

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, April 6, 1976.

Senate called to order by the President.

Prayer by the Rev. Richard E. Wrentzel, East Auburn Baptist Church:

Let us pray. O God, our Heavenly Father, we thank you that this is the day which the Lord hath made. Let us be glad and rejoice in it. You have instructed us in your word that we should pray for those that are in authority over us. God, we pray for the members of our Senate this morning. We pray, Lord, for them individually and collectively. We pray that you would meet their every need according to your will. We pray, O God, that you would reveal unto them that which is right in your sight, and then give them, O God, the courage to stand for that which is right when that stand may not be popular. We pray, O God, for our nation of which the great State of Maine is a part. Lord, we truly pray that this nation of ours may be one nation under God, for we are reminded in your word that righteousness exalted the nation, but sin is a reproach to any people, for it is in the name of our Lord and saviour Jesus Christ that we pray. Amen.

Reading of the Journal of yesterday.

**Papers from the House
Non-concurrent Matter**

Bill, "An Act to Clarify the Retirement Statutes." (H. P. 1860) (L. D. 2027)

In the Senate April 2, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (H-1105) as Amended by Senate Amendment "A" Thereto (S-511), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "C" Thereto (H-1154), in non-concurrence.

On motion by Mr. Collins of Knox, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Providing for Evaluations of Mentally Retarded Persons Residing in Community Residential Facilities." (H. P. 2069) (L. D. 2239)

In the Senate April 1, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (H-1118) and Senate Amendment "A" (S-499), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A", as Amended by House Amendment "A" Thereto (H-1199), and Committee Amendment "A", as Amended by House Amendment "A" Thereto (H-1200), in non-concurrence.

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

Non-concurrent Matter

Bill, "An Act to Clarify the Laws Relating to Marine Resources." (H. P. 2010) (L. D. 2192)

In the Senate April 2, 1976, Passed to be Engrossed as Amended by House Amendment "A" (H-1168), as Amended by House Amendment "A" Thereto (H-1179), and House Amendment "B" (H-1182), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A", as Amended by House Amendment "A" Thereto, and House Amendments "B" and House Amendment "C" (H-1201), in non-concurrence. Thereupon, the Senate voted to Recede and Concur.

Communications

State of Maine

One Hundred and Seventh Legislature
Committee on Energy

April 5, 1976

The Honorable Joseph Sewall
President of the Maine Senate
State House
Augusta, Maine 04333
Dear President Sewall:

The Committee on Energy is pleased to report that it has completed all legislation placed before it by the Special Session of the 107th Maine Legislature.

Total bills received	2
Leave to Withdraw	1
Divided Report	1

Respectfully,

Signed: JOHN B. ROBERTS
Senate Chairman

Which was Read and Ordered Placed on File.

State of Maine

One Hundred and Seventh Legislature
Committee on Legal Affairs

April 5, 1976

Honorable Joseph Sewall
President of the Senate
Senate Chamber
Augusta, Maine 04333
Dear Senator Sewall,

It is with pleasure that I report to you that the Committee on Legal Affairs has completed all actions necessary on the business placed before it by the First Special Session of the 107th Legislature.

Total Number of Bills Presented	17
Unanimous Reports	14
Leave to Withdraw	3
Ought to Pass	5
Ought to Pass as Amended	7
Ought to Pass in New Draft	1
Divided Reports	1
Total Number of Amendments	7
Total Number of New Drafts	1

Sincerely,

Signed: NEAL C. CORSON
Chairman

Which was Read and Ordered Placed on File.

April 5, 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 Second Committee of Conference on Bill "An Act to Regulate Drinking Water" (S. P. 687) (L. D. 2198).

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

Representatives:
LEONARD of Woolwich
CAREY of Waterville
GARSOE of Cumberland

Respectfully,

Signed: EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

April 5, 1976

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

Senate Paper 640, Legislative Document 2029 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?'

Ninety-eight voted in favor and thirty-nine against, and accordingly it was the vote of the

House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

Respectfully,

Signed: EDWIN H. PERT
Clerk of the House
Which was Read and Ordered Placed on File.

April 5, 1976

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

Dear Mr. Secretary:
The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Implement a Central Licensing Division within the Department of Business Regulation" (H. P. 2153) (L. D. 2294):

Mrs. CLARK of Freeport
Mrs. BOUDREAU of Portland
Mrs. BYERS of Newcastle

Respectfully,
Signed: EDWIN H. PERT
Clerk of the House
Which was Read and Ordered Placed on File.

State of Maine
One Hundred and Seventh Legislature
Committee on Labor

April 5, 1976

Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine 04333
Dear President Sewall:

The Committee on Labor is pleased to report that it has completed action on all legislation placed before it by the Special Session of the 107th Legislature.

Total Number of Bills Presented	15
Unanimous Reports	7
Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	5
Ought to Pass, New Draft	1
Leave to Withdraw	1
Divided Reports	8

Respectfully,

Signed: JOHN B. ROBERTS
Senate Chairman

Orders

On motion by Mr. Hichens of York,
STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Miss Stella Morrill of South Berwick Who Will Celebrate Her 100th Birthday in July the Same Month That Our Nation Celebrates its 200th Birthday

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 794)

Which was Read and Passed.
Sent down for concurrence.

Committee Reports House

Ought to Pass — As Amended

The Committee on Legal Affairs on, Bill, "An Act to Reform the Regulation of Watch, Guard and Patrol Agencies and of Private Detectives." (H. P. 2211) (L. D. 2309)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1194).

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.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: This is a rather long bill. It didn't come from a committee which I was on, but on page 23 of the bill, in section 3808 of the statutes, it talks about applications for licenses and it requires a person who is applying for a license to have people who have personally known the applicant for three years and being from the community in which the applicant resides or has his place of business or in which the applicant proposes to conduct his business. It seems to me that might be somewhat restrictive, in allowing people to move from one community to another, if they have to know someone in the community where they are going, and I wonder if someone could table this until later in today's session.

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

Mr. CORSON: Mr. President and Members of the Senate: I would refer the good Senator from Androscoggin, Senator Clifford, to the committee amendment which replaces the entire bill, and the section with which he is concerned is no longer operative.

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

It is a vote.

Ought to Pass in New Draft

The Committee on Election Laws on, Bill, "An Act Relating to Campaign Reports and Finances." (H. P. 2004) (L. D. 2183)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 2281) (L. D. 2340).

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

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

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

(See action later in today's session)

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Establish the Contract Review Committee to Oversee the Bureau of Purchases." (H. P. 1980) (L. D. 2172)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Reorganize the Standardization Committee" (H. P. 2278) (L. D. 2339).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1202).

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

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

Enactors

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

An Act to Provide for a Line Budget Procedure for All School Systems. (H. P. 2208) (L. D. 2308)

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

Reconsidered Matter

The following Bill was held on April 5, 1976 at the request of Senator McNally of Hancock, pending Consideration:

Bill, "An Act to Clarify the Fish and Game Laws" (H. P. 1933) (L. D. 2121)

Thereupon, on motion by that Senator, the Senate voted to: Recede from its former action whereby it voted to Recede and Concur; Recede from its former action whereby the Bill was Passed to be Engrossed; Recede from its former action whereby Committee Amendment "B" was Adopted; Recede from its former action whereby House Amendment "E" to Committee Amendment "B" was Adopted.

The same Senator then moved that House Amendment "E" to Committee Amendment "B" be Indefinitely Postponed.

Mr. Pray of Penobscot moved that the Bill be tabled until later in today's session, pending the motion by Mr. McNally of Hancock that House Amendment "E" to Committee Amendment "B" be Indefinitely Postponed.

