

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

Thursday, April 8, 1976

Senate called to order by the President.

Prayer by the Rev. Samuel Henderson, III, Christ Episcopal Church, Norway:

Let us pray. O Lord of power and giver of grace and wisdom, we commend to Thee all who are engaged in the government of this state. Grant to them clean hands, pure hearts, and un-failing devotion to the cause of righteousness. To Thee, merciful Lord, we commend their work, praying that it may be such as will promote the work in our midst to the succor of the poor, relief of the oppressed, and putting down of all social ills and the redress of all social wrongs, what all they think and speak and do be for Thy glory and the good of Thy people, through Jesus Christ, our Lord, Amen.

O Lord, our God, may we have Thy mind and Thy spirit make us instruments of Thy peace. Where there is hatred, let us so love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; and where there is darkness, light. O Divine Master, grant that we may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love, for it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life, through Jesus Christ, our Lord.

Reading of the Journal of yesterday.

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

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

Recalled from Governor's Office pursuant to Joint Order (H. P. 2282).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-1079), as Amended by House Amendment "B" Thereto (H-1212), in non-concurrence.

On motion by Mr. Curtis of Penobscot, the Senate voted to Recede and Concur.

Under suspension of the rules, sent forthwith to the Engrossing Department.

Non-concurrent Matter

Bill, "An Act to Reorganize the Standardization Committee." (H. P. 2278) (L. D. 2339)

In the Senate April 6, 1976, Passed to be Engrossed as Amended by House Amendment "A" (H-1202), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A", as Amended by House Amendment "A" Thereto (H-1238), in non-concurrence.

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

Non-concurrent Matter

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

Recalled from Governor's Office pursuant to Joint Order (H. P. 2288)

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-985), as Amended by House Amendments "A" (H-1103) and "B" (H-1233) Thereto, in non-concurrence.

Mr. Corson of Somerset moved that the Senate Recede and Concur.

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

Mr. MERRILL: Mr. President, I would like to direct a question through the Chair to the chairman of the committee, if I could, as to what this bill in its present posture would do to change the law as it now stands.

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

The Chair recognizes that Senator.

Mr. CORSON: Mr. President and Members of the Senate: To answer the question posed by the Senator from Cumberland, basically what the bill does is provide a mechanism in the law whereby individuals who wish to form a political party could do so. Our election laws were written with the two major political parties already in existence and the law sort of assumed a status quo. When we got into going through the laws, the committee found that there was absolutely no mechanism or procedure whereby anyone wishing to form a different political party could do so, and this law seeks to redress that situation and provide a mechanism, should citizens desire to form an additional party.

The PRESIDENT: Is it now the pleasure of the Senate to recede and concur with the House?

The motion prevailed.

Thereupon, under suspension of the rules, sent forthwith to the Engrossing Department.

Non-concurrent Matter

Bill, "An Act to Change the Statutory Qualifications and Salary Limit for Director of Personnel." (H. P. 1937) (L. D. 2125)

In the Senate March 4, 1976, Passed to be Engrossed as Amended by House Amendment "A" (H-938) and Senate Amendment "A" (S-420), in non-concurrence.

Comes from the House, Failed of Passage to be Engrossed.

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

**Communications
State of Maine**

One Hundred and Seventh Legislature
Committee on Health & Institutional Services
Honorable Joseph Sewall
President of the Senate
State House

Augusta, Maine 04333

Dear President Sewall:

It is with pleasure that I report to you that the Committee on Health and Institutional Services has completed all action necessary on the business placed before it by the Special Session of the 107th Legislature.

Total Number of Bills Presented	16
Ought to Pass	1
Ought to Pass in New Draft	1
Ought to Pass as Amended	9
Divided	2
Ought Not to Pass	1
Leave to Withdraw	1
Referrals to Another Committee	1

Sincerely yours,

Signed:

WALTER W. HICHENS
Senate Chairman

Which was Read and Ordered Placed on File.

State of Maine
Executive Department
Division of Community Services
Augusta, Maine 04333

March 19, 1976

Honorable Joseph Sewall

President of the Senate

107th Legislature

State House

Augusta, Maine 04333

Dear Senator Sewall:

Thank you for bringing to the attention of the Senators the importance of scheduling all tours through the State House Complex Tour Schedul-

ing Office located within the Division of Community Services.

It is felt that if everyone adheres to this policy of booking tours within the State Complex the confusion arising from unscheduled tours will be greatly alleviated.

Sincerely,

Signed:

TIMOTHY P. WILSON
Director

Which was Read and Ordered Placed on File.

April 7, 1976

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

Dear Mr. Secretary:

The House today voted to Insist and Ask for a Committee of Conference on Bill "An Act to Clarify the Fish and Game Laws" (H. P. 1933) (L. D. 2121)

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

Representatives:

USHER of Westbrook
MARTIN of St. Agatha
STROUT of Corinth

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

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

April 7, 1976

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

Dear Mr. Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act Repealing the Expungement Law and Providing for the Control of Access to and Disclosure of Criminal History Record Information" (S. P. 773) (H. P. 2326)

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

Rep. SPENCER of Sebago Lake
Rep. HUGHES of Auburn
Rep. HEWES of Cape Elizabeth

Respectfully,
(Signed) EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Repealing the Expungement Law and Providing for the Control of Access to and Disclosure of Criminal History Record Information" (S. P. 773) (L. D. 2326), the President appointed the following Conferees on the part of the Senate:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin
HICHENS of York

**Committee Reports
House**

Ought to Pass in New Draft

The Committee on Election Laws on, Bill, "An Act to Clarify the Election Laws." (H. P. 2029) (L. D. 2200)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 2293) (L. D. 2344).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1230).

