themselves and to succeed in building a positive image; and

WHEREAS, special olympics have been designed for the mentally retarded to give them a chance to develop skills and experience success through an organized programming of physical fitness; and

WHEREAS, through this unique program mentally retarded boys and girls of the State can share experiences of athletic competition not otherwise available; and

WHEREAS, the special olympics program for mentally retarded children is scheduled to be held in the City of Portland on June 4 and 5, 1976; now, therefore, be it

ORDERED, the House concurring, that the Members of the Special Session of the One Hundred and Seventh Legislature, now assembled, commend the continued development of the special olympics program and express our thanks to all those who participate, support and make possible, through this special olympic

event, new hope and a better way of life for the mentally retarded; and be it further

ORDERED, that suitable copies of this Joint Order be forwarded to the olympic officials in token of our commendation and support. (S. P. 782)

Which was Read.

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

Mr. CONLEY: Mr. President and Members of the Senate: For several years now there has been the Olympic Committee for Retarded Children throughout the state, but it seems to me that there are also children participating from other states in this endeavor, and to me it is one of the most miraculous things that takes place, and it has taken place in Portland, as I say, for the last few years. For anyone who has had the opportunity to be present during these olympics for the retarded, it certainly gives you a great feeling of relief to know that these children have been able through their fine tutorage and people working with retarded children to see the progress that is being made. I certainly would extend an invitation to each and every one of you, if possible, to be in Portland on June 4 and 5 to see this great experience. I think it is certainly something that will warm everyone's heart.

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

Mr. HICHENS: Mr. President and Members of the Senate: I would certainly endorse passage of this order. It has been my privilege to be on the Honorary Committee for the Special Olympics for the last four years. I have had the privilege of attending and giving out some of the awards at the Special Olympics in Portland, and it has been a tremendous experience. I have even had to promise to cheer certain members of the teams on from Pineland and from some of the other organizations where the youngsters have got to know me as I have visited so many times, and I too, along with the Senator from Cumberland, Senator Conley, would urge you to attend those Olympics. It would really be an experience you would never forget.

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

Thereupon, the Joint Order received Passage.

The PRESIDENT: The Chair is very pleased to welcome in the rear of the chamber Roberta Yeaton and Dennis Rourke. Both are clients of the Prevocational Training Program of the Kennebec Valley Council for Retarded Citizens. Both are annual participants of Maine's Special Olympics since its inception, both participants in the 1975 International Special Olympics at Mt. Clements, Michigan, and Dennis won third place, a bronze medal, in the International Pentathlon. We are very delighted to have you young people with us this morning and wish you every success. (Applause, the members rising)

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, it is an honor to move this morning that the rules be suspended and that this order be sent forthwith to the House.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the rules be suspended and that this Joint Order be sent forthwith to the House for concurrence. Is this the pleasure of the Senate?

The motion prevailed.

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

Mr. BERRY: Mr. President and Members of the Senate: We frequently in our debates here have referred to the fiscal condition of the State of Maine and the direction in which it is going. I think that the Senate would be extremely interested in a news article, under UPI credit, entitled "Moody's: Won't Hike State Rating." I would like to read it, with the indulgence of the

members, because I think they will find it extremely apropos, not only in action we have taken but I think keeping in mind the few remaining days of the session when we will be making some extremely important decisions.

"Moody's Investor Service, one of the oldest bond rating firms in the nation, has refused to raise the State of Maine's current AA credit rating. State Treasurer Rodney Scribner said Tuesday. Scribner, Governor James B. Longley, and other state government officials have been working for months in an effort to return the state to the AAA rating it enjoyed until April 1974. The Treasurer said he was notified by phone of the decision by Moody's, which completed its review of the state finances, and was told he would receive a full report on the reasons behind the decision later. I feel relieved that they didn't lower it, but I am disappointed that they didn't raise it, Scribner said.

A number of measures before the Special Session of the Legislature were designed to aid the state's credit rating, including two constitutional amendments to be submitted to the voters in November. Both Houses have already voted to place an amendment on the ballot which would reduce the guaranteed limit for bonding school buildings from \$25 million to \$10 million, and raise the funds for the Veterans Small Business Loan Board from \$2 million to \$4 million. The Senate was considering the other amendment which would prohibit the use of bonds to meet current expenses. It would also give bondholders a first lien on state revenues, meaning that in the event the state went bankrupt they would have first call on other revenues before other creditors were paid, Scribner said. If both these measures are approved by the voters, he would approach Moody for another review of the state finances."

I think this points out, Mr. President and Members of the Senate, that other eyes are on us, and that our actions are certainly called for to be of a very high nature and a very responsible nature in the concluding days of this session.

Committee Reports House

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Make Health Care Projects Eligible for Bonding under the Maine Municipal Securities Approval Act." (H. P. 1899) (L. D. 2079)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1128).

Comes from the House, the Bill 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.

Ought to Pass in New Draft

The Committee on Local and County Government on, Bill, "An Act to Give Counties Power to Assess and Collect Their Own Taxes." (H. P. 2128) (L. D. 2275)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Allow County Budget Determination at the County Level" (H. P. 2263) (L. D. 2335).

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

Mr. O'Leary of Oxford moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

Mr. JACKSON: Mr. President and Members of the Senate: I would urge you to vote against the motion by the good Senator from Oxford, Senator O'Leary.

This bill, L. D. 2335, is a redraft of L. D. 2275. It is a result of an extensive study that the Joint Select Committee on Local and County Government did this last summer, last fall and part of this legislative session. We traveled to the sixteen counties of the state and held public hearings in the counties trying to gather information and testimony that would make this intermediate layer of government a more responsible government and a more responsible government to the people of those areas.

I don't know if everybody in this body has had the time to read L. D. 2335, but what it provides for is that it removes the legislature from approving the county budgets. As it presently stands, the legislature, as you saw this morning, approves the county budgets and the laying of the new taxes or additional taxes.

This bill creates a finance board consisting of not less than five members to be elected from districts in the counties. We sent a letter out, I believe it was two weeks ago, asking the chairman of every county delegation to take a look at the redistricting proposal and, if they had any fault with it, to contact us and we would consider that revision.

This board will finalize and approve the county budget. There must be one more member than the majority of the county finance board to consist of a quorum, so that you will have fair representation on this finance board when it is approved. It also shall have at least two public hearings, preferably in two different locations in the counties, so that everybody will have an opportunity to attend and voice their opinions on the budget.

There is some talk that this bill provides for additional powers for county government, and that is erroneously reported. This does not provide for expansion of powers of county government, unless the voters of that county want the county government to have additional powers. There is a savings clause in L. D. 2335, under subsection 2: "Limitation on raising and appropriating powers. The county may only raise or appropriate money for a purpose listed under subsection 1, paragraphs B to F, if the county raised or appropriated money for the purpose in the preceding year." So there is a safety factor in there whereas we have provided through letter B to letter F that the counties can undertake these programs. These programs are already in the statutes.

As I stated, it would have to go to the voters for providing new programs, and it would have to be a majority vote of the voters in the counties to accept these programs. And there is a provision in there where the counties cannot expend any more than \$50,000 for capital outlay expenses without being approved by referendum of the county voters.

This bill, if enacted, in my opinion is a good bill. Like in many other pieces of legislation, it does have its faults, which I am sure, if it is accepted in here, in second reading I will amend one provision in which there was a mixup with the translation on the implementation of the election of the finance board. I haven't received too many comments about the new redraft, except that people just feel that it is expanding the powers of county government, which it is not. It could result in a savings to the legislative account here in Augusta of approximately \$250,000.