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 Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: The reason I made the motion to table until later in today's session is because I have an amendment being prepared to take care of the inconsistencies between House Amendment "E" and House Amendment "D" which passed in this body. The two amendments, one lowers the snowmobile registration fees and the other one allows six dollars to go to the counties in which snowmobiles are registered from the unorganized territories. I think the intent of the legislature was clear in passing the two amendments, though there was a discrepancy in the wording between the two amendments, and for us now to back up and take alternative action would be a retraction from our previous stand on this issue.

If we follow through with the motion by the good Senator of indefinitely postponing House Amendment "E", we will be raising the snowmobile fees back to \$12.50.

I would like to ask a question to the Chair at this time, as far as House Amendment "E" being indefinitely postponed, will the motion to table later in today's session be in order at that time, after the indefinite postponement of House Amendment "E"?

The PRESIDENT: The Chair would answer in the affirmative.

Thereupon, House Amendment "E" to Committee Amendment "B" was Indefinitely Postponed in non-concurrence.

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

Mr. CONLEY: Mr. President, I would like to pose a question through the Chair, if I may, to the good Senator from Hancock, Senator McNally. Is the pheasant stamp still alive in this bill?

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

The Chair recognizes that Senator.

Mr. McNALLY: Mr. President and Members

of the Senate: Answering to the good Senator from Cumberland, Senator Conley, the pheasant stamp is alive and very active probably in the future.

As the good Senator from Penobscot, Senator Pray, told you, when you indefinitely postpone House Amendment "E", you still have House Amendment "D" which makes the fee for registering your snowmobile \$11.00 instead of \$12.50.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Committee Amendment "B", as amended by House Amendments "A", "B", "C" and "D"?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: As I mentioned a moment ago, I do have a Senate Amendment prepared to take care of this error, so I wish somebody would table this until later in today's session.

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

Thereupon, on motion by Mr. O'Leary of Oxford, tabled until later in today's session, pending Adoption of Committee Amendment "B", as Amended by House Amendments "A", "B", "C", and "D".

Orders of the Day

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

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

Tabled — April 5, 1976 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

(In the Senate — Passed to be Engrossed as amended by Committee Amendment "A" (S-480) as amended by Senate Amendment "A" Thereto (S-500) and Senate Amendment "B" (S-502).)

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (S-480) as amended by House Amendments "E" (H-1180) and "G" (H-1192) and Senate Amendment "A" Thereto (S-500) and Senate Amendment "B" (S-502) and House Amendments "A" (H-1132) and "B" (H-1173) in non-concurrence.

(In the Senate — Receded from Passage to be Engrossed)

On motion by Mr. Katz of Kennebec, the Senate voted to Recede from its former action whereby Committee Amendment "A" was Adopted.

House Amendments "E" and "G" to Committee Amendment "A" were Read and Adopted.

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

Senate Amendment "B", Filing No. S-525, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by House Amendments "E", "G", and Senate Amendment "B" Thereto, was Adopted. House Amendment "A" and "B" were Read and Adopted.

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: As one of those people who served on the committee to study educational finance of the summer and wandered through the wilderness of the education laws in the State of Maine, I have to admit it is with some trepidation that I vote on this matter.

I have studied the handout that was originally made available by the chairman of that committee, the Senator from Kennebec, Senator Katz, and I wondered if he could briefly explain what the effect of all the House Amendments is. I am asking him to do it just to allay my

fears as to what posture this bill is in at this time.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: The Senator's fears are well founded. House Amendment "E", under filing H-1180, is in response to a concern that there has not been an adequate limitation put on the elementary tuition in cases where school units do not operate elementary schools. House Amendment "G", under filing 1192, deletes section 18a from the Committee Amendment, and I will let the Senator look up section 18a in the Committee Amendment. The amendment that I just offered now was caused by the fact that since the committee amendment was adopted we passed additional legislation, and the passage of the additional legislation required renumbering in the procedure, and I think that is just about it.

I would like to say that if the Senator is back next time, he might assume some leadership in putting some money behind the complete rewriting of an absolute morass of education laws which are a disaster.

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

Mr. SPEERS: Mr. President, might I inquire as to the Senate action on House Amendment "E" to Committee Amendment "A"?

The PRESIDENT: House Amendment "E" to Committee Amendment "A" was Read and Adopted.

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 second tabled and Specially Assigned matter:

Bill, "An Act to Revise the Statutes Concerning Alcoholic Beverages." (H. P. 2223) (L. D., 2311)

Tabled — April 5, 1976 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as Amended by House Amendments "A" (H-1048), "B" (H-1062), "C" (H-1066), "E" (H-1078), "F" (H-1086), "G" (H-1087), "H" (H-1094) and "J" (H-1113).)

(In the Senate — House Amendment "A", "B", "C", "E", "F", "G", "H", "J" Adopted in Concurrence.)

Mr. Merrill of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-527, was Read.

Mr. Graffam of Cumberland then moved that Senate Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. GRAFFAM: Mr. President and Members of the Senate: There are some very good reasons why we should indefinitely postpone this amendment. I firmly believe this law on the consumption of alcoholic beverages after hours should apply equally to everybody.

This amendment would give special privileges to employees of a drinking establishment, allowing them to drink after closing hours, whereas members of the public are denied these rights. If a restaurant such as the Holiday Inn, with 100 employees, were allowed to drink after hours, it would create a very difficult enforcement problem. How could the enforcement officials prove whether the employees were just consuming liquor and not actually purchasing it? For these reasons, Mr.

President, I am opposed to this amendment, and so is the enforcement division. I hope the majority of the members of the Senate will agree with me and vote indefinite postponement of this amendment.

Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I would like to just briefly address the question that is posed by this amendment. At the present time it is against the law for a licensee to sell liquor after the hours specified in our statutes. This amendment doesn't address that but leaves that as it is. It is also against the law for anybody to consume beverages in a drinking establishment more than fifteen minutes after closing. I think that the purpose of that law originally was to assure that the place would be cleaned out and the customers wouldn't linger on for a long period of time making it very difficult for the enforcement people to be sure that alcoholic beverages weren't continuing to be sold.

However, in the not very distant past in my own city this law has been used against the situation where in this particular case the licensee almost an hour after closing was on the second floor of the establishment, I believe in the restroom, making some minor repairs to his establishment and committing the unpardonable sin of having a beer with him at the time which was open which he was consuming. It seems to me that there is no great state purpose satisfied by closing an establishment of a person who is carrying on this sort of activity. I think it is important that the customer be stopped from their drinking and that they have to leave the premises in some reasonable period of time, and this amendment would not allow the licensee or the employees to consume any beverages until all the customers have left the premises.

The idea behind this really is to make clear what I think the original intent of the legislation was. I think probably most people who run establishments aren't going to allow anybody to stay around for a long period of time. Most of the employees, I am sure, want to go home as fast as they can. But I think that if the bartender, for example, who happens to be the licensee or an employee of the licensee, half an hour after closing time opens a beer for himself to drink while he finishes closing up the bar, I don't think that poses any great problem.

As to the matter of proof, this is written as an exception to an overall prohibition and, as such, I think the burden of proof would be on the licensee to show that he was complying with the law; at least, I think in practical effect, the licensee would have to be able to indicate that the person consuming the beverage was an employee and that no customers were left in the establishment.

The arbitrary enforcement of statutes such as this, I think, work a hardship on people who are trying to run a business and make a profit, and I think we ought to set a standard for ourselves that requires any regulation that we put on these businesses to be reasonable and necessary. I don't think that it is reasonable and necessary to require that a licensee not have a beer after he has locked up his establishment and he is working around there in the late hours of the evening.