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

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

Mr. O'Leary of Oxford then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-538, was Read and Adopted and the Bill Passed to be Engrossed, as Amended, in non-concurrence.

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

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds for Young Women's Christian Association Fair Harbor Emergency Shelter in Portland, Maine, an Emergency Shelter for Girls." (H. P. 1876) (L. D. 2051)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HUBER of Cumberland
GAHAGAN of Aroostook
MARCOTTE of York

Representatives:

MacLEOD of Bar Harbor
CARTER of Winslow
SMITH of Dover-Foxcroft
GARSOE of Cumberland

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

Signed:

Representatives:

LeBLANC of Van Buren
JALBERT of Lewiston
GOODWIN of Bath

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

Which reports were Read.

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

Mr. CONLEY: Mr. President, I notice that the Chairman of the Appropriations Committee is not in the chamber, and I would move that this item be tabled until later in today's session, pending acceptance of either report.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Thereupon, on motion by Mr. Pray of Penobscot, tabled until later in today's session, pending Acceptance of Either Report.

Senate

Ought to Pass in New Draft

Mr. Collins for the Committee on Judiciary on, Bill, "An Act to Correct Errors and Inconsistencies in the Laws of Maine." (S. P. 751) (L. D. 2305)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 799) (L. D. 2345).

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Acceptance of the Committee Report.

Divided Report

Eight members of the Committee on Health and Institutional Services on, Bill, "An Act to Reorganize the Bureau of Corrections." (S. P. 732) (L. D. 2281)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (S-543).

Signed:

Senator:

BERRY of Androscoggin

Representatives:

GOODWIN of South Berwick

KENNEDY of Gray
POST of Owl's Head
MORIN of Old Orchard Beach
LAVERTY of Millinocket
LOVELL of Sanford
CURRAN of South Portland

Three members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "B" (S-544).

Signed:

Representatives:

LaPOINTE of Portland
HENNESSEY of West Bath
SPROWL of Hope

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

Signed:

Senators:

HICHENS of York
GREELEY of Waldo

Which reports were Read.

Mr. Hichens of York moved that the Senate accept the Ought Not to Pass Report "C" of the Committee.

Mr. Pray of Penobscot then moved that the matter be tabled until later in today's session, pending the motion by Mr. Hichens of York to Accept the Ought Not to Pass Report "C" of the Committee.

On motion by Mr. Speers of Kennebec, a division was had. Nine having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

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

Mr. SPEERS: Mr. President, I recognize the good faith of the Senator from Penobscot, Senator Pray, in making the motion to table, because of the fact primarily that the good Senator from Androscoggin, Senator Berry, is not in the chamber and he is a signer of one of the other reports with regard to this bill. I think it is important to note, however, that we are in the very last days of the session, hopefully no more than two or three more days, and this is perhaps the only item on the calendar this morning we have that is a debatable item or that will engender a good deal of debate, and I hope that we can proceed with the debate on this matter and that the good Senator from Androscoggin, whom I understand is in the State House, will be able to return to the chambers in order to debate this matter at this time.

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

Mr. CONLEY: Mr. President, I would be very interested in getting a report from the Chairman of Health and Institutional Services as to why the pending motion to accept the ought not to pass report is before the Senate. I would like him to explain the reasons for the decision on that.

The PRESIDENT: The Senator from Cumberland, Senator Conley, 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 think the good Senator from Cumberland saw that I had a speech all written and he hates to have me put this away, as I have the last four or five speeches that I had prepared and then didn't have the opportunity to present.

Mr. President and Members of the Senate: We have before us today a bill which came from the Executive Department which makes substantial changes in our correctional system in the state.

The first section of the bill calls for the closing of the Stevens School in Hallowell and the

transfer of residents to the Boys Training Center in South Portland, hereafter to be called the Youth Correctional Center. I strongly object to the closing of Stevens School, not only for the co-ed system that I previously have expressed concern about, but this time because of the overcrowded conditions at South Portland and the prospect of greater incarceration of juveniles as prophesied by law enforcement officials and judges all around the country. At the present time, as of 9 o'clock this morning, there were 216 boys at the Boys Training Center. The capacity at the Center is 227, as compiled by the officer in charge when I visited the Center two weeks ago. These figures have been challenged by the superintendent of the Center, who was quoted in a recent issue of the Maine Sunday Telegram as saying, "Every time a boy comes in another goes out to make room, and the recidivism rate is on the rise." In my last conversation with Superintendent Allen, he now says that there is plenty of room at the Center. Somehow I cannot correlate the figures which were given me, the press report, and the previous statements about overcrowding with Mr. Allen's latest change of posture.