I don't think anybody really realizes what you have to go through with these county budgets until you actually do them yourself. It takes approximately in that committee, with personnel who are familiar with looking these county budgets over to find where the funds are being spent, what funds are being spent for what, such as federal revenue sharing — they really don't

realize the work that is involved in these — it takes about ten days with three people full-time to do it.

As we did provide last year in the budget bill when it came out, that we would open the budgets again this year, and if there were any additional taxes needed we would provide for additional taxes. And if there were any changes in the line item budgets, we would provide for that. Well, that took, gentlemen, for just ten counties, with three of us working, it took us seven days to do it.

I feel that this bill, in the posture it is in, will return some of the local control back to the municipalities and the counties. This was the first thing we heard when we talked with these groups throughout the state, that they wanted budget determination back at their level. They didn't feel it was fair to be put down here where you have a county delegation which actually finalizes the budget; you have your hearings in your counties on these budgets and they come down here and they are changed. And when it goes back we seem to have some problems, as one county has had already, and we have tried to resolve that through the legislature this year.

But I do think it is a good bill, and I think it would be in the best interests of this body and the best interests of the citizens in the State of Maine to pass this bill out, enact it, and give them an opportunity to utilize their expertise or their experience in determining their own matters. I don't think it is for the legislature to approve the budgets, when you have 184 people from different and various sections of the state, and problems are different everywhere, making a determination on it. Let's let the local officials, the local people, make their own determination.

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

Mr. SPEERS: Mr. President and Members of the Senate: The idea that this legislature or any legislature can adequately and efficiently and responsibly review the budgets of all of the sixteen counties of this state and responsibly act upon those budgets is nothing short of a farce. I certainly concur with the good Senator from Cumberland, Senator Jackson, in his opposition to the motion to indefinitely postpone.

I think that the elected officials of the various counties certainly are responsible to those citizens that elected them, and to be responsible to them, completely responsible to them, that they ought to have the power to create their own budgets. I would oppose the motion to indefinitely postpone, and would ask for a roll call.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: I too am a member of the Local and County Government Committee and I worked on this bill throughout last summer and last fall.

I didn't agree with the proposal originally because, if you will recall, last year I presented a bill to give the county delegations the power to assess their own budgets. Well, throughout the summer and the fall we held hearings in sixteen counties trying to find out what the people in the various counties wanted. They want to govern their own counties; they don't want us to do it. And rightly so, I believe, like myself in Androscoggin County, I know the problems of Androscoggin County — if I don't, I should — and I also know how much money we can raise or cannot raise. I also know how much we should pay our people and not pay our people. And I say this is the same thing everywhere, in every county.

For instance, in some counties where the sheriff has a big group of people working for him, 15 or 16 or 20 deputies, or a large jail to

maintain — let's assume, for instance, Aroostook County, how do I know their problems, and why should I here make the decisions for them?

With this bill, which is the best we could come up with, a finance board instead of the delegation because of constitutionality problems, this is the bill we were able to come up with by having a finance board elected by the counties, divided in five districts or ten districts, if you want; it really doesn't matter, it is up to you. We are trying to give the local people local government and let them handle their own things. That is the best we can do.

Another point I would like to emphasize is that Maine Municipal and other people have maintained that we have given counties more power than they had before, and that is not so. What powers there are in this bill here are already in the statutes. We did not add anything. And whatever we have for powers is that they may do this or they may do that, but if you people don't want them to do it, then it is up to you to get on your hind legs and go and object to these programs presented by county commissioners or finance boards in the future. I urge you to vote against this motion.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would address myself to some of the remarks made by the good Senator from Androscoggin, Senator Carbonneau. Now, when he stated that he doesn't come here to vote on the county budget for Aroostook County, I agree with him, nor do I come here to vote on a county budget for Androscoggin County. I vote on a county budget representing Cumberland County, and I am sure that the good Senator from Androscoggin, Senator Carbonneau, knows that within the delegation of Androscoggin County they review the Androscoggin County budget as it is submitted to the legislature for approval.

I think the legislature is the supreme body of this state, the general court of the state, and it is a check and balance to make sure that the county budgets are held in line. I think if we turn county budgets over to the county commissioners themselves and to the finance commission that the good Senator from Cumberland, Senator Jackson, has spoken of, that the legislature does lose control and the people on the local level lose control up until the time the commissioners come up for re-election.

I think it is good to maintain the checks and balances on county government and, therefore, I will support the motion to indefinitely postpone.

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

Mr. WYMAN: Mr. President, I want to concur with the three previous speakers who favor this bill. It seems to me that the people of the state want government returned from the people in the legislature in Augusta to the people at home, and I think they have said that very loudly and clearly, and there is a referendum on this. I think it is an excellent bill and I certainly hope the Senate adopts it.

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

Mr. CLIFFORD: Mr. President, I rise this morning to support the motion to indefinitely postpone this bill and to speak in opposition to my colleague from Androscoggin, Senator Carbonneau.

County government, I think, Mr. President and Members of the Senate, means different things to different areas in the state. I think in the rural areas county government has generally worked well. It has had few problems under the current law, as the law currently exists. There is little duplication in rural parts of the state with county government and there is little

overlap of functions with the municipalities. But in the urban areas it is a very different situation; there is, in fact, a tremendous amount of duplication and overlap, and your larger cities pay the very large bulk of county taxes and receive a proportionate small amount of the services rendered by county government.

The best example of this, of course, is the police protection. The City of Lewiston pays 50 percent of the Androscoggin County tax, and a substantial amount of that money goes for the sheriff's department, and the City of Lewiston receives no police services because they have their own police department. The same is true of Auburn, and the same is true of Lisbon. So that the situation in the urban areas is very different than it is in the rural areas, and yet this bill makes no such distinction between the two situations.

I agree that there should be changes in county government, but those changes should be addressed at the various levels, rural areas, urban areas. And this in fact is a bill which does not make that distinction, and it is a new grant of power to county government, no matter how you slice it. They now have the power to tax. They now have the power to directly tax on the property tax under this bill, and no one can oversee that; they are going to tax on the property tax directly.

This bill makes permanent a form of government which in some areas needs no change and in other areas needs other kinds of change. This legislature wrestled for a long time with the issue of relief of the property tax and took a step to increase the income tax to give some relief to the property tax, because I think everyone agreed, even those who were opposed, that the property tax is not a fair tax, it is not based on the ability to pay.

Well, this bill is a shift in the other direction. It goes back and locks in and makes permanent county government, and gives them that additional power to assess on the property tax for their functions. This is a complete reversal of the general policy of tax reform which this legislature has indicated it wants to take.

So it seems to me when you have the rural areas, which have no problems or few problems with county government the way it is now, and the urban areas which have had many problems with county government, and those problems are going to be compounded by this bill, it seems to me that this bill makes no sense at all.

I would say in the urban areas that the review by the legislative delegations, since I have been in the legislature for two terms, have saved the property taxpayers of those counties literally hundreds of thousands of dollars, because of the legislative review, literally hundreds of thousands of dollars without any substantial reduction in the kinds of services that the counties have offered.

The county budget is going to be such a small amount of property tax in comparison to the municipal property tax that there is going to be very little restraint on county government in assessing property taxes. I just think that this bill goes in the opposite direction, goes in the wrong direction, it locks in cement a form of government which I think we should be looking at to make some more progressive changes in. Thank you, Mr. President.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: It is very odd this morning that we have a group of young people from Lewiston and the two Senators from Lewiston are on opposite sides on this issue. Well, that is government, I guess.