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

Mr. DANTON: Mr. President, because of an apparent conflict of interest, I would like to be excused from voting on this measure.

The PRESIDENT: The Senator from York, Senator Danton, now requests leave of the Senate to abstain from voting on this issue because of the possibility of an apparent con-

flict of interest. Is it the pleasure of the Senate to grant this leave?

It is a vote.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: I too have to go against this amendment, for the same reasons that were stated by the good Senator from Cumberland, Senator Graffam, plus the fact that in order to make some remarks about the remarks made by the good Senator from Cumberland, Senator Merrill, this provision, if it does go through, would give almost a license to employees of an outfit, not necessarily only the Holiday Inn, where they could have an all night party with the employees, 100 or 150 people, but I think more so in the small pub or small beer joint, so to speak, on the corner where you have three or four employees where they could have an all night party.

I address my remarks also to the statement made by the good Senator Merrill from Cumberland in regard to the enforcement. In the past it is a known fact that the enforcement people that are employed by the state who enforce the liquor laws act on complaints. If his constituent that he mentioned a little while ago was inspected and found to be guilty of something or another, and his license was suspended for three days, there must have been other complaints in the past, because the enforcement division on the liquor laws tell me time and time again that the only time they really do act is when they have complaints, and those complaints have to be received from people who were antagonized by the parties going on downstairs or on the corner or whatever. Therefore, I urge you to vote against this amendment.

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

Mr. MERRILL: Mr. President and Members of the Senate: Of all the tall stories that have been handed out in this Senate indirectly from the state bureaucracy, the one that they act only in the case of complaints, I think, probably ranks among the tallest.

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 Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, because I represent a client with a possible interest in this area, I request permission of the Senate to be excused from voting on this issue because of a possible appearance of a conflict of interest.

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

It is a vote.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Graffam, that Senate Amendment "A" 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 Berry, R.; Carbonneau, Clifford, Collins, Corson, Cummings, Cyr, Gahagan, Graffam, Graham, Greeley, Hichens, Johnston, Katz, Marcotte, McNally, O'Leary, Roberts, Speers, Thomas, Trozky, Wyman.

NAYS: Senators Berry, E.; Cianchette, Conley, Jackson, Merrill, Pray.

ABSENT: Senators Huber, Reeves.

A roll call was had. 22 Senators having voted in the affirmative, and six Senators having voted in the negative, with two Senators being absent, Senate Amendment "A" was indefinitely Postponed.

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

Senate Amendment "B", Filing No. S-528, was Read.

The PRESIDENT: The Senator has the floor.

Mr. HICHENS: Mr. President and Members of the Senate:

I present this amendment fully realizing that its presentation may be an effort in futility, but with all that's happening around us I think the public should know that some of us here in the Senate are really concerned with the problems resulting from continuing to legally allow our young people to purchase liquor, and we want to do something about it. As brought out very forcibly in the regular session when LD 4 was finally defeated, raising the drinking age will not correct the situation entirely, but raising the age will alleviate many of the problems now at hand.

Following the defeat of LD 4 the Chief Executive of the state asked for a study of the situation by the Chief of the Maine State Police to be completed by June 1st 1975. Although portions of that report have been disclosed, the complete report still sits in the Governor's Office. Figures in that report did not correspond with figures I presented in my debate of LD 4 given me by the Maine State Police. The governor's report showed percentages of violations to be much higher than those given me.

Three weeks ago the Maine Sunday Telegram published an article entitled, "Drinking On Rise, Abuse Increasing, Experts Claim." The opening paragraph states: "Five years after Legislature began a sweeping liberalization of Maine liquor laws, mounting evidence shows Mainers drinking more and the incidence of alcohol abuse rising." The article further states "Maine hospital admissions for various forms of alcoholism up between 6 and 35 percent in last 2 years. Traffic fatalities in the 15-21 year old groups increased in the past 3 years. For directors of alcoholism treatment programs, the legislative change with the greatest single impact on drinking patterns came about in 1972 when 18-year-olds received full adult rights.

"Almost everyone in the alcoholism field hold that it was a major disaster to lower the drinking age," says William Tremblay, Education specialist at the Southern Regional Alcoholism Council. "The number of teenage problem drinkers has doubled or probably tripled since the law went into effect," says Tremblay, "along with a drastic increase in the rate of fatal accidents. The lowered drinking age not only increases alcohol consumption but makes for drinking in the early years of high school and even the elementary schools. It's a lot easier for the kids to find an 18-year old who will buy them booze than it is to find an adult. Not that it was impossible before, but it is just an awful lot easier now."

In the opinion of Paul McDonnell, Director of Community Alcoholism Services in Portland, the so-called fruit flavored pop wines for sale in retail stores and the high pressured advertising pitch in the media have created for many youngsters an easy transfer from soft drinks to alcohol. At the Boys Training Center in South Portland, Chaplain Birger Johnson says, "60 percent of all boys at the center have been involved with alcohol, 30 percent of the cases entail severe alcohol use. Alcohol is far and away the number one drug problem." Says Tremblay, "it's just a whole lot easier to come by booze than any other kind of dope."

I was able to obtain a summary of the Chief of

Police report, which starts with an opening paragraph:

"Although we are unable to say with any certainty what the precise cause or causes may be, we can say with certainty that the use of intoxicants in Maine by our youth is on the increase and that the numbers of juveniles at ever younger ages who are getting into trouble when intoxicants are involved as a primary or contributing factor is on the increase."

Other paragraphs in the summary read as follows:

"The figures concerning operating under the influence, arrests by age, and the percentage of the total arrests that those numbers represent demonstrate an alarming increase in the number of arrests and the relative percentage of all arrests at the younger ages. No matter how one applies these figures, such as to the percentage of licensed operators of that given age, they are demonstrative, and they clearly show that arrests for operating under the influence at ages 15, 16, and 17 are increasing at an alarming rate when we look at the years 1970 through 1974.

"The increases at ages 15 through 17 is steady and dramatic, without let-up. The percentage of the total arrested at those ages rises dramatically as well. Even applying the arrest figures to the population at these young ages shows the increase to be at a relatively high rate.

"A look at what is happening in 1975 shows this trend continuing as there had been 271 arrests of persons 15, 16 and 17 during the first four months of the year 1975.

Although I have not seen the full report, I have been informed by reliable sources that the figures given me by the State Police last January were far lower than those reported in June, and those figures are going up in 1976.

This morning we in this Senate have a final opportunity to make a great step in correcting the situation that now prevails throughout the state. If we do nothing, the problem will be greater when the next legislature convenes. If we vote to raise the drinking age, we may yet save many lives and solve many problems during the summer and fall months that lie ahead. When the vote is taken, Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I would like to ask a question to the Chair. Under Joint Rule 28, would this amendment be in order.

The PRESIDENT: The Chair would advise in the affirmative, since the previous amendments which were discussed in this body during the regular session were amendments to raise the age to 19 and 20, and this amendment raises the age to 21. The Chair would rule that this amendment is germane.

A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: Perhaps I look at this amendment slightly different than my colleague, the good Senator from York, Senator Hichens, but as I read through the amendment I find that it does more than just raise the drinking age to 21. If my interpretation of the amendment is correct, it also takes away the right of an individual to operate a business of his choice through the fact that it denies that person a right to obtain a liquor license. It denies a person under 21 years of age the right to belong to a corporation that has a liquor license unless all persons involved in that corporation are of legal age, which is interpreted to be 21 in this amendment.