The prime reason for the closing of Stevens given by Mental Health and Corrections' staff is to transfer funds that are now being used to operate the school to other branches of the Corrections Department. However, to maintain a mothball staff at the school, pay for staff transferred to South Portland and Skowhegan, as proposed, most of the funds now being expended at Hallowell will be used up. The Department now states that some thirteen additional guards may be provided at Thomaston as a result of the closing of the Girls School. Up to ten days ago, the committee was given figures showing that only five additional guards would be provided. This is the same old line we have heard so many times before to make the Department's case look good. I believe it is a very foolish move at this time.

I am well aware of the problems at the State Prison and also aware that past mistakes of former legislatures given misleading information by the Department are the cause of the problems we now face. The Deputy Warden of the State Prison, Mr. Finney, told members of our committee two weeks ago that the problem lies mainly with some twenty to thirty prisoners who should be in a maximum security unit. "If we had something like the maximum security unit that was closed at Augusta, we would be okay", Mr. Finney states. Mr. Haskell, Acting Director of Corrections, has made the same statement. I remind members of the Senate today that Senator Greeley and I objected strenuously to the closing of that security unit a few years ago.

Two years ago members of the Health and Institutional Services Committee, or some members of that committee, fought just as desperately to keep the Women's Correctional Center at Skowhegan in operation, and opposed transfer of women to Stevens as an economy measure. By clever finagling the center was closed. Now, two years later, the Department requests that the center be reopened, the women sent back to Skowhegan, and other facilities at Skowhegan used as a minimum security unit for fifty to sixty men from the State Prison.

And yet, with these proven facts, the Governor and the Mental Health and Corrections Department now want to close another facility on the same economy premise. I sincerely believe that we are making a big mistake if we do as recommended. To prove the uncertainty of many members of the committee as to the proper procedures to follow, you will note that the bill designates that prior to January 1, 1977

the commissioner present a correctional services plan to the legislature as follows:

1. A reassessment of the need for additional area correctional centers and the requirements for completion of any existing area correctional centers;

2. An implementation schedule based on the reassessment in No. 1;

3. Recommendations relating to permanent correctional facilities and community facilities for women inmates;

4. Recommendations relating to the state's role in providing correctional services to inmates from other states; and finally,

5. Recommendations relating to the management and treatment of severely disturbed and disruptive inmates at the State Prison.

I beseech you this morning to vote against this corrections bill, and let us clearly determine the feasibility of the problems as stated and the proper way to handle these problems before we waste more of the taxpayers' monies and create further problems in our correctional system.

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

Mr. CONLEY: Mr. President, it is my understanding that the bill before us today is a matter of urgency, and it is unfortunate that the good Senator from Androscoggin, Senator Berry, is not in the chambers to be able to defend the report. I would ask the Senate to vote against the motion of the good Senator from York, Senator Hichens, in accepting the ought not to pass report, and at least allow me to make a motion to accept Report "B", and we can at least give it its first reading and then debate it later on today.

This bill, it is my understanding, originated in the Governor's Office. It originated there because of the problems that we have seen in the correctional system over the last couple of years, the overcrowdedness at both Thomaston and the Boys Training Center. There can be some very serious problems if we don't do something in this session.

Let me also remind the Senate that only yesterday the mandatory jail sentencing under the criminal code was passed that is going to further worsen the conditions dealing with incarceration of the people of this state, so I would only ask that the Senate again reject the ought not to pass report to keep this bill alive so we can get more information on it at this time.

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

Mr. GAHAGAN: Mr. President, I understand that the Senator from Androscoggin, Senator Berry, is meeting with the Governor at this time now, and it pertains to this bill, and I believe he would have some information which could shed light on which of the reports we should accept. I would appreciate it if somebody would table it until later in the day's session.

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

Mr. SPEERS: Mr. President, we have been attempting to locate the whereabouts of the good Senator from Androscoggin, and it is my understanding that he is not with the Governor at the present time. I would hope that he would be able to come back to the chamber to debate this matter this morning.

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

Mr. MERRILL: Mr. President, I move this item lay on the table.

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

Mr. Speers requested a division, and Mr. Merrill of Cumberland subsequently requested a roll call.

The PRESIDENT: A roll call has been re-

quested. 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 on the tabling motion of the Senator from Cumberland, Senator Merrill, please rise in their places until counted.

One fifth having arisen, a roll call is ordered. The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, it is my understanding that the motion is to table this unassigned?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, it is my understanding that that would be the only motion that was available after we defeated a motion to table until later in today's session?

The PRESIDENT: The Chair would advise the Senator that there has been intervening debate and that a motion to table until later in today's session would be in order at this time.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Thereupon, on motion by Mr. Trotzky of Penobscot, tabled until later in today's session, pending the motion by Mr. Hichens of York to accept the Ought Not to Pass Report "C" of the Committee.

Enactors

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

Emergency

AN ACT Correcting Errors and Inconsistencies in Motor Vehicle Related Laws: (H. P. 2270) (L. D. 2337)

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

Mr. SPEERS: Mr. President, for purposes of asking a question with regard to this matter, I would ask the Senate to take the vote by a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would ask a question through the Chair to the Chairman of the Transportation Committee as to the status of any amendments on this particular bill that might relate to truck weights and whether there is a grain tolerance included in this particular bill as it is presented to us in its present form.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to the Senator from Waldo, Senator Greeley, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. GREELEY: Mr. President, as I understand the question, it pertains to grain, and there is no provision for grain in this bill.