Now, the good Senator from Androscoggin, my colleague, Senator Clifford — and I don't like to fight against him because he is much

bigger than I am — talked about the checks and balances. Well, I would like to tell him a little story about checks and balances in this particular bill and what it refers to. We are here setting up a finance board elected by the people of the county that is going to be the checks and balance, which is the same thing that the county delegation is supposed to be doing now. And I think we all know that many of us don't even attend these meetings of the county legislative delegations. Now, as a result, I think you would have more checks and balances here where people would be attending these because that is all they would be elected to do.

Another remark the good Senator from Androscoggin made was about the fact that the City of Lewiston pays half of the budget in Androscoggin County. He is right, and I agree with him there. But as to the services that the rural areas get or urban areas get that we don't get in Lewiston, I would like to call his attention to the fact that the City of Lewiston by far gets more service from the courts of the county than anybody else in the county, and that costs money. They also have the jail services which cost a lot of money. As you probably know, the budget in Androscoggin County takes in about \$248,000 to administer the jail and the sheriff's office, and half of that budget goes for the jail. On taxes, of course, the county government would be doing its own tax assessing, and that is what we are trying to do here, get it out of here, because people don't want the legislature to assess taxes as we don't know what we are talking about. At least that is what they say down there. We found out because we all went to four different counties. I know I went to Waldo, Knox, Androscoggin, and another one, and they all say the same thing, all the same story, that they want to get it out of here.

Again, I say the legislative review that the good Senator from Androscoggin is mentioning does not really take place. There was a very good example of it yesterday over here when we had a bill that came onto the calendar which Senator Cyr from Aroostook objected to. As a matter of fact, he tabled it, and I guess that is the one we took out of order just as we started this morning in order to get it down to the other end of the hall. There again, this bill was brought into the County Government Committee to readjust the county budget of Aroostook County, but Senator Cyr didn't know anything about it. There is a lack of communication among the legislative delegation members, and I am trying to get that out of here. That is what this bill would do. So I urge you again to vote against this motion.

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

Mr. CYR: Mr. President and Members of the Senate: I think we should try to clarify our own thinking in regards to this bill here. This bill is to create a finance board, not to abolish county government. My colleague and seatmate, Senator Clifford of Androscoggin, mentioned that this would give power to tax individual properties in the various counties. Well, in reading page 2, paragraph 252, it doesn't do that.

What this finance board would do is assess against the municipalities, the same as what you are assessed today. The taxes are assessed against the municipalities, and all the operation of county government would proceed as it does today. This wouldn't change it. The only thing that this bill would do would be to create a finance board and put this budget on a more financial basis than what it is now.

It is true that I tabled the county budget bill yesterday, because in looking at it I noticed that my county's appropriation was going up, its budget was going up. And this is a good example of what can happen, exactly what is happening to the Aroostook County delegation this year. It is being run by two people for political purposes

and it is being used for political purposes. As a result of that, the Aroostook delegation never bothered to invite the Senate members of that delegation to this budget meeting. We didn't know anything about it. I am sure my other two colleagues didn't know anything about it, because we discussed it and they didn't know anything about it. And this is exactly what happens.

The system that we have today is obsolete, political, archaic, and if I can think of any more adjectives that I can add to it — I will say it is just plain no good. And I think possibly that this is a step forward, this finance board which is being established. I had the same reaction as my colleague here, my seatmate. I had the same reaction when I read the title of this: An Act to Allow County Budget Determination at the County Level, or the first bill, which was An Act to Give Counties Power to Assess and Collect Their Own Taxes. I had the same reaction of, my God, are we going to give power to the counties to start levying taxes on their own against any properties, and they could come back home and take any property that they wished in case of a default. But after reading further into this, and particularly the new draft of this, the assessment is against the communities, the same as it is today, and I think it makes a lot of sense. It is a lot more financially responsible. And I shall vote against the motion that is presently before the Senate.

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

Mr. BERRY: Mr. President and Members of the Senate: As far as Androscoggin County is concerned, I feel like a minority because we represent the rest of the county tax, but the particular city I have in mind only represents 28 percent of that county tax.

I have been a little in doubt as to the interpretation of the legislation in front of us because, as I look at the legislation, I have a feeling that there are new powers, and many of them. I see where it provides that the counties shall have the power to put in buildings, parks, parking places, water, sewerage, health and welfare, police powers, fire protection, and the list goes on and on. But I see nothing that prevents a duplication of that power where that particular service may already exist.

Also under the borrowing power which is granted to the finance board which is being suggested, I find that the 80 percent borrowing in anticipation of taxes has been removed and there is no longer any ceiling on that borrowing power. I think the members of this body have worked with budgets, whether on the local level or the state level, and anticipation of taxes is an estimate of what you think you are going to get, and is strictly an individual's suspicions. There is nothing documented, so they could actually borrow more money and run a deficit in that particular area because they would have to raise more taxes the following year to pay that money back.

Another concern I have is the fact that this finance board that is being set up represents approximately \$40,000 a year. There is \$20,000 in salaries, and it could run higher than the salary account in travel and expenses. I would urge the Senate to concur with the motion for indefinite postponement and I shall do the same.

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

Mr. COLLINS: Mr. President, I favor the general concept of home rule for counties, and I will support this bill in this in this particular stage of the legislative process. However I do not think this bill is the answer to county government problems.

I share some of the same concerns that have been voiced by the Senator from Androscoggin, Senator Clifford. There is a vast difference in the need from one county to the other. In the two counties that I represent, small counties, mostly rural, Knox and Lincoln, in my judgment, county government is working out very

well. The county commissioners have been good businessmen and they have responded to the needs conservatively and with diligence. In those particular counties, in my judgment, we do not really need an additional five man finance board. This simply superimposes another body upon a structure that is already adequate.

I did suggest at one point that there might be an expansion of interest if there were some kind of an advisory board composed of municipal officials. This would perhaps tend to integrate some of the concerns where there is overlapping and perhaps lead to some removal of overlapping functions where they exist. But it seems to me that there is a real problem in our more populous counties.

People in my county really do not want to become participants in the inter-county problems of York or Androscoggin or Cumberland or Penobscot, and I think we must try to devise a way to provide a home rule element in this picture. So, although I am supporting the bill at this posture, unless there are substantial amendments coming, I will probably not be able to support it finally because of these problems I have mentioned.

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

Mr. CARBONNEAU: Mr. President, this will be my last time. What I would like to do with this bill, if it is agreeable with all the people here, I would like to pass it for the first reading and then it will be at an amendable stage.

During the course of our deliberations in County Government before we put this bill together — and there is an awful lot of input there, by the way, in case you don't know, a lot of work — we invited I think most all of the delegations to come in and talk with us on this proposal. A few did, and we took whatever we could. Now, what we would like to do is put this bill in an amendment posture so that input could come out of the entire legislature as to what they want and don't want. So I certainly would not like to see this bill go down the drain right off the bat. Give it a chance to be amended, get people to talk about it and think about it, and I am sure that they can improve this bill to satisfy their own needs. Thank you.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that L.D. 2275 be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "Nay" vote will be oppose.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Clifford, Conley, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves.

NAYS: Senators Berry, R.; Carbonneau, Cianchette, Collins, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Greeley, Hichens, Jackson, Katz, McNally, Roberts, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senators Graffam, Huber.

A roll call was had. 10 Senators having voted in the affirmative, and 20 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Whereupon, the Committee Report was Accepted in non-concurrence and the Bill in New Draft Read Once.

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

Mr. Jackson of Cumberland then moved that the Bill be tabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

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

Mr. MERRILL: Mr. President and Members of the Senate: I am sorry that Mr. Boyle has left the chamber. I might say at the outset that I did not originally intend to speak on this subject. Being a past graduate of Boys State and a former governor, I am afraid that the Senate might think that reflected badly on Mr. Boyle, so I was going to keep that secret. But I have been asked to read into the record a letter that was written to Mr. Boyle on this occasion, and I am proud to do so.