I think we have gone slightly further, as I said before, than just simply raising the legal age of allowing a person to drink liquor, but yet in the

amendment further on it defeats the argument that may be presented that if a person is 21 years of age to obtain a liquor license that the temptation would not be there to drink, because in the final pages of the amendment it allows a person 17 years of age to work in that establishment and to serve liquor and sell liquor. So I would at this time move the indefinite postponement of Senate Amendment "B".

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

Mr. GRAHAM: Mr. President and Members of the Senate: It seems to me that the good Senator from York, Senator Hichens, has delivered a very eloquent speech against his amendment. That is, he has pointed out that, according to this report that has not yet come out, there is heavy drinking among those who are 15, 16 and 17. Surely it is illegal for them to buy liquor, illegal for them to drink, and therefore it points out the futility of such a law. So we raise the age to 21, and that too could be futile, according to his arguments. In other words, what we have here is not a legal problem but a social problem.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: When the vote was first taken I voted to lower the age from 21 to 18 and, much to my great surprise, my children who ranged at that time from the age of 16 to 26 predicted the very dire circumstances that Senator Hichens has mentioned. I think it isn't so much a question of trying to legislate morality as it is a question of availability. Their points to me were that as soon as the age was legal at 18 then you get free and legal liquor in high schools. If it is 21, at least there is a chance that it won't get into the high school population quite as easily.

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

Mr. DANTON: Mr. President, due to an apparent conflict of interest, I would like to be excused from voting.

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

It is a vote.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: I am in a bit of a conflict on how to vote on this issue. I found in observing young people of the State of Maine between the ages of 18 and 21 that many of them are better able to handle life and its responsibilities than some of their elders and I think in many respects I would tend to trust the young people more than their parents and elders in the consumption of alcohol.

Alcohol is a tremendous problem with people who can't find meaning in their lives or whatever it is that they are looking for or seeking to cop out from when they become alcoholics. A severe drinking problem is not just one for young people, it is the problem for all ages, and it is a very, very serious problem. I personally believe that alcohol should be declared a dangerous drug just as heroin is and just as marijuana is, and what we are doing here today may be only a stop gap measure which doesn't really address the real problem of alcoholism.

I am very hesitant to vote for this amendment, but I think I will do so today because I am very concerned about the younger people. As the Senator from Penobscot, Senator Cummings, said, there are very young people in the junior highs, at least in my district, who have been obtaining alcohol from those young people who have abused the privilege that they have of

being able to drink at age 18. So I would say to those responsible 18, 19 and 20 year olds that they have been hurt by those peers of theirs who have abused the privilege of drinking at age 18 by providing it to the younger children. I think because of this I am going to vote in favor of age 21, but I am in no way saying that this is the best solution to what is a very grave problem with alcohol consumption and addiction in the State of Maine and in the country today.

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

Mr. PRAY: Mr. President and Members of the Senate: I would just like to make a few points as I sit here and listen to a number of individuals talk and listening to some figures that are being given out, statistics of some reports that I haven't seen.

I noticed that the good Senator from York, Senator Hichens, referred to the report saying that from 1970 through 1974 the figures show that there has been an increase in accidents and younger people drinking. If I am right, I think it was 1972 that we lowered the age, so the increase started before the age was lowered. So that reflects to me on the abuse of a problem in society and not necessarily in the drinking age. In respect to the number of accidents being on the increase, I am only reminded that today younger people, a lot of them, are working and buying their own automobiles or there seems to be more cars on our highway. So I think by the fact that we have more cars on the highway and more people driving, no matter if it is drinking or not, that there would be more accidents. I think the fact that the kids nowadays don't have to jump into a automobile — I am talking about the 18, 19 and 20 year olds — and run around and hide and drink it and then try to come back into town or something, where they can go to an establishment and consume the alcohol, is their choice, and only by raising the age we would increase those figures on accidents a lot higher than what we have been told.

In reflection on the comments by the good Senator from Penobscot, Senator Cummings, in speaking about what was predicted to come, she referred to those students in high school, and I am only wondering — and this kind of goes along with the comments of the Senator from Aroostook, Senator Gahagan, on the 18, 19 and 20 year olds — what about the 18, 19 and 20 years olds that are out of high school that are earning a living, that are paying taxes, and, as my good seatmate referred to, those individuals who under the present law now can hold licenses. I have an individual in my home town who is 20 years old and owns a bar. I am curious as to what would happen to him if this law was passed. I think we took the appropriate action during the regular session and I am sure that we will follow suit here.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: In response to the Senator from Penobscot, Senator Pray, I would call his attention to page two of the amendment, in which it reads, "Exemption. All licensees who are presently under 21 years of age and any other legal entity, including partnerships, corporations, and association of persons currently holding a liquor license at the time that this act becomes effective shall be exempted from the provisions raising the age for a liquor license from 18 years to 21 years of age."

It is a very difficult decision to have to make because there are very responsible 18, 19 and 20 year olds. I think if we take this action today to support this amendment, we will be calling upon them to perhaps come before us to assist us in dealing with this alcohol problem for all ages and all groups. I know that some votes in the past we have taken, I think the bottle as an example, when we do something which is unpopular, it brings people out to justify, to par-

ticipate in government, to show us exactly what it is that they think about the situation. By this today, I am hoping that 18, 19 and 20 year olds will come out and say, listen, you have made a mistake and we will tell you why, or, you have done something right and we will tell you why. I am going to vote for this amendment because I do want to stimulate some interest and activity from the young people, from 18, 19 and 20 year olds and 21, and maybe even some adults who will say, yes, we are having problems with our children, but maybe this isn't the best way to go. Maybe for once we will get some participation from this age group.

I think we should pass this amendment and just put people on notice that there are those people who care about what is going on, and that this is one way we have of saying is this the way to go? We are supposed to be leaders, and in order to be good leaders we have got to have people who listen to us, people who do follow us. On many votes that we take no one even comes up and says anything. We pass votes here and we hear nothing at all from people. After the fact, they say what did you do a crazy thing like that for, or what a great vote you had. We haven't had too much participation before the votes are actually taken. This vote may stimulate some participation and build some support from the public as to what we might do about this alcohol problem.

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

Mr. PRAY: Mr. President and Members of the Senate: I am sure the good Senator from Aroostook, Senator Gahagan, did not mean that those of us that are going to support the defeat of this amendment did not care about what happened to our young people. I am very concerned about them and I am very concerned about the problem, but I am also concerned about the majority of those individuals who are law abiding. If we raise the drinking age, then we have the problems of those individuals who are 21, 22, 23 buying for the other people that are 18, 19, and 20. That is a problem that is going to be inherent whatever the age is. I think it is a problem we have to look at, and it is being looked at by many groups and many organizations. Perhaps the answer in the long run, after enough information has been gathered, is raising the age, but at this time I don't see it.

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

Mr. KATZ: Mr. President, I would like to raise a parliamentary inquiry. The Chair has ruled that this amendment is germane but that 19 to 20 would not be germane. May I ask of the Chair if it is possible that somewhere down the legislative road, were we to be in let's say non-concurrence with the other body, whether a 19 year old compromise would then be germane?

The PRESIDENT: The Chair would advise the Senator in the Chair in its advisor's opinion it would require a two-thirds vote to adopt any age other than 21 years at this point.

The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President, I would pose a question through the Chair to the sponsor of this amendment, if I may. Is it the intent of that sponsor that this would end up as a compromise so that the drinking age would be raised to 19 and not actually 21?