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

Mr. SPEERS: Mr. President, I withdraw my request for a roll call.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now requests leave of the Senate to withdraw his request for a roll call. Is it the pleasure of the Senate to grant this leave?

It is a vote.

Thereupon, this being an emergency measure, and having received the affirmative vote of 25 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Bill, "An Act Relating to a Cost-of-Living Adjustment for State Retirees." (S. P. 618) (L. D. 1950)

Tabled — April 7, 1976 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-507) Adopted).

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

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

Resolve, Authorizing the Governor to Create, Administer and Seek Funds for a Community Jobs Program for the State of Maine. (H. P. 2165) (L. D. 2293)

Tabled — April 7, 1976 by Senator Gahagan of Aroostook

Pending — Final Passage

(In the House — Finally Passed)

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

Mr. GAHAGAN: Mr. President and Members of the Senate: There is some question that has been raised concerning the resolution and the responsibility that may be usurped from the local communities to establish their own programs with the federal government. The Commissioner of Manpower Affairs, if the committee were established, it would appear, would have the right to allocate all monies coming in for any programs of this type. Because this question is unresolved at the present time, I think it would not be in the best interests of this legislature to pass this resolve, and I would move indefinite postponement at this time.

The PRESIDENT: The Senator from Aroostook, Senator Gahagan, now moves that L. D. 2293 be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I am surprised at the comments of the Senator from Aroostook, Senator Gahagan, that there is a question about this bill. This is a matter which has been under discussion both in committee and on the floor of the Senate and the other body for some time now.

Basically, this resolve authorizes the Governor to seek funds to set up a program that would make some sense out of the manpower funds that are coming into our state. Right now there has been some severe criticism of the CETA program in that it is expanding local bureaucracies and is not being used to the maximum in terms of the number of jobs it is creating, and rather than, as the Senator from Aroostook indicates, limiting the ability of local communities to establish their own programs, this in fact insists that it is the local communities and local organizations in those communities that set up job programs for their own unemployed people.

This takes the planning and the implementation of work programs out of the hands of the state and federal bureaucrats and puts it at the local level. We have had testimony on this design from people in different parts of the country, even from someone from Canada, and it has received considerable attention as being a very good design, particularly for the State of Maine. Whereas the CETA program is now designed for large cities in the United States, this is a design that makes sense in the State of Maine. For example, one of the reasons that the Manpower Commissioner has endorsed this program design is that it will allow the State of Maine to use flexibility with these job funds, so that we are not spending the funds at times

when there are jobs available in Maine, for example, during the summer and during the harvest season.

This would also allow the state to use unemployment funds, should federal regulations be changed to allow flexibility in this regard, so that people can be paid to work instead of paid not to work, the way the system is set up now.

But I think basically what this resolve does is show the intent of the legislature that we want to pay people to work rather than not to work, and that we want to use the limited funds that are coming to the state in the best possible manner for the State of Maine. And if there are any specific questions, I would be happy to answer them, but I believe questions were raised by others and I believe all have been answered both by federal officials, by local officials, and by state officials. So I would question the statement of the Senator from Aroostook that there is some question about the effect of this resolve.

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

Mr. TROTZKY: Mr. President, I would like to ask a question through the Chair to the Senator from Kennebec, Senator Reeves. Does the Governor at present need this legislation to obtain funds for community projects?

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

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I have not spoken to his Excellency, the Governor, about this bill recently, but I have talked to the Commissioner of Manpower Affairs, who, as I indicated earlier, did endorse it and feels that it would be a good thing for the legislature to pass this bill. Further, I believe if federal regulations are changed, this is enabling legislation, so from that point of view it might well be necessary, but even more than that, I think it does show the intent of the legislature and the work of the legislature in this area. And I understand there will be further studies of the CETA program as it is run now, and that the people who are most concerned about this feel that this program design in this resolve is the best possible way for us to go.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: We have now received in our enactment folder the engrossed copy of L. D. 2293. The question was raised by local officials that to establish a community jobs fund under section 1, and then following in section 2 eligible projects for this funding coming into the state, and I read from the L. D., "Any individual, group or organization, public or private, including corporations, except a federal or state department or agency, may apply to the Governor for monies to operate a community jobs project." This would mean that any municipality in the state or any county would have to apply to the Governor or to the Commissioner of Manpower Affairs, as the bill would indicate, for any money.

Now, the question that is raised is would this usurp the ability of a local community or a county, or one of the other levels of government, not being a state department or agency, from making a direct tie to any funds which are available. It is my feeling that in order to clarify this it would be necessary to back this bill up into the amendment stage and to write into it, and if the Senator from Kennebec wants to do that, I am sure if this motion that is pending on the floor is defeated that he would have the opportunity to do that.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I was trying to find the bill, but I believe that the bill already has a section in it which answers the objection of the Senator from Aroostook. I have had a bad cold. Mr. President, and I am a little behind.

The PRESIDENT: The Senate will be at recess for a moment pending the Senator's study.

(After Recess)

Called to order by the President.