"Dear Jim:

I was delighted to hear that the Maine Legislature is honoring you today. It is a fitting and well deserved tribute to your contributions to the education of our young people in the way our government operates.

"Jane and I would like to join in adding our congratulations to you on the numerous achievements and our thanks for all you have done for your community and the state. I know this will be a memorable occasion for you. It is a proud one for the many of us who have had the honor of being your friends.

"With best wishes, sincerely," and it is signed by the other Senator from Waterville, Senator Ed Muskie.

Orders of the Day

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

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

Tabled — March 29, 1976 by Senator Speers of Kennebec.

Pending — Final Passage.

(In the House — Failed of Final Passage)

Mr. Graham of Cumberland moved that the Resolution and all accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. GRAHAM: Mr. President and Members of the Senate: I hope the members will pardon me if I repeat a few of my previous remarks. Repetition is one of the most charming characteristics of the elderly. But I do want to establish the train of thought, and I am sure you want to know how this comes out.

From the beginning of Maine's history as a state, the office of governor has had, relatively speaking, little power. But we of the 107th are changing that. We have voted to give the governor more time to compose his veto messages, and we have struck off those handcuffs, the executive council, which have manacled every governor since 1820. By abolishing the executive council, we have made a great increase in gubernatorial power inevitable.

As a result of this constitutional change, a bill is coming forward that will increase the governor's power in three fields. First, the governor will have sole power to grant pardons and commutations. All power, as Lord Acton said, tends to grant pardons and commutations. All power, as Lord Acton said, tends to corrupt, and the aftermath of Watergate has shown us how corrupting even the pardoning power can be.

With the passing of the executive council, the governor will have greater fiscal powers, like transferring funds within the departments, sole disposition of the contingency funds; to a cer-

tain extent, and acceptance of federal grants. They all will be in the governor's power.

And three, perhaps most important of all, in view of the complicated confirmation procedures set up in place of the executive council, the governor's appointive powers will expand enormously. In the bill prepared by the State Government Committee, the number of gubernatorial powers requiring confirmation will shrink in number from over 600 to about 150. And many of these appointees, once confirmed, can be dismissed at will by the governor.

In short, this legislature has given or is committed to giving the office of governor unprecedented powers. For this reason, it seems to me, we should hesitate before adding the item veto power too. Should we and the people of Maine not wait a little and see how the additional powers already planned work out? After all, the executive and the legislative are separate and presumably equal branches of the government. But what is the legislature's basic power? Is it not the power of the purse? If we pass this bill, we will be putting our right arm in a sling, subordinating the legislative branch to the executive branch. Instead of centralizing the power of the purse, putting it more and more in the office of the governor, we should I think be diffusing it, putting it in the hands of a special budget committee, for instance, a budget committee of the legislature, even as has already been done with such success in the federal government.

So I urge you, members of the Senate, not to abdicate your legislative responsibilities. I urge you not to shrink from duties that democracy puts upon you. I urge you to indefinitely postpone this bill.

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

Mr. CURTIS: Mr. President, I rise to oppose the pending motion and to support the proposal presented in L. D. 2170, an act to provide for item vetoes by the governor. We have debated this matter before and I will not be repetitious.

In his previous comments, the Senator from Cumberland, Senator Graham, has referred to powers which are being granted by this legislature to the governor, such powers as pardons and commutations and various fiscal powers which have in the past been checked by the executive council, and, I think most pertinent to the bill we are discussing here, the power of the purse.

Now, it seems to me that it is appropriate at this time to really look at who retains the power of the purse strings. Even with an item veto provision in our constitution, the legislature is still the only body which can raise taxes and appropriate money for the expenditures.

The question, the real question which we need to spotlight, is the same issue which would be spotlighted by a governor who reviewed an appropriations bill containing many items, and that is: should each individual item included in a massive appropriations bill, or a bill with more than one appropriation, be enacted into law? I think that the power we would give to the governor would be an appropriate one, and one which would indeed help the legislature police its own abilities to spend money.

There is no provision, of course, for the governor to spend money.

There is no provision, of course, for the governor to raise any appropriations item that would be in an appropriations bill. There would be only the power to veto an individual item, and he could only do that after sending a message back to the legislature. The legislature would then, as with any other vetoed item, have an opportunity to override the veto by a two-thirds vote in each house of the legislature.

I think that the provision in the item veto would not be subordinating the legislature, it

would not be granting overriding powers to the governor, but would be making both branches of the government stronger, more efficient, and more responsible.

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

Mr. KATZ: Mr. President, I do not wish to debate this measure but to clarify some confusion in my mind caused by the distinguished Senator from Cumberland, Senator Graham. In listening to his debate, I got the distinct impression that he wishes to defeat this measure, and he has made a motion which is going to require the majority of the chamber to support him. Were he to withdraw his motion, those who are proponents would need two-thirds of this body to carry their point of view. So, on that confusion, I will pose a question through the Chair to the Senator as to what his intentions are.

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

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM: Mr. President, I request permission to withdraw my motion.

The PRESIDENT: The Senator from Cumberland, Senator Graham, now requests leave of the Senate to withdraw his motion to indefinitely postpone this legislation. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the final passage of this resolution.

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, is the matter before the Senate still debatable?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. CONLEY: Mr. President and Members of the Senate: To me this is "D" day. It is the day we have to vote on this resolution, this constitutional amendment. I don't think in the history of the state we have ever had a chief executive that perhaps has been so controversial, and that sort of puzzles me at times. I think, in a sense, he has raised many issues of great concern to people in the state.

Since I first became a member of the legislature, I think that I have seen Republicans support item veto when a Republican was governor and oppose it when the governor was Democratic, and I have seen Democrats support the item veto when they had a Democratic governor and oppose it when they had a Republican governor. So today we are sort of faced with a complexity as to not looking down at the chief executive as to what party he represents, because we know that he is an independent governor.

I have, to the best of my knowledge, consistently supported item veto for the chief executive, and I am really wrestling with that decision, and I know the decision lies before me right now. And I think that every member of this body will obviously use their own best judgment, that no leader, whether it is the majority floor leader or the minority floor leader, is going to influence one as to how they should respond when the roll is called.

I think a lot of people have strong reservations about the item veto this morning, perhaps

because of the nature of our present chief executive. There are many people who feel that the legislature today is being run by headlines in the newspapers, that it is being run by the threat of veto itself while legislation is pending before both branches. I know that many statements that have appeared in the paper by the chief executive have irritated many members of this legislature in that the chief executive would seek to interfere while legislation is pending.

The good Senator from Penobscot, Senator Curtis, has expressed his thoughts that the item veto would be a good thing for the legislature in the sense that it would police its own appropriations before they got to the chief executive. I think that an order this morning, a joint order relative to establishing a committee to find those priorities and seek out those priorities, was defeated. But aside from that, I would think that the Appropriations Committee, the Taxation Committee, and such, would obviously be policing these matters long before they ever came before both branches to be voted on.

I still believe that the item veto is an effective and efficient tool for the chief executive. I intend to support it this morning, and I suggest that each member of this branch give it some deep thought.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: I am generally very much in support of a very strong legislative and executive branch. I think the concept of this item veto is a sound one and should be implemented, but not at this time. I think now that we have just undergone the change in the Maine executive branch, whereby we have done away with the executive council, that we should give the office of the governor the opportunity to see how it does without an executive council before we proceed to reconsider our action for an item veto.

I think basically my feeling is that this is too much too soon falling on the tail of the executive council, and I will not be voting for this item veto today.