The PRESIDENT: The Senator from Androscoggin, Senator Berry, has posed a question through the Chair to the Senator from York, Senator Hichens, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. HICHENS: Mr. President, I did not have that intention in mind when I presented the amendment. I was asked the question if it could be amended to 19 through a committee of conference report, and I believed from past information that it possibly could. The Chair has

ruled that it cannot, and that was not my original intention when I put the age at 21.

While I am still on my feet I would like to comment on the remarks of the good Senator from Cumberland, Senator Graham, on the 18 year olds, and that my remarks centered on 15, 16 and 17, that I would refer to the fact that Mr. Trembley of the Alcohol Abuse Council has stated that it is a lot easier for the kids to find an 18 year old who will buy them booze than it is for an older person. I think that we have found that in the past, that when the age was 21 the people 18 and 19 were getting it from them, but now that the age has been lowered, it goes down to the 15, 14 and even 13 year olds.

Mr. President, I requested a roll call on my original motion, and I will request a roll call on this motion.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Berry, that Senate Amendment "B" 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, R. Berry, Carbonneau, Cianchette, Clifford, Corson, Curtis, Cyr, Graham, Huber, Jackson, Johnston, Marcotte, Merrill, Pray, Speers, Thomas, Trotzky.

NAYS: Senators Collins, Conley, Cummings, Gahagan, Graffam, Greeley, Hichens, Katz, McNally, O'Leary, Roberts, Wyman.

ABSENT: Senator Reeves.

A roll call was had. 18 Senators having voted in the affirmative, and 12 Senators having voted in the negative, with one Senator being absent and one being excused from voting, Senate Amendment "B" was Indefinitely Postponed.

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

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

Mr. MERRILL: Mr. President, having voted on the prevailing side of engrossment, I move reconsideration and urge the Senate to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, 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 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 Clarify the Fish and Game Laws" (H. P. 1933) (L. D. 2121)

Tabled — earlier in today's session by Mr. O'Leary of Oxford.

Pending — Adoption of Committee Amendment "B".

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

Mr. PRAY: Mr. President, my amendment is in the process of being printed. I would like to have someone table this for later in today's session until the amendment is ready.

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

Thereupon, on motion of Mr. Conley of Cumberland, tabled until later in today's session, pending Adoption of Committee Amendment "B".

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

Mr. BERRY: Mr. President and Members of the Senate: For the last two days we have been witnessing an extremely remarkable but not unexpected performance by our lovely Acting Secretary of the Senate. I just want to I am sure express on behalf of all the members of the Senate our appreciation for her good job, and I invite your attention to the fact that she is doing two jobs at the time she is replacing Mr. Starbranch. (Applause, the members rising)

Reconsidered Matter

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

Mr. CORSON: Mr. President, I would inquire if the Senate is still in possession of L. D. 2340, which was item 6-2 on today's calendar, Bill, "An Act Relating to Campaign Reports and Finances."

The PRESIDENT: The Chair would answer in the affirmative.

Mr. CORSON: Mr. President, I move that the Senate reconsider its action whereby this bill in new draft was passed to be engrossed, and would speak to the motion.

The PRESIDENT: The Senator from Somerset, Senator Corson, now moves that the Senate reconsider its action whereby L. D. 2340 was passed to be engrossed. Is this the pleasure of the Senate?

It is a vote.

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

Mr. CORSON: Mr. President and Members of the Senate: This is the bill that resulted from the Supreme Court decision which caused grievous damage to the state's existing election laws. We felt we had all the problems solved, but it appears we have one little detail to do with the review of primary election ballots that might be in conflict to the constitution, so I hope someone at this time would move to table this matter until later in today's session, by which time we could possibly have an amendment prepared to relieve this conflict.

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

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

(Off Record Remarks)

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

After Recess

Called to order by the President.

Papers From The House

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

Joint Resolutions

State of Maine

In The Year Of Our Lord One Thousand Nine Hundred And Seventy-Six

Joint Resolution Concerning The Need For Rail Passenger Service In Maine

Whereas, the State of Maine is the most northerly and easterly state of the contiguous 48 states; and

Whereas, the State of Maine is now the only state of the 48 contiguous states which does not have any rail passenger service; and

Whereas, AMTRAK, "The National Rail Passenger Corp.," was created by the Congress to reestablish rail passenger service to all of the 48 contiguous states; now, therefore, be it

Resolved: That We, the Members of the 107th Legislature assembled in special session, do hereby urge and request the Members of the Maine Congressional Delegation to use their best efforts to persuade "AMTRAK" to reestablish rail passenger service into Maine during 1977; 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. 2286)

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

State of Maine

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

Joint Resolution In Recognition of The Epilepsy Foundation And Its Poster Child For 1976

WHEREAS, epilepsy, in its many forms, affects more than 20,000 Maine residents of all ages; and

WHEREAS, the Maine Chapter/Epilepsy Foundation of America has as one of its goals widespread public education to help dispel the stigma surrounding this common disorder; and

WHEREAS, Dawna Marie Higgins, daughter of Mr. and Mrs. Walter Higgins of Seal Cove, Maine symbolizes the normal, productive lives people with epilepsy can live with proper treatment and understanding; and

WHEREAS, Dawna has spent her year as poster child helping to tell the true story and dispel the misconceptions surrounding this neurological disorder; and

WHEREAS, through the joint efforts of the Higgins family and the Maine Chapter, such programs as the EPILEPSY SCHOOL ALERT program were implemented to inform school personnel about recognition and first aid for early diagnosis and treatment of seizure disorders; now, therefore, be it

RESOLVED: That We, the Members of the 107th Maine Legislature in special session assembled, hereby endorse and support the efforts of the Maine Chapter/Epilepsy Foundation of America and their 1976 poster child, Dawna Marie Higgins and her family for advancing the epilepsy movement in Maine to help our 20,000 fellow citizens live normal lives with dignity; and be it further

RESOLVED: That suitable copies of this resolution be forwarded to the Higgins family and the Maine Chapter/Epilepsy Foundation of America. (H. P. 2295)

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

State of Maine

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

In Memoriam

Having Learned Of The Death Of Ralph Waldo Tyler Of South Thomaston A Well-known Naturalist and Columnist Who Died On March 30, 1976

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

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 2289)

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

Joint Orders STATE OF MAINE

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

WHEREAS, The Legislature has learned of

the Outstanding Achievement and Exceptional Accomplishment of Cory Robertson of Blue Hill Winner of the 1976 Hancock County Spelling Bee Sponsored by the Maine Sunday Telegram

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. 2287)

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

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 Ron Marks Named by John Baptist Quarterback Club as Eastern Maine Coach of the Year and by the Maine Coaches Association as Outstanding Soccer and Noted Basketball Coach at Schenck High School of East Millinocket

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. 2290)

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

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 Joseph R. Duclos of Portland Commander of the Department of Maine American Veterans of World War II, Korea and Vietnam

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. 2291)

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

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 Eleanor S. Learnard of Durham President of the Department of Maine American Veterans of World War II, Korea and Vietnam Auxiliary

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. 2292)

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

Committee Reports

Senate

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, An Act Relating to Costs in Contested Cases and Depositions in Probate Court. (S. P. 709) (L. D. 2236)

Have had the same under consideration, and ask leave to report: that the Senate Recede from its action whereby it Passed the Bill to be Engrossed, as amended by Committee Amendment "A" (S-454); recede from its action whereby it adopted Committee Amendment "A"; indefinitely postpone Committee Amendment "A"; adopt Conference Committee Amendment "A" (S-534), submitted herewith; and Pass the Bill to be Engrossed as amended by Conference Committee Amendment "A"; that the House recede and concur with the Senate.