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

Mr. REEVES: Mr. President, as I understand the objections of the Senator from Aroostook, they are that certain prerogatives of local governments and local officials might be usurped by the Governor if this resolve were to pass, and I believe just the opposite, that by passing this resolve and by authorizing and in fact urging the Governor to seek funds for additional community job projects that we would be making more funds available to the local officials.

In this bill, I see the protecting clause, "To the extent authorized and permitted by state and federal law and regulation, funds from the following sources". Well, this protects all those funds that are now being allocated to local and county governments, but it also sets up other funds which must be sought by the Governor for community work projects which would be then available to the local communities. So I think it would make more opportunities available rather than in any way limiting the opportunities.

But it is true, and I have stated this in urging support for the bill, that it would cut down on the number of bureaucratic slots that local and county governments have created through CETA funds. By making these work projects short term, 30 weeks limit, this not only gives us a chance to fit into the rhythm of the unemployment patterns of the State of Maine, but it also prevents local bureaucracies from expanding on an indefinite basis with these job funds. Once a person is put in as an assistant to a planner or assistant to a manager, and that is, as I stated earlier in comments here in the Senate, one of the main criticisms of the program as it is run now, this would cut that way down.

So if the objections that the Senator from Aroostook is hearing is from bureaucrats who want to go on expanding their own offices, I can understand that, and I think maybe from their point of view that is a legitimate comment. On the other hand, what a lot of communities find is that once these funds run out; for example, the Senator from York, Senator Hichens, earlier mentioned to me a situation whereby five extra policemen were hired by a local community, and then when the funds ran out the town was stuck with the choice of having to cut back on the police force or use tax dollars, and this is what we are trying to avoid. This sets up the whole idea of short-term projects, very similar to the old WPA-CCC type of project where the people are helping in their own community and the priorities for those work projects are planned in their own community, and I don't think you could find any program more local than this. And I ask for a roll call when the vote is taken, Mr. President.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President and Members of the Senate: I am certainly not at all concerned about local bureaucrats, and it certainly isn't local bureaucrats that have raised any objection at all. It is elected officials, people who

are representing what they feel is the best interests of their town governments.

As to the question of whether or not this would provide more opportunities, I think Senator Reeves has been very sincere throughout in wanting to establish some type of options to go through because of the high unemployment rates, but I do believe that the good Senator in preparing this resolve has made a tactical error in that he has, under section 1, provided that all new funds coming into the state are going to have to process through the Governor's Office and through the Department of Manpower Affairs. If you look down through section 1 on the funds that are coming into the state, funds allocated to the state under titles 2 and 6 of the Comprehensive Employment and Training Act of 1973 and all acts amendatory thereto, funds under title 5 and 10 of the Public Works and Economic Development Act of '65 and all acts amendatory thereto, C. voluntary assignments of payments made by individuals eligible for any benefits, D. funds from any other federal program or federal grants, including grants from the Departments of Labor, Commerce, Housing and Urban Development, and the Law Enforcement Assistance Agency, any funds transferred into the fund from other departments and agencies of state government; everything coming in will be going into one fund under the control of the Governor.

I believe that in the future if a community would like to get in and perhaps take advantage of federal money coming in for local jobs projects that they would be precluded under this act from going direct to the source of the funding and would instead have to go to the state bureaucracy. And I would hope that Senator Reeves from Kennebec would not be attempting to say that the local communities would not have the ability or the prerogative of making arrangements on their own without being supervised by a state bureaucracy, which I believe this may be setting up.

As I say, there would be an opportunity, if the pending motion is defeated, to back this bill up and amend it to be very specific about this possible problem, and I would urge you to vote in conscience.

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

Mr. CONLEY: Mr. President and Members of the Senate: I rise to oppose the motion of the good Senator from Aroostook, Senator Gahagan. I think primarily what the good Senator has been addressing himself to is the CETA program itself, and I thought we lost that battle back last year sometime. And if you recall, I was one of those who led the charge to prohibit prime sponsorship by counties.

I think if the good Senator will recall, that it was made very clear and explicit that prime sponsorship such as the counties is written under the federal guidelines and not the state. In fact, we had an attorney general's opinion that sort of set the MMA back on their heels a little when they clearly defined the fact that congress has put into legislation exactly how the CETA slots will be handled. There is absolutely no fear that these jobs will all have to funnel through the state. I think the federal government, as much as I hate to admit it, is still supreme over all states.

Secondly, I think that when the good Senator from Kennebec, Senator Reeves, mentioned the CETA positions that are in municipal governments or town governments, that he has hit a nail squarely on the head. For example, I could address myself to the City of Portland that currently has, through attrition, that is, resignations or people retiring within the city family, made vacancies of 120 slots. Now, I can tell you as of right now that those slots, each and every one of them, currently are being funded under CETA programs. And I can tell

you again that, if on June 30th the CETA program is not expanded or is not continued, those 120 slots obviously are going to have to be looked at very, very seriously by the municipal officers as to whether or not the taxpayers of Portland are going to continue to fund those people under the city budget.