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

Mr. CIANCHETTE: Mr. President, I am going to support the item veto issue before us, and I am going to do so irrespective of our present chief executive and any of the comments made earlier by the Senator from Cumberland, Senator Conley.

I think history has shown us that it is difficult to get an item veto passed in the legislature, and I think we have an unusual situation right now, and I think we in good conscience ought to take advantage of that situation. I think we can pass that in this legislature. I think it should be passed now. And I don't think the next couple of years are going to make all that much difference on how it is handled, if anyone has reservations about how our present governor will use it. If they have those reservations, certainly I believe it will only be for a couple of years, and I don't think that is a big concern or a big problem. And for the sake of getting an item veto bill passed, I think we ought to do it at this time when we have that unique opportunity.

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

Mr. MERRILL: Mr. President and Members of the Senate: I am going to vote against this item veto today, and my action has nothing to do with the person who is presently the chief executive. I think it is foolish to vote on constitutional amendments with only the immediate situation in mind.

During the 106th this amendment was sponsored by a good friend who was in the other body at that time, and still is, Representative Peterson, and I was against it then. We had many lively discussions about this subject. The

reason I am against it then has nothing to do with the person who is the chief executive. The reason I am against it is that I think the idea of the item veto grows out of a fundamental misunderstanding of the relationship between the governor and the legislature and the way it should be.

The reason that the governor was given the power of the veto was to give him some power on extraordinary occasions to enter into the legislative process. The limit on that power is the fact that it is in fact a meat axe and not a scalpel. If we refine the power to the extent of making it an item veto on fiscal matters, the governor is in fact stronger than either branch in the legislative process, and I don't think that that is appropriate. As a matter of fact, I find myself a little shocked. During my youth I always thought that I was a strong believer in a strong chief executive. I haven't changed my votes any, and yet people who I used to look to who were in this legislature back then as the strong protectors of the legislative branch have seemed to have started the switch. So I suppose public opinion swings like a pendulum, but I think it was the fundamental belief of the people who wrote our constitution that the governor's powers should be in some ways limited and that the fundamental power to tax and to appropriate should stay in the legislature, should remain here.

So I really see, if we are going to expand the veto so extraordinarily as this allows the governor to do, I see no reason to limit it only to fiscal matters. Let's give the governor the power to amend other bills also. So if there is a phrase he doesn't like in a bill that doesn't involve money, let's let him take that out and send it back.

We all know that bills are put together by people giving a little from what they believe to get an agreement among a majority of the people of what they believe. That is the position that every legislator is in. And there will be one legislative branch that would be created by the passage of an item veto that will have power much greater than that. I just think that it is a change that is inappropriate, and it is a change that, if it is voted on, I think when it is used by some future governors — and it can be used just as much as a bludgeon to get more money as to get less — I think a lot of people would regret the happenstance.

The PRESIDENT: Is the Senate ready for the question? This resolution, having had its two several readings in the House, its two several readings in the Senate, having been passed to be engrossed, having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, having failed of enactment in the House, is it now the pleasure of the Senate that this resolution be finally passed? This is a constitutional amendment and requires the affirmative vote of two-thirds of those present for passage. A "Yes" vote will be in favor of passage; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, R.; Carbonneau, Cianchette, Collins, Conley, Corson, Curtis, Cyr, Danton, Graffam, Greeley, Hichens, Jackson, Johnston, Marcotte, McNally, O'Leary, Pray, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Berry, E.; Cummings, Gahagan, Graham, Katz, Merrill, Reeves.

ABSENT: Senator Huber.

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 Resolution was Finally Passed.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Taxation — Bill, "An Act to Establish a Maine

Community Jobs Act." (H. P. 2165) (L. D. 2293) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

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

Pending — Motion of Senator Reeves of Kennebec to Accept the Minority Ought to Pass Report.

(In the House — Minority Ought to Pass Report Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-1126).

Mr. Jackson of Cumberland moved that the Bill and accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. JACKSON: Mr. President and Members of the Senate: I am sure now that every member who has an interest in this bill in this body here has had an opportunity to look at the amendment, 1126. I have one point which I disagree with on this bill, and I think it is a good point. You are letting one man, the chief executive, you are authorizing him with this bill, although it is called a resolve, to institute and implement a jobs program, as the good Senator from Kennebec stated yesterday could come up to around 8,000 people, with funds which are already being administered by municipalities, by counties, under title 2 and title 6, and under title 5 and title 10.

You go through the bill and you look at 3, approval of application: The governor may approve an application, specify the amount of funding, this fund not to exceed \$100,000 for each project, and enter into an agreement with the sponsor, provided — projects which employ individuals who are assigning payments to the fund. I would assume this means unemployment payments.

I just don't feel that this bill will provide what the good Senator from Kennebec feels it will provide. I just think that we, if we pass this House Amendment or Bill, that we will just be opening a Pandora's Box which, once these people are employed under this program for 30 weeks, when the 30 weeks expire, that we will have to seek additional funds to keep them on the payroll.

I just feel it is a bill which is going to take jobs that are now being provided for the public sector and remove these people. You are putting it into one area which could really be a bad problem. It strings on just one man, and I don't feel that it's the type of situation we want to put this state in. Therefore, I am going to request, so I will save the good Senator from making it, that when the vote is taken I request it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I started to debate this bill last night and I would like to just briefly, if I may, go over some of the points that I raised last night.

The main point of this resolve is to change the emphasis of the public jobs program from what it is now, designed by bureaucrats in Washington for bureaucrats in big cities, to a program that means something to the situation here in Maine, where we have seasonal unemployment and we have more job opportunities available at one time than another, and to, instead of having these open-ended positions in local and state government, really assistants to bureaucrats, to limit the amount of time for any one project to 30 weeks, and thereby really doubling the amount of opportunities available to the unemployed people of Maine. And by limiting these projects to short-term 30 week projects that have a beginning and an end, we avoid that possibility that when the money runs out the local communities have to pay tax dollars to maintain these positions. The exam-

ple I used yesterday was a town that had two policemen that hired five more, and then when the money runs out they may be forced to raise tax dollars to hire these five additional policemen.

The types of projects are listed in here: clean-up campaigns, home winterization projects for the elderly and for public buildings, a fire station, an industrial park, a recycling project, parks, even homemaker services for the elderly, and one that was suggested by the Pine Tree Society for Crippled Children, which was the implementation of a law that I believe was passed in the 105th Legislature, to provide barrier free access to public buildings, a law that was passed but never really implemented. That kind of work could be done under this resolve.

It also sets priorities for the unemployed. The people who are getting unemployment checks now, assuming that a check can be made in the federal law, that these people would go to work, thereby increasing the amount of money available for public jobs by using their unemployment funds. Second in eligibility would be people on welfare. Third would be those receiving food stamps or other types of assistance. And even people who are having a hard time getting the few jobs that are available at entry level, high school students, we could start a project of job placement for high school students.

I would like to just read a couple of paragraphs from a letter I received this morning from the Commissioner of Manpower Affairs, Emilien Levesque.

"In my review with Senator Reeves and Representative Connolly of what has been referred to as 'The Jobs Bill', I find the intent and the concept referred to in this new proposed resolve is pretty much an acceptable objective of how federal grant monies could be used by the State of Maine to promote job development in times of high unemployment. The concept and intent in this new resolve is a good approach in providing temporary work assignments to Maine citizens who unfortunately, and for no reasons of their own, become unemployed."

He goes on further in this letter to say what is proposed here is acceptable under CETA guidelines.