On the part of the Senate:

COLLINS of Knox
CLIFFORD of Androscoggin

MERRILL of Cumberland

On the part of the House:
BERRY of Buxton
LOVELL of Sanford
McMAHON of Kennebunk

Which was Read and Accepted.
Sent down for concurrence.

Enactors

An Act to Clarify Certain Laws Relating to the Funding and Operation of the Superior and Supreme Judicial Courts. (S. P. 712) (L. D. 2243)

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

An Act Relating to the Effective Dates for School Lunch Programs and Occupational Safety and Health in Public Employment. (H. P. 2207) (L. D. 2307)

Comes from the House, Indefinitely Postponed.

Mr. Conley of Cumberland then moved that the Bill be Indefinitely Postponed.

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

Mr. KATZ: Mr. President and Member of the Senate: I would like to suggest to the Senate that there is one other alternative motion which I hope the Senate would pursue, and that is enactment. The Senate has spoken vigorously on the subject before. It is my understanding that there haven't been any facts changed in the meantime. I would ask for a division and hope that the Senate votes against the motion to indefinitely postpone and then comes back for final enactment.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that L. D. 2317 be indefinitely postponed. The Chair will order a division. Will all those Senators in favor of indefinite postponement please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. Nine having voted in the affirmative, and 20 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was Passed to be Enacted in non-concurrence.

Sent down for concurrence.

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

Mr. KATZ: Mr. President, I move reconsideration and ask you to vote against my motion.

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

reconsider its action whereby this bill was passed to be enacted. Would 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 Clarify the Fish and Game Laws." (H. P. 1933) (L. D. 2121)

Tabled — April 6, 1976 by Senator Conley of Cumberland.

Pending — Adoption of Committee Amendment "B" (H-1050), as amended by House Amendments "A" (H-1068), "B" (H-1163), "C" (H-1164), and "D" (H-1172) Thereto.

(In the House — Passed to be Engrossed as Amended by Committee Amendment "B", as Amended by House Amendments "A", "B", "C", "D" and "E" (H-1175) Thereto, and Senate Amendments "A" (S-510) and "C" (S-513)

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

Senate Amendment "A", Filing No. S-536, to Committee Amendment "B" was Read.

The PRESIDENT: The Senator has the floor.

Mr. PRAY: Mr. President and Members of the Senate: This amendment corrects the technical error that we were talking about this morning between Committee Amendment "E" and Committee Amendment "D" which we have already passed in this body. Committee Amendment "D" lowered the snowmobile registration fees down to \$11, and Committee Amendment "E" directed the money from individuals who are residents of the unorganized territories to go back to the counties. Presently under the law, for individuals who live within a municipality, six dollars of the registration fee goes back to that municipality for that municipality to use as it sees fit. Many communities use that amount of money for snowmobile trails and whatnot. Individuals who live in the unorganized areas receive nothing back.

The purpose of House Amendment "E" was to allow those individuals who live in unorganized territories to have their six dollars come back to the county and then those areas could request that money to go into county snowmobile trails or whatnot. The purpose of this amendment is to clarify the language between those two amendments and to make them in line with each other.

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

Mr. SPEERS: Mr. President, I have a concern with the offering of this amendment at this time. It seems to me that the adoption of this amendment at this time would create further conflicts in existing amendments. I am wondering if the Senator might defer the offering of his amendment until such time as those potential conflicts are cleared up?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to the Senator from Penobscot, Senator Pray.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I think perhaps I am in error and that I would like to hold the amendment for a moment. I think what we would have to do is reconsider where we adopted House Amendment "D" to Committee Amendment "B" and then indefinitely postpone House Amendment "D". I would have to pose the question to the Chair on that.

The PRESIDENT: The Chair understands that the Senator from Penobscot, Senator Pray, now moves that the Senate reconsider its action whereby it adopted House Amendment "D" to Committee Amendment "B". Is this the pleasure of the Senate?

It is a vote.

The PRESIDENT: Is it now the pleasure of the Senate that House Amendment "D" to Committee Amendment "B" be indefinitely postponed? Is this the pleasure of the Senate?

It is a vote.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would pose a question through the Chair. Does this bill still have the pheasant stamp on it?

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I am unsure of myself, but it was my impression that the pheasant stamp was in the errors and inconsistencies on the Education Bill.

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

Mr. Graffam of Cumberland then moved that Senate Amendment "A" to Committee Amendment "B" be Indefinitely Postponed.

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

Mr. SPEERS: Mr. President, I understand that the motion before the Senate at the present time is the adoption of Senate Amendment "A" to Committee Amendment "B", and am I to understand that the Senator from Cumberland, Senator Graffam, made the motion to indefinitely postpone Senate Amendment "A" to Committee Amendment "B"?

The PRESIDENT: The Senator from Kennebec, Senator Speers, understood things correctly.

The Chair recognizes the Senator from Cumberland, Senator Graffam.

Mr. GRAFFAM: Mr. President and Members of the Senate: I believe that the loss of \$105,000 to the department is a loss which I don't believe they can stand financially. Not only that, but if you will notice on the unassigned table, we have a study order to study the registration for snowmobiles and watercraft. For that reason, I move the indefinite postponement of this amendment.

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

Mr. DANTON: Mr. President, I feel that amendment would reduce the registration fees of the snowmobiles and at this time I will request a division on the Senator's motion.

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

Mr. PRAY: Mr. President and Members of the Senate: The actions taken by my colleague do not surprise me at all. The reason for the amendment, we all know, is to clarify something that we have already acted on, we have already passed, and it is just to take care of the technical wordings of the two amendments, something that we have already voted on.

I would like to respond to the fears the good Senator has about the department losing \$105,000 by this bill. We are all aware that the Governor has implemented a seven percent savings in all the departments. And the Fish and Game Department has gone along with that. They have cut down on mileage of their game wardens and a series of other events. But out of a seven million dollar budget, that comes to roughly \$490,000 of dedicated revenues that stay within the department. Now, the purpose of charging for licenses and setting fees is to run that department. And if we are implementing a cost savings program of \$490,000, I don't think it is too much to ask to return to those individuals \$105,000 of that. That still leaves the department with a surplus of over

what they have budgeted in implementing that seven percent cut with \$385,000 to play with. I think since this action has already been taken, that we have already expressed ourselves on this on previous roll calls, that we might as well do the same again, thus, I will request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, the good Senator from Penobscot, Senator Pray, is absolutely correct, that the Senate has already voted on this particular issue of the snowmobile registration fee. The Senate proceeded then to reconsider its motion whereby it voted on that issue, and reconsidered its vote on that issue on motion by the Senator from Penobscot, Senator Pray.

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

Mr. PRAY: Mr. President and Members of the Senate: I think my good seatmate, the Senator from Cumberland, Senator Merrill, made that motion, and I don't think we sit that far from the good Senator that he might have been confused by that.

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

Mr. CARBONNEAU: Mr. President, I would like to ask a question through the Chair. I look over this bill here and I count thirteen amendments. The question I have is do all thirteen amendments pertain to the snowmobile business?

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: In answer to the good Senator from Androscoggin, Senator Carbonneau, I have in the back of my mind, from some questions that were posed earlier, that perhaps one of them has something to do with the pheasant stamp.

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

Mr. MERRILL: Mr. President, a parliamentary inquiry to the Chair: What do we do now if we want this bill to go away and never come back?