I think what the good Senator has put before us today makes a great deal of sense. It is short-term employment. It is not going to place any community or municipality with the burdensome tax dollars of continuing these projects on. I think it is going to be a very difficult time personally when that decision has to be made in the City of Portland as to whether these 120 slots or positions now filled by CETA are going to be terminated, because I wonder what those people are going to do, because I think that everybody has the assumption that once municipal government picks up programs that the federal government has funded, it sort of leaves us in the position of saying, well, now we, the taxpayers of Portland, have to continue these jobs on.

I think it makes much more better sense, as the good Senator from Kennebec, Senator Reeves, has stated, to specifically lay out short-term employment. And it was my understanding that the whole CETA program itself was a training project to get people into an area where they can go from whatever training project they are in into something more equal to what they have been doing to continue on their employment. So I hope the Senate would reject the motion to indefinitely postpone, and it just seems to me that it is so far along in the ballgame that to be trying to kill this resolve at this time does not really make too much sense.

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

Mr. MERRILL: Mr. President and Members of the Senate: As a little while ago in this session the good majority leader, Senator Speers, referred to item 6-4 as the only real debatable item on the calendar, I am afraid once again he has grossly underestimated his colleagues.

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

Mr. GAHAGAN: Mr. President, having spoken three times, I wish permission to speak a fourth briefly.

The PRESIDENT: The Senator from Aroostook, Senator Gahagan, now requests leave of the Senate to speak a fourth time. The Chair hears no objection. The Senator may proceed.

Mr. GAHAGAN: Mr. President and Members of the Senate: If I could just go one step further beyond this bill perhaps, as you may know, I was a member of the Emergency Committee on Jobs and, as such, worked on the wood harvesting program. What we are talking about here is a government response to a poor national economy, and I think what we are considering here today is whether or not we have confidence that the government is going to be able to stimulate the economy by providing the jobs that it did perhaps as far back as the 30's and more recently in the 60's. And in my own opinion, I don't think that this public jobs program is going to be able to handle the spurt that the economy is going to need to get itself back into working order again. We cannot expect the public sector to provide the kind of money and take care of the jobs that are going to be required to get the unemployment rate down.

This program is one which says that the government still is going to be able to pump money into the economy by providing these jobs. Philosophically, I would disagree; I would still say that the private sector is the most likely sector to be able to provide the economic incentive. And what the Governor of this state is

saying is the very same thing, that we have got to get more industry into the state, that we have got to provide more jobs in the private sector so that we don't have to consider such things as public jobs programs.

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 L. D. 2293 be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

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

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, have I used my three times?

The PRESIDENT: The Chair would make an exception in the Senator's case.

Mr. REEVES: Mr. President, I don't understand a lot of the comments of the Senator from Aroostook in regard to this bill. I certainly agree with him that we must depend on the private sector if we are ever going to recover from this recession and from the high rate of unemployment in Maine.

This bill is, at best, a small measure to focus the funds that are available to us on this problem. By going to short term work projects, we have the capacity to double the number of work opportunities available, and I just think it makes more sense — in particular I am calling your attention to the section on unemployment compensation — to offer people who are getting paid not to work, and in the State of Maine this amounts to some forty thousand people, to at least offer them an opportunity to work, because I believe that most of the people who are unemployed today are unemployed through no fault of their own, that they do want to work, that most of them are long term, lifelong workers, particularly a lot of middle aged people for whom unemployment of six months to a year may mean the end of their work career, and I think anything we can do, even this small measure, that we should do. And I don't think that we can wait for the federal government to design programs that fit the State of Maine. I think that they are obviously more concerned about the big cities in the country.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Gahagan, that L.D. 2293 be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, in looking over the engrossed copy of the resolve, and referring to the L.D., I notice the L.D. had some money attached to it, and there is no money in the engrossed copy. And also apropos of the financing, the thing that bothers me a little bit here is the concern of the legislature in this funds transfer. It seems to me that there is a problem here of authorized programs, programs which have been set up by the legislature, which could be totally circumvented by the passage of this joint resolve. The language that causes me this concern is this: "that, to the extent authorized and permitted by state and federal laws and regulations, funds from the following sources may be allocated to the fund", and the last one is "funds transferred into the fund from other departments and agencies of the state government and the legislature."

I think that our state budget is very specific as to items of personnel services, capital items, and all other, and programs are set up by the legislature. I believe that there would be here the mechanism available to any department

head to do what he wished with the programs authorized and directed by the legislature by transferring monies to this community jobs fund.

I do feel that the objectives are very laudable, as I think Senator Gahagan has very carefully and properly pointed out, but I think we have a philosophy involved here that is very counter to the way the state has operated. I think that there would be an assignment of prerogatives here that perhaps would be unconstitutional. I think, as was also indicated, it is a little bit late in the game to put this through the cleaners, but I strongly would urge that we vote to indefinitely postpone this.

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

Mr. KATZ: Mr. President, this has been a fascinating debate. It has been a little different than some of the debates we have had this session. I feel that the sponsor of the legislation, Senator Reeves, is probably as knowledgeable as any man in the legislature about the implication of manpower and job affairs, and it is a laudable purpose. He strikes right at the basic dissatisfaction of society when he points out that presently the unemployed person has no alternative, he is paid to stay home through unemployment compensation.

In listening to the debate, on the weight of the evidence, I am going to vote against the motion to indefinitely postpone. If there are any shadows in this legislation, I would say this is a risk that I will cheerfully take if we can take one small step to offering alternatives for unemployed people perhaps to work in public service jobs, and I would urge the Senate to take this small risk, if indeed one really exists.