And I would like to let you in on a secret now as to where this whole concept came from. It is not an original concept with me. It comes from Canada. And during the public hearings that were held, the Manpower Administrator was there from the Province of New Brunswick, which in geography, population, and unemployment, and the seasonal nature of unemployment, is very much like the State of Maine, and we heard testimony from Mr. Thibodeau, who talked about the great success of the local initiative program in Canada, and where they time their public jobs to coincide with the seasonal employment opportunities in Canada. Sometimes they have as many as fifteen applicants of unemployed people for every job that they can create at the local level. And his conclusion was that through projects like this they have been able to keep the work ethic alive in Canada.

I would like to also call your attention to two articles from newspapers that I passed out this morning, one coincidentally that was on the front page of the Boston Globe this morning, and I would like to read just two short paragraphs from that regarding Governor Dukakis of Massachusetts, who says, "There is something radically wrong with an economic system that can't transfer these benefit payments into paychecks." Noting a growing congressional support for guaranteed full employment, Dukakis said, "The proposed state system is quite an opportunity for Massachusetts to serve as a model for a national

program." And I at least am hopeful that this resolve will form the basis of a national program where we can start paying people to work instead of not to work, which is the way the system is now.

To those who say that the unemployed don't want to work, I can just point to the unemployment statistics of two years ago, which were around 6 percent, and now they are around 11 percent. So we know that 5 percent of these people, half of the unemployed now, were working two years ago, and I think would work now. I think long-term unemployment for a lot of them is a tragedy.

So this is just a first step, and this same problem that we are facing here in Maine of how to put these people to work is being faced all over the country. I think this is a plan that makes sense, that is a first step towards this problem. And people in the employment service in Manpower Affairs tell me that they feel half of the people on unemployment would jump at the chance.

I would like to call your attention also to the fact that one key provision in this is just enabling legislation, that when federal regulations are changed, people who are receiving unemployment benefits can choose between unemployment benefits and a job in a community betterment project in their own community. I think this is what makes so much sense about this. So this is our chance to show our intent to push jobs instead of handouts and a chance to save the work ethic here in Maine.

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

Mr. CARBONNEAU: Mr. President, I would like to pose a question through the Chair to the good Senator from Kennebec, Senator Reeves. Would that affect the unemployment rate, the compensation or dues?

The PRESIDENT: The Senator from Androscoggin, Senator Carbonneau, has posed a question through the Chair to the Senator from Kennebec, Senator Reeves, who may answer if he so desires.

The Chair recognizes the Senator.

Mr. REEVES: Mr. President, the answer to that question is that it would not effect the rate of unemployment or the contributions which employers have to make. It would just turn unemployment benefits into productive work for the local community. And when this idea was broached, it did receive the support of industry, of businessmen, of labor, of the unemployed themselves, and even the people that had jobs, feeling that if things get worse and they are out of work that they would prefer to take one of these jobs helping their own community rather than go on long-term unemployment.

We did hear from family counseling people who told of the debilitating effects of long-term unemployment, of divorce, of alcoholism, child beating, general demoralization. So that even these short-term projects, by maximizing them, can really help people.

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

Mr. CONLEY: Mr. President, I would urge the Senate to vote against the pending motion to indefinitely postpone, and just clearly state that the resolve before us does have the potential of putting between five and eight thousand people back to work.

Many of us have a deep concern about the high rate of welfare within our communities throughout the state, and this is going to at least have the potential of being able to reduce that. I think it is a step in the right direction, and I would urge you to vote against the motion.

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

Mr. JACKSON: Mr. President, I would like to pose a question through the Chair to the good

Senator from Kennebec, Senator Reeves. I notice in the bill there were no funds provided, and I was looking back on page 2, which says, "Governor authorized to create, administer and seek funds for community jobs program. That the Governor, through the Executive Department, is authorized to create, administer and seek funds for a community jobs program for the purpose of hiring unemployed Maine citizens to work on short term projects beneficial to local communities." What I am trying to ascertain from the good Senator is: with the enactment of this resolve, would it mean that the governor and the executive department would have priority to all federal funds that come into the state presently?

The PRESIDENT: The Senator from Cumberland, Senator Jackson, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I think this is a very good question from the Senator from Cumberland, Senator Jackson. The answer is definitely no. The federal guidelines regarding prime sponsors prevail in this situation. This is just a legislative intent on how funds should be used. It does not interfere with the sponsorship of programs by the counties. That is not a matter in this bill, so I think the answer is no.

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

Mr. JACKSON: Mr. President, I request permission to withdraw my motion.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now asks leave of the Senate to withdraw his motion to indefinitely postpone this bill. Is it the pleasure of the Senate to grant this leave?

It is a vote.

Thereupon, the Minority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read.

On motion by Mr. Katz of Kennebec, tabled until later in today's session, pending Adoption of House Amendment "A".

The President laid before the Senate the fourth 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. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its former action whereby Committee Amendment "A" was Adopted.

Senate Amendment "A", Filing No. S-500, to Committee Amendment "A" was Read and Adopted.

Thereupon, on motion by Mr. Katz of Kennebec, tabled until later in today's session, pending Adoption of Committee Amendment "A", as Amended by Senate Amendment "A" Thereto.

The President laid before the Senate the fifth 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 Conley of Cumberland.

Pending — Adoption of Committee Amendment "A" (H-1083) as Amended by House Amendment "A" (H-1104) and Senate Amendment "A" (S-497) Thereto.

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

Thereupon, Committee Amendment "A", as

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

Sent down for concurrence.

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

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

Tabled — March 30, 1976 by Senator Roberts of York.

Pending — Consideration.

(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.)

On motion by Mr. Roberts of York, the Senate voted to Recede and Concur.

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

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

After Recess

Called to order by the President.

Papers from the House

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

Non-concurrent Matter

Bill, "An Act to Revise and Clarify the Freedom of Access Law." (H. P. 2226) (L. D. 2316)

In the Senate March 29, 1976, Passed to be Engrossed as Amended by House Amendments "B" (H-1044) and "E" (H-1110), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendments "A" (H-1034), "B" (H-1044), "E" (H-1110), "F" (H-1137) and "G" (H-1146), in non-concurrence.

On motion by Mr. Corson of Somerset, tabled until later in today's session, pending Consideration.

Non-concurrent Matter

Bill, "An Act to Prevent Impoundment of Funds." (H. P. 1985) (L. D. 2173)

In the House March 30, 1976, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

In the Senate March 30, 1976, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

Mr. Huber of Cumberland moved that the Senate Adhere, and Mr. Conley of Cumberland subsequently moved that the Senate Insist and Join in a Committee of Conference.

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

Mr. KATZ: Mr. President, might I inquire of anyone who might care to answer the implications of this bill?

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: This Bill provides an orderly procedure in the event that the governor does not implement a statutorily mandated program. However, in so doing, I am afraid the bill creates a process so complex that the procedures proposed in this bill would cause a considerable additional burden on the Legislative Finance Office. And we do have recourse to the courts in this event, as was shown earlier in this session. Therefore, I think, although this bill does provide a procedure, a procedure so cumbersome that perhaps it is more trouble than the system as we now have it.

The PRESIDENT: Is the Senate ready for the question? The Chair will order a division. Will all those Senators in favor of the Senate insisting and joining in a committee of conference with the House please rise in their places until counted. Those opposed to the motion will rise in their places until counted.

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

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

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

In the House March 30, 1976, 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).