The PRESIDENT: The Chair is at an impasse. The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I would be more than happy to help you out at this moment. I move this bill and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that L. D. 2121 and all accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I hope that wasn't an answer to my seatmate's question about how to get rid of this bill, because I can assure you it isn't. At this same time I am going to again ask for a roll call on this motion. And I would like to pose a question through the Chair to the good Senator from Cumberland, Senator Conley, and ask him perhaps if he could enlighten us a little bit as to his motives?

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: There have been so many amendments offered to this particular bill that I doubt if anyone in this body actually knows what amendments are on the bill or off the bill.

There is one thing that has bugged me since the very inception of this bill, and that is the pheasant stamp. I make no bones about it. It was my understanding that a few years ago a pheasant program was set up with the Division of Fish and Wildlife — that is what they call themselves today — as a pilot project. For anyone who hunts pheasant, and I don't but I happen to have a number of people who have contacted me relative to this particular sportsmanship, and they would like to participate in it, but they have found that the only people that are allowed to participate in the shooting of pheasants are generally the game wardens and the friends of the game wardens because they are the only ones who know where the pheasants are located.

Secondly, I think the Fish and Game Division has just been running wild over the past two years, and I can see no better reason to kill this and put it off to the 108th, and I hope the Senate would go along with that motion.

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

Mr. PRAY: Mr. President and Members of the Senate: Again, I am not surprised at his reasoning. I would just like to point out the reason for the pheasant stamp — and I agree very much with the Senator from Cumberland, Senator Conley — but last session in the regular session we took the pheasant stamp off. There was a motion by that same Senator which indefinitely postponed the bill we had at that time, and I supported that motion. We were under the understanding that when the pheasant stamp was killed that so would the program be killed, but when we came back we found the department did not read that the same way. How they read it was that the program goes on but they don't get the stamp to take care of the \$80,000 cost of the program. Thus, if we do kill this bill, and the only concern being the pheasant stamp, I am surprised he didn't offer an amendment or oppose the amendment which put the pheasant stamp on.

I think it is quite clear that if the department down there is going to continue to want to run wild then it might need the \$80,000 that it is going to receive from the pheasant stamp to take care of the program.

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

Mr. SPEERS: Mr. President, I would like to respond to a comment that was made by the good Senator from Penobscot, Senator Pray, with regard to the manner in which we might allow this bill to quietly disappear. He suggested that the motion made by the Senator from Cumberland, Senator Conley, was not quite the way to accomplish that. I would disagree with his analysis of the motion, and I invite the Senator to sit back and watch it fade away.

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

Mr. PRAY: Mr. President and Members of the Senate: While I was sitting back to watch this bill fade away, as the good Senator from Kennebec, Senator Speers, put it, I was quite interested to receive a note from a fellow colleague in this body who earlier said he was going to support it and who feels now that he cannot support it because he understands that it will be vetoed. I don't know where that message came from, and I don't think we should concern ourselves with action on the second floor. As a matter of fact, I also notice that same colleague has disappeared, which kind of surprises me.

Since the concern again is the financial state-

ment of the bill which is in this same note that I received about the loss of the \$105,000, and what the department is going to be able to do without it, again, I will reflect back to the seven percent savings which saves the department \$490,000 plus of dedicated revenues that stay within the department. It doesn't take very much mathematics to decide that \$105,000 out of that close to half a million dollars is returning twenty percent of it back to those individuals who support that department.

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

Obviously less than one-fifth having arisen, a roll call is not ordered. The Chair will order a division. Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had, 18 having voted in the affirmative, and eight having voted in the negative, the Bill and accompanying papers were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Mr. SPEERS: Mr. President, having voted in the majority, I move the Senate reconsider its action 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 this Bill was indefinitely postponed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will say "No."

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

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

Bill, "An Act Relating to Campaign Reports and Finances". (H. P. 2281) (L. D. 2340) (Emergency)

Tabled — April 6, 1976 by Senator Speers of Kennebec

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

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

On motion by Mr. Speers of Kennebec, the Senate voted to take from the unassigned table the following:

Bill, "An Act to Temporarily Suspend Statutory Provisions for Constituent Service Allowance." (S. P. 750) (L. D. 2304)

Tabled — March 16, 1976 by Senator Speers of Kennebec.

Pending — Consideration (In the House — Indefinitely Postponed.)

(In the Senate — Referred to the Committee on Appropriations and Financial Affairs.)

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

On motion by Mr. Speers of Kennebec, the Senate voted to take from the unassigned table the following:

House Report — from the Committee on State Government — Resolution, Proposing an Amendment to the Constitution to Provide that the House of Representatives shall, beginning on the Day Next Preceding the First Wednesday after the First Tuesday in January of 1985, Consist of One Hundred and Thirty-two Members Instead of One Hundred and Fifty-

one. (H. P. 1895) (L. D. 2075) Leave to Withdraw.

Tabled — February 9, 1976 by Senator Speers of Kennebec.

Pending — Motion of Senator Conley of Cumberland to Accept the Leave to Withdraw Report.

(In the House — Report Rejected pursuant to Joint Rule 28)

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

Mr. SPEERS: Mr. President and Members of the Senate: I will make no motion with regard to this particular bill and note that the pending motion is the acceptance of the leave to withdraw report. I would like to note, however, that it has been the position of this body for some time in several sessions to further this item as an item of governmental reform and legislative reform, that this legislature has done a good deal with respect to legislative reform, and that the reduction of the size of the House of Representatives I consider to be the last remaining item for legislative reform to be considered in the future.

Mr. President, in making that statement I do not mean to imply that there are not other areas of improvement, because certainly there are, but this certainly has been the last major item to carry over from previous sessions.

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

Mr. MERRILL: Mr. President, a parliamentary inquiry: has the Chair ruled on whether or not this violates Joint Rule 28?

The PRESIDENT: The Chair would reply in the negative, the Chair has not ruled.

Mr. MERRILL: I would request the Chair to make a ruling.

The PRESIDENT: The Chair would advise that in the opinion of the Chair this bill does violate the spirit of Rule 28.

Mr. MERRILL: The effect of that ruling then is that the matter is improperly before the body?

The PRESIDENT: The Chair would answer in the affirmative. Is it now the pleasure of the Senate to accept the leave to withdraw report of the committee?

The motion prevailed.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the unassigned table the following:

Resolution, Proposing an Amendment to the Constitution to Assure Revenues for Bond Service and Prohibit State Bonding of Current Expenditures. (S. P. 698) (L. D. 2206)

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

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

(In the House — Finally Passed)

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

Mr. GAHAGAN: Mr. President, is a motion to indefinitely postpone in order at this time?

The PRESIDENT: The Chair would advise the Senator that the Senate must move to reconsider final passage before the motion to indefinitely postpone will be in order. The pending motion before the Senate at this time is the motion of the Senator from Somerset, Senator Corson, that the Senate reconsider final passage of this legislation.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I have in my possession a letter from the Attorney General which raises great questions about the extraordinary financial effects that this measure would have in its present form. It was my understanding that upon reconsideration there would be an attempt to put it in a more acceptable posture, so I would urge the Senate to go along with reconsideration.

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

Mr. CORSON: Mr. President and Members of the Senate: As the sponsor of this amendment, I would heartily concur with the remarks of the good Senator from Kennebec, Senator Katz. To put this resolution in an acceptable form which would not wreak havoc upon our budget for the second year of this biennium, we are going to have to amend it. To do so, we are going to have to reconsider, so I would urge you to support the pending motion which is to reconsider final passage.

The PRESIDENT: A division has been requested. Will all those Senators in favor of reconsideration please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 29 having voted in the affirmative, and none having voted in the negative, the motion prevailed.