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 L. D. 2293 be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, R.; Corson, Gahagan, Jackson, McNally.

NAYS: Senators Berry, E.; Cianchette, Clifford, Conley, Cummings, Curtis, Cyr, Danton, Graffam, Graham, Greeley, Hichens, Johnson, Katz, Marcotte, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senators Carbonneau, Collins, Huber.

A roll call was had. Five Senators having voted in the affirmative, and 24 Senators having voted in the negative, with three Senators being absent, the motion did not prevail.

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

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

Bill, "An Act to Reorganize the Bureau of Corrections" (S. P. 732) (L. D. 2281)

Pending — Motion by Mr. Hichens of York to Accept the Ought Not to Pass Report "C" of the Committee.

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

Mr. BERRY: Mr. President and Members of the Senate: First of all, I apologize for not being in my seat when this bill was discussed this morning, but last evening the Committee on Health and Institutional Services met with the chief executive of the State of Maine on this particular piece of legislation. That meeting was resumed this morning between the chief

executive and myself, and I would like at this time to try to explain to the Senate what the bill in fact does.

The bill basically reorganizes the Bureau of Corrections, as stated in the title, but it does it in seven different ways. The Stevens School and the Boys Training Center are abolished, and the Maine Youth Center is established on the site of the Boys Training Center. The Maine Youth Center will serve both male and female juvenile offenders. The commissioner is also authorized to use the building at the former Stevens School in the event that the Maine Youth Center becomes overcrowded.

The Women's Correctional Center and the Men's Reformatory are abolished, and the Maine Correctional Center is established on the site of the former reformatory in South Windham. This is for a period until January 1, 1978. The reason for that is an intermediate action that would give the Department time to reorganize and to give some long range planning.

All the women sentenced to the Maine State Prison will be committed to the center. Any available funds from the facility formerly known as the Boys Training Center will be transferred to the Maine Youth Center. In actuality, it is just a title change. They don't leave from one facility to another. Any available funds from the facility formerly known as the Stevens School and the Women's Correctional Center will be used to provide additional personnel at the Maine State Prison and personnel and minor renovations at the Skowhegan site of the Maine Correctional Center.

I must point out at this time that the reopening of Skowhegan has been a very controversial point, but Skowhegan would only be reopened to relieve the pressure at the Maine State Prison. There has been a tremendous amount of adverse publicity on the situation at the Maine State Prison, and it has come about because the Maine State Prison is no longer a maximum security unit. There have been renovations there over the past years that have changed the entire facility. Even contrary to the rumors that at one time there were more people there than there actually are now, the situation is not the same. The staffing is inadequate at the Maine State Prison. And if the staffing was beefed up, we still would not have the facilities to handle the maximum amount of people that are sent there yearly.

The Skowhegan site of the Maine Correctional Center may be used — and I have to emphasize "may be used" — as a minimum security facility. It is intended, once again, that it is only to relieve the overcrowding at the Maine State Prison.

The commissioner is authorized to make any arrangements necessary for the creation of a behavioral stabilization unit at the site of the former Stevens School in Hallowell. This unit will serve a maximum of 24 children at any one time, these children having a severe emotional, mental or behavioral disturbance. This unit will be funded by the state but will not be a state agency. It will be through private contract agencies to actually administer and provide the services at the unit.

I think in closing, Mr. President and Members of the Senate, I would point out what has happened on this particular legislation. We have two reports. The bill I sponsored for the executive branch. The bill as we see it before us now is not the actual bill that was given to me to sponsor. Even though the concepts remain the same, we have changed several things in it.

The reason for the meeting is the fact that it is my belief and the belief of the chief executive of this state that we could come to an agreement before the legislation was finally enacted because a majority of all parties concerned are

of a great belief that this legislation is needed. I would ask the Senate to defeat the motion before us and I hope we would accept Committee Report "A".

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

Mr. HICHENS: Mr. President, again I would assert that there is a great need to alleviate the conditions at the Maine State Prison, but as stated in my opening remarks, I do not think this is the course that we should follow. I think that we should hit this head on, and if we need extra funds to take care of the situation down there, to find those funds without moving and closing different other institutions to make the difference. Again, to use the old cliché, we are just robbing Peter to pay Paul, and we have found from past experience that this has been a mistake.

It was stated by the good Senator from Cumberland, Senator Conley, that we have overcrowded conditions at the Maine State Prison and at the Boys Training Center, and that is just what I asserted. And how by moving 26 more girls down to the Boys Training Center we are going to alleviate the overcrowded conditions there I just can't figure out.

It was stated by the good Senator from Androscoggin, Senator Berry, that we could reopen Skowhegan for a limited time. Well, this involves cost. We have got to fix the buildings up to take care of these residents, and then if it is going to be open for a limited time, all of the money we will have spent will have just gone down the drain as it has in the past. So again, I would ask that you vote to accept the ought not to pass report.

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

Mr. BERRY: Mr. President, three points, if I may. As to the statement by my good friend, the Senator from York, that we should appropriate the funds for the Maine State Prison, if we appropriate more money, it is my belief that we would not be solving the problems. The concept of this legislation is to utilize the funds that we now have.