In the Senate March 30, 1976, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

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

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

Joint Order STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mildred H. Harris Who is Retiring After 20 Years of Faithful and Efficient Service as the Librarian of the Vassalboro Public Library

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. 2266)

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

Joint Resolution STATE OF MAINE

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

Joint Resolution Concerning the Decision of the United States Department of Defense to Award the Contract for the Manufacture of the M-60 Machine Gun to a Belgian Firm Instead of to the Maremont Corporation of Saco, Maine

WHEREAS, the largest single employer in York County is the Maremont Corporation of Saco, Maine; and

WHEREAS, the continued employment of the

workers of Maremont is a grave concern to the State of Maine at a time when the state unemployment rate is 10 percent; and

WHEREAS, the Department of Defense has now officially declared that a contract to manufacture the M-60 machine gun will not be awarded to the Saco firm but instead will be awarded to a Belgian firm; and

WHEREAS, the taxpayers of the United States will pay \$14,700,000 more to the Belgians for this contract than they would have paid to the Maremont Corporation; and

WHEREAS, 18,000 Maine citizens have signed petitions protesting the possible loss of the Maremont contract, which protests have been personally delivered to President Gerald Ford; now, therefore, be it

RESOLVED: That we, the Members of the 107th Legislature in Special Session assembled, do hereby express our consternation and dismay at the decision of the Department of Defense to award the M-60 machine gun contract to a Belgian firm instead of to the Maremont Corporation; and be it further

RESOLVED: that we urge and request the members of the Maine Congressional Delegation to convey our sentiments to the President and to the Department of Defense and to use every possible means to bring the Department of Defense to a reconsideration of its ill-advised action; and be it further

RESOLVED: That duly attested copies of this Resolution be immediately transmitted to those Congressional Delegates with our thanks for their prompt attention to this important matter. (H. P. 2267)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

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

Bill, "An Act to Allow County Budget Determination at the County Level." (H. P. 2263) (L. D. 2335)

Tabled — March 31, 1976 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Indefinitely Postponed)

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

Senate Amendment "A", Filing No. S-503, was Read.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I want to be honest with my fellow members of the Senate. I am still opposed to this bill but I am presenting this amendment to make the bill more palatable, and it seems to me, make very clear what the proponents said the intention was in regard to the power of county government.

Section 253-A, which this amendment replaces, sets out the powers of county government's businesses that they can get into. Some of these powers are now possessed by one or a few counties. Some of these powers many counties do not have under the current law. Subparagraph 2 of the present section 5 of the bill, which is title 30, section 253-A, goes on to say that if the county is not in the business or is not performing that function in the previous year, then the people have to approve the function in a referendum. But then there is a further provision in subsection 3 that says if the power is at all authorized under the statute, then no referendum is needed. And I think the intent is of the proponents of the bill to limit the counties to the powers that they actually have now, and that is what this amendment does. It makes it, I think, very clear that they are limited to those powers which they have now. And I think it clears up an ambiguity.

But again, to be honest, I am offering this amendment as a constructive measure in the

bill, but I still would not be supportive of the bill. But I would hope that the Senate, whatever it did in the final analysis, would adopt Senate Amendment "A". Thank you, Mr. President.

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

Mr. JACKSON: Mr. President and Members of the Senate: I have just had an opportunity to look at the amendment of the Senator from Androscoggin, Senator Clifford, and from the surface of it I can't disagree with it, but yet I don't think by the passage of this amendment that we will be doing what we had intended to do, allowing the residents of the counties the opportunity, if they wanted to expand in their area, the opportunity by leaving in 253-A.

If it is what the good Senator needs to have him on our side, I guess I couldn't argue with him because it would get the budget back to the local level, and I don't have any regard that I would want to see any of the functions expanded at this time that counties are not providing. But I do think with this section 2 under 253-A, it is quite concise and it is brief and to the point, that there would have to be a vote of the county voters if they were to expand these services.

I guess I am sort of double talking. I will be supporting the amendment of the good Senator, Senator Clifford, and I would urge the entire Senate to adopt that amendment.

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

Mr. CYR: Mr. President and Members of the Senate: I think that this amendment will clear up some misunderstanding. The intention of this bill is not to reform county government or to abolish county government, as we have heard so many times. The intent of this bill is solely to improve the budgetary function as we know it now. I think the system we have been following is obsolete and archaic, and this would create a finance board that I think could have a lot of merit, and certainly it would take out of the budgetary function a lot of politics and a lot of backhand play that we have now. So I shall support my seatmate's amendment. In fact, if his doesn't go through, I have one which is quite similar which I would introduce. However, I think his is more general and, therefore, I would prefer his to mine.

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

Mr. Jackson of Cumberland then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-504, was Read and Adopted.

Mr. Conley of Cumberland then moved that the Bill and accompanying papers be Indefinitely Postponed and subsequently requested a division.

Mr. Jackson of Cumberland then requested a roll call.

The PRESIDENT: Will all those Senators in favor of a roll call please rise in their places until counted.

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

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: Although this bill is now clearer as to the powers of the counties, it still, it seems to me, is a very poor way to set about reforming county government because, as I indicated this morning, it makes no distinction at all between the rural county and the urban county, and the distinctions between the two in fact are many.

But I think if you analyze what is happening here, I think what this bill does is create a five man county finance board which essentially takes over the power of the county commissioners, and there is no legislative review. If

this passes, those proponents of great growth of county government, or those proponents of unhindered county government, are going to come in at the next session of the legislature and they are going to move to eliminate the position of county commissioners, and to do so would make eminent sense because what we have here is just two sets of county commissioners, 3-man county commissioners, and a 5-man board of finance review. And when the old county commission members are deleted from the law, then we will have again the same situation as it exists today, except it will be five members, as opposed to three, and they will have been successful in eliminating legislative review of their budgets. Their budgets would be able to be passed without hindrance from any quarter.

I submit to you, Mr. President and Members of the Senate, that the result of this, at least in the urban counties, is going to be a substantial increased burden on the local property tax. Thank you, Mr. President.

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

Mr. DANTON: Mr. President, just so I can get it clear in my mind, because I am somewhat confused with this bill here, would some member of the committee please stand up and explain to me how these five individuals are going to be elected?

The PRESIDENT: The Senator from York, Senator Danton, has posed a question through the Chair which any Senator may answer who so desires.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President and Members of the Senate: To answer the question of Senator Danton, they would be elected at the general election every two years just like the Senators and Representatives are to the legislative body.

Now, to get back to the question of indefinite postponement, we seem to be running into that kind of stuff today quite consistently. You know, it is not hard to do to get up and say I move that we indefinitely postpone this bill. The thing that is hard to do is come up with a better solution. This is what I am getting at, and this is what I asked this morning. I would like to see this bill go through here for the second reading, because I figure if you people are not happy with what we have in there, then give us some input. That is what we want and that is what we are looking for.

In the last session of the legislature, the County Government Committee was ordered to perform a study of county government. Every Tom, Dick and Harry from up and down the state were yelling blue murder about county expenditures, and they wanted to do something about it. They gave us the job to do, and we did our job as best as we could with whatever input we were able to gather. Now, we have got it and we put it in the form of a bill, and the first thing you know, I move indefinite postponement. Now, I don't think that is right really. I mean, it is perhaps a laughing matter right now, but it really is not. It is a very serious matter and a lot of people are affected. We all are from all the counties in the state.

Now, if you people who want to indefinitely postpone have some input for this, let's have it. If you don't like this bill the way it is written, rewrite it, redraft it, give us some amendments. We are willing to take them all in and do something with them. So I urge you to defeat this motion and let it fly for one time anyway.

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

Mr. DANTON: Mr. President and Members of the Senate: I can only speak for my county, York County. We have three commissioners, and they are three fine gentlemen. We have two Democrats and one Republican. One Democrat

and one Republican have got together and they agreed to disagree with the lonely Democrat. Now, we have never had so many problems in all our lives in York County as we have had with that one Republican and that one Democrat. It is really a situation that I can't figure out to this day, a Republican and a Democrat getting along that well. I wish we did that here sometimes.