Mr. Gahagan of Aroostook then moved that the Bill and all accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. GAHAGAN: Mr. President and Members of the Senate: I wonder how much each one of us thinks about high finance; that is, do we ask ourselves what is causing this incredible economic instability. We know intellectually that the instability comes from massive debt, but even if we know it in our innermost hearts, few men will say it is so. Now, I say it is so.

Guaranteeing first revenue, from whatever source derived, to the bondholder in the constitution, as this bill provides, does three things: First, it acknowledges the truth of our present and worsening financial instability. Second, it commits Maine revenues to the payment of debt at the deprivation of the very operating budget which today has so little buying power in relation to need. Third, it publicly declares the retreat of the Maine Legislature in the face of irresistible economic pressure stemming from out national public and private insolvency; evidence the cities.

We must recall that the only serious alternative is to be wise enough not to retreat. One backward step in an economy as unstable as ours commits us irrevocably to the next. We are so hard pressed that we are contemplating double bonding just to continue to roll over that state debt. We must take a stand today for ourselves and for all other Maine people and defeat this bill.

It is really a matter of taking the responsibility into our own hands. This will do the most to rebuild the public confidence, which is far more precious than our bond rating. Through great sacrifice we may restore our state bond rating, but without this stand we may never regain the confidence of the people of Maine.

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

Mr. CORSON: Mr. President and Members of the Senate: I rise to oppose the motion to indefinitely postpone this resolution. I have listened to the remarks of the good Senator from Aroostook, Senator Gahagan, and quite frankly I don't understand what he is talking about. He says that he is opposed to double bonding, and I can assure you, gentlemen, I too am opposed to double bonding, and it was not I as a member of the Appropriations Committee who signed a report which advocated double bonding.

What this amendment would do, if you are as concerned as I am about the fact that the State of Maine may be getting in a little too far with bonding, what this amendment would do is state that we will not be bonding for current expenditures. In other words, we will not borrow money over a long term to meet current obligations.

The other thing this amendment will do is put

a little bit of extra guarantee behind all bonds. This is not an unusual step, and many states have done so. We are simply saying that, if in the highly unlikely event the legislature fails to appropriate the funds necessary for debt service that, the treasurer of the state will be directed to utilize revenue coming into the state to meet these bonded obligations. It is guaranteeing our bonds. It is saying that we, the State of Maine, will stand behind that money which we have borrowed. This should, if nothing else will, raise our bond rating from this AA rating we currently enjoy to an AAA rating. This should amount to a savings to the people of Maine of approximately \$325,000 per annum on those bonds that we do issue.

Now, I am not advocating bonding. I feel that bonding should be cut back. I certainly do not advocate bonding for current expenditures, and this is what this amendment would prohibit. So if you are concerned about fiscal responsibility, please vote against the motion to indefinitely postpone.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: Right now, as I understand it, part of what the intent of this bill is to do is to provide that the bondholders are going to be paid by constitutional action; first come first served on all revenues coming into the state, should there be a problem paying off our bonds. Presently bondholders are paid back first by statute, and there is uneasiness in the bond houses as to whether or not a legislature in the future which ran into trouble would come in and change that provision whereby the bondholders would come up first. So by putting it into the constitution, we are guaranteeing in a much stronger way that bondholders will be paid before operating expenses of the state government. I don't think this is the way we should be going.

I don't offer any alternatives at the present time. I only feel as if it is wrong at the present time to put this provision into the constitution, because I am very uncomfortable about saying to the people of the State of Maine that if the bonds are likely to fail we are going to take money that we would be putting into ongoing state programs, with their great needs, and give it to the bondholders instead.

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

Mr. KATZ: Mr. President and Members of the Senate: The Senate might recall that it was I who expressed some uneasy feelings about this, and I took the advantage of some of the high paid legal talent that one finds in the corridors, particularly when the legislature is in session. I did not clearly understand what happens if the state gets into financial trouble and bonds apparently are going to go into default. I was concerned it was going to be a completely automatic process and that AFDC money would be skimmed off the top to pay for the bondholders and put them in an extraordinary position. I received assurance that this would not be the case, that if it looked like defaults were going to be occurring that there would be negotiation as to the time and delay of payment, and that the essential services of the state would not be in jeopardy.

I look upon this amendment in its form, or at least in the form it will be in as soon as the Senator from Somerset, Senator Corson, offers his amendment, as a conservative tool to make bonding an even more serious procedure, that the legislature will be considerably more reluctant to put out bonds, based upon their knowledge that this alternative is in the background.

I must confess that I have a feeling of — chagrin is not a good word, but perhaps a sense of shame that the legislature of the State of Maine has over the past two or three sessions

fallen into some absolutely disgraceful procedures with respect to bonding. I recall that I sponsored a constitutional amendment successfully which pledged the credit of the state behind student loans. The reason I did that was because I felt that at some future date if defaults occurred that we would out of current funds make good on the defaults. I was not aware of the fact until after the fact that we use bonding to pick up the cost of defaults, and such was never, never the intent of the legislature when the original constitutional amendment was passed. The amendment was passed only to avoid issuing bonds to use as seed money for student loans.

I feel very comfortable with this amendment as it presently is in place, and I think it might protect the legislature against intemperate acts in the future.

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

Mr. THOMAS: Mr. President and Members of the Senate: I too am not in favor of the motion by the Senator from Aroostook, Senator Gahagan. I too talked to the state treasurer this afternoon, and he is very supportive of this particular measure as it will be amended. He stated that the underwriters, particularly the new underwriters in the New York market, always ask him where is this section in your constitution. And he has to reply that it isn't in the constitution of the State of Maine. He also stated that he could see the eyebrows going up over the telephone lines of the people in New York. He also stated that most of the states in the United States have this constitutional amendment now.

As I understand the amendment that is to be presented by the Senator from Somerset, Senator Corson, the date will be July 1, 1977, and by that time all presently scheduled bond issues will have been sold here in the State of Maine. The last scheduled bond issues are for next spring. The state treasurer also stated that this constitutional amendment will definitely help to restore the AAA rating here in the State of Maine.

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

Mr. SPEERS: Mr. President and Members of the Senate: I certainly concur with the two gentlemen who spoke previously, the two Senators from my county, Senator Katz and Senator Thomas. I would like to point out that this is indeed a tool for fiscal responsibility. I can agree with the Senator from Aroostook, Senator Gahagan, when he mentions that there is a very grave need to bring about fiscal responsibility and fiscal stability, and that is precisely what this tool is designed to do. We are stating unequivocally that the State of Maine will not use bonding procedures to fund current expenditures, that whatever is going to be spent is going to be raised through present tax resources. Now, that is a pretty fiscally responsible position to be in Mr. President. I dare say that if the City of Megalopolis to the south of us were in a similar position, or it had adopted a similar procedure much earlier, that they perhaps would not be facing the problem that they now face.

So the good Senator from Aroostook, Senator Gahagan, has expressed a desire for the state to endorse fiscal stability and fiscal responsibility and I am quite surprised, I am absolutely amazed, that making that statement in the same breath he comes out and makes the motion to indefinitely postpone this bill. I would oppose that motion and hope the Senate would go along in opposition to it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Aroostook, Senator Gahagan, that the Senate indefinitely postpone L. D. 2206. The Chair will order a division. Will all those Senators in favor of the motion to indefinitely postpone please

rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. One having voted in the affirmative, and 28 having voted in the negative, the motion did not prevail.

Thereupon, on motion by Mr. Corson of Somerset, and under suspension of the rules, the Senate voted to reconsider its action whereby the resolution was Passed to be Engrossed.

The same Senator then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-508, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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