But now let's assume we take and put in five more. You know, we talk about impounding funds on the federal level, we talk about impounding funds on the state level, but believe it or not, we do that in York County with that Democratic commissioner and the Republican commissioner.

A session or so back, a legislator from York County had a similar bill to this, only he allowed for 28 persons to serve on a budget committee. They were supposed to sit down with those 28, plus the three commissioners, the county treasurer, the clerk of courts, the sheriff, and God knows how many more we have in county government.

I think the time has come that we are either going to have confidence in our county commissioners — and I think I am left at a little bit of a loss as to whether I should have any confidence in the entire system, but one thing I don't want at this point in time is to take and add five more persons to try to come up with a budget. I think the system has been working pretty well, even with the problems we are having in my own county, so I will certainly support the motion to kill this bill, not to indefinitely postpone it but kill it.

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

Mr. CYR: Mr. President and Members of the Senate: You know, we have debated county government time and time again, and I think everyone agrees that county government is probably the most ineffective type of government that we have. It is ineffective because it doesn't have a check and balance system like all the others. Also, it is ineffective because it doesn't have the accountability that all other governments have. It is no more or no less than a pork barrel type of financing that we have been following.

Every time that you have a delegation meeting on a budget, you know what happens when you are trying to kill an item which is close to your community, if you have historical museum, for instance, and they want to eliminate the funding of that, it is probably the only thing my town for instance, gets from county funds out of \$90,000 that we pay them, so naturally, if there is going to be a provision for \$3,000 for my historical society, I am going to fight like the devil to try to keep it on. And this goes on and on and on. However, I think this debate right now is not addressing itself to the bill that we have before us. It is not a question of reforming county government or abolishing county government, but it is to try to put common sense into its financing.

My seatmate claims, for instance, that a lot of these powers may help one county and may hurt another county. Well, all of the powers that are listed under county government are optional. You can either use those powers or not. If you want to have a regional hospital for instance, you have the powers in county government to do that, but you don't have to use it if you don't need it. The same applies for every power that you have. So it is just a case of adapting your own county government to your own county, the conditions of your county.

Now financing of this, you are going to have a five man finance board. Today look at what you have, you have no representation whatsoever on the part of the cities, on the part of the communities that are paying this. You have no representation whatsoever. And what this

would do, it would really make the commissioners administrators. That is what they would do, and that is what they should be doing, they should be administrators. Then the finance board will just help them out on their budget. They would prepare the budget and they would submit their budget to the finance board for their approval and discussion. I think it only makes sense.

We have an Appropriations Committee here that goes over all the appropriations that we have in the State of Maine. That doesn't mean that the Appropriations Committee takes away powers from the legislature or from any of the departments in government. It is the same thing here. The finance board would only bring in finance methods or systems into our county government. If this doesn't work, okay, then let's look around to try to either abolish county government and substitute it with something else, or else let's improve it. The first step to improve it is through the finances, the budgetary system, the method that we have. So I hope that we defeat this motion and we let this go to law.

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

Mr. HICHENS: Mr. President and Members of the Senate: In all due respect to the comments which have been made by my fellow colleague, the good Senator from York, Mr. Danton, we had a unique situation in York County this last term in that the young Democrat that he mentioned was elected to fill an unexpired term and automatically, with the new districting process, cannot run for reelection. So for once he can use his common sense without regard to whether people liked it or didn't like it and without fear of offending the voters because he wasn't running for reelection anyway.

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

Mr. JACKSON: Mr. President and Members of the Senate: I would like to address my first remarks to the good Senator from York, Senator Danton. I am sure that he is aware that there was a piece of legislation introduced and heard in the Local and County Government Committee which was given a unanimous report and was accepted and enacted here a short time ago which made it unlawful for any county to impound any funds.

The second thing I would like to address is that the good Senator from Androscoggin, Senator Clifford, felt that maybe we were trying with this bill to circumvent the county commissioners office. If you will read in the definitions, section eight, first page, "County office. County office means the office of judge of probate, register of probate, clerk of courts, county treasurer, register of deeds, sheriff, county attorney and county commissioners, but shall not include the county finance board." They are not considered in the county office. This board, all it does is approve the budget. It can amend it upward or amend it downward.

The bill, as I stated this morning, was a result of a study that the Joint Select Committee on Local and County Government did this last summer and this last fall and into the legislative session. I think that if we are going to address a situation, it was a situation that was put to us as we went out in subcommittees of four members each to the sixteen counties. The first thing that they demanded, the first thing that they wanted, was the determination of the county budget at local level. I don't see that this bill will provide for any more than that, because the good Senator from Androscoggin had his amendment adopted, which is quite clear as to what county government can do and what it can't do.

The amendment that I presented was the amendment which addressed the problem of the

good Senator from Androscoggin, Senator Berry, with the borrowing in anticipation of taxes, the date which it would be implemented, and how the election process would occur. I feel that with these amendments on this bill it is something that the local people want, the people in the sixteen counties throughout the state, the municipalities throughout the state, and I think it is something we should give to them. And I don't think that they are going to expand the powers of county government, I do not think they are going to circumvent the county commissioners office, I just think you are going to have the expertise that is needed in that area to adopt and approve a respected and possibly a real good form of responsible county government. I would urge every member in the body to vote against the motion of the good Senator from Cumberland, Senator Conley.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that L. D. 2335 and all accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

NAYS: Senators R. Berry, Carboneau, Cianchette, Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, McNally, Roberts, Speers, Thomas, Troitsky, Wyman.

A roll call was had. 10 Senators having voted in the affirmative, and 22 Senators having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

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

Mr. JACKSON: Mr. President, having voted on the prevailing side, I move reconsideration and urge every member to vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves that the Senate reconsider its action whereby this bill was passed to be engrossed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will please say "No".

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

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

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

Tabled — March 31, 1976 by Senator Katz of Kennebec.

Pending — Adoption of House Amendment "A" (H-1126).

(In the House — Minority Ought to Pass Report Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-1126).)

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

Mr. REEVES: Mr. President and Members of the Senate: During the recess I met with the good Senator from Cumberland, Senator Jackson, and prepared an amendment, which is at the printer's now and should be here any

minute. If at all possible, I would like to delay this until later in the day. The amendment should be here at any second.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Adoption of House Amendment "A".

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). Tabled — March 31, 1976 by Senator Katz of Kennebec.

Pending — Adoption of Committee Amendment "A" (S-480), as Amended by Senate Amendment "A" (S-500) Thereof. Thereupon, Committee Amendment "A", as Amended by Senate Amendment "A" Thereof, was Adopted.

Mr. Corson of Somerset then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-502, was read and Adopted and the Bill, as Amended, 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 Revise and Clarify the Freedom of Access Law." (H. P. 2226) (L. D. 2316)

Tabled — earlier in today's session by Mr. Corson of Somerset.

Pending — Consideration.

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

House Amendments "F" and "G" were Read and Adopted in concurrence.

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

Mr. SPEERS: Mr. President, I would inquire as to the status of House Amendment "A", as to whether or not the Senate has adopted House Amendment "A"?

The PRESIDENT: The Chair would advise the Senator that House Amendment "A" was Indefinitely Postponed by the Senate.

Is it now the pleasure of the Senate that this bill, as amended, be passed to be engrossed and sent down for concurrence?

It is a vote.

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

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

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

Pending — Adoption of House Amendment "A".

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

Senate Amendment "A", Filing No. S-506, to House Amendment "A" was read and adopted and House Amendment "A", as amended by Senate Amendment "A" Thereof, was Adopted.

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

Sent down for concurrence.

(Off Record Remarks)

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