I think the point of disagreement on overcrowding at the Boys Training Center is the fact that you can actually have overcrowding and still be able to accept more people. That is a very confusing statement, but if you have an inadequate staff and you have cabins that are closed up, and you are only using the existing open cabins, those cabins can become overcrowded. But if you want to utilize more staff and open up other cabins that are available, then you have eliminated the problem of overcrowding.

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

Mr. KATZ: Mr. President, I would like to pose a question through the Chair. On page 17 of the committee amendment, which actually is the bill now, as I understand it, it refers to the Stevens School, and it is my understanding that the Stevens School is going to be made into a residential facility for children with severe emotional, mental and behavioral disturbances. I am concerned, are we establishing a new type of residential facility? Is this an expansion of services beyond what we have already had? And if so, I would like to have some of the long range financial implications to the implementation of this legislation.

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

The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I am not certain I can answer it with the expertise with which it should be

answered, but it is my opinion that we would not be actually creating a new program. We would be expanding on a program that now exists, and the reason for this expansion is the fact that all children who are offenders should not necessarily be simply incarcerated. Many of them need help with their problems, more help than by incarceration, and I think this will give the state a chance to provide that help.

As far as long range planning or long range expenditures, I say with all respect that I don't think anyone at this time could tell what it may cost us for correcting some of these problems in future years.

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

Mr. KATZ: Mr. President, I do not choose to speak with hostility towards a very worthwhile program, but when we passed L. D. 965, education for the handicapped child, or a special ed bill, we for the first time recognized our responsibilities towards kids with all kinds of problems, including those severely emotionally disturbed, we really didn't contemplate going into a residential program. I think if the Senate votes for this, it should realize that this is an expanded approach to our feelings of responsibility towards young people, and I would predict that there will be significant costs.

I feel a little badly that this comes along at the eleventh hour. It seems to have the support of our professionals involved, but I am concerned that the legislature is being called upon to make a very important policy decision here.

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

Mrs. MERRILL: Mr. President, I would pose a question through the Chair to help focus this debate, at least for my own satisfaction. Are we talking about the residents of this institution being people who would be incarcerated in any case, and this is simply a question of whether they are going to be separated in a separate place for incarceration, or are we talking about opening up an area of treatment to people that otherwise wouldn't be in a state institution?

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

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, we would be opening this to people who would receive treatment who would not be incarcerated. It would set up a whole new program, and I am in favor of new programs, but again, on the economy measure, it is going to cost just as much to keep this open for 24 emotionally disturbed children as it does now for those who are incarcerated.

In answer to the good Senator from Kennebec, Senator Katz, we are discussing the original bill. We are not discussing the amendments at this time.

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

Mr. BERRY: Mr. President, I would disagree somewhat that we are creating a new program. We are expanding an existing program, and it is my understanding that the funds needed to enact this legislation would be from existing funds available to the State of Maine at this time. We are not asking for an appropriation.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: I would urge you not to support the pending motion, ought not to pass, this morning. We have a very serious situation in the mental health and corrections area in this state. As I said the other day, we must be careful that we do not sacrifice our ability to

administer this program because of economic and cost considerations in the government.

The facts as I see them, and I have spent a great deal of time at Thomaston Prison and at Pineland — we are dealing here with the Bureau of Corrections, so I will address myself just to the Bureau of Corrections — Thomaston is just about ready to blow. There is a very serious staff morale problem, a very serious inmate problem at Thomaston Prison, and what we are in a large sense being asked to do here this morning is to give a vote of confidence to the Commissioner of the Department of Mental Health and Corrections. And I am one who is going to give him a vote of confidence for the job that he has done since he has been here in the state, and we all know what an extremely difficult time he has had to administer his department. He came late, he came before the Appropriations Committee with his budget in a state of disarray, he put that budget back together again, and we gave him some discretionary funds to enable him to run that department and avoid crisis situations within his Department of Corrections and Mental Health.

This morning he is asking for the discretion to be able to move resources to react to what I feel is a very serious situation in his department. To do nothing would be to ignore what is going on in our mental health and corrections institutions. Either Report "A" or Report "B" is acceptable to the commissioner. I think for the moment, if it is available, I personally am going to be supporting Report "B", but we must do something today, we must react as a legislature. We are not in the position here where we can judge the seriousness of the issue. What we are in a position to do is to say we have confidence in the way this department is being administered. We have confidence that the way the legislature has prepared these committee amendments "A" and "B" is the proper reaction to the situation, and I think that we should act this morning to defeat the ought not to pass motion, to give a vote of confidence to Mental Health and Corrections and to accept either the "A" or "B" Report.

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

Mr. HICHENS: Mr. President, I would ask permission to speak for the fourth time please.

The PRESIDENT: The Senator from York, Senator Hichens, now requests leave of the Senate to speak a fourth time. Is it the pleasure of the Senate to grant this leave?

It is a vote.

Mr. HICHENS: Mr. President and Members of the Senate: I fully appreciate the remarks of the good Senator from Aroostook, and I stand 100 percent behind our commissioner. I think he has done a tremendous job, I have told him personally that, I have told the Governor that, and I have told the public that. But sad to say, the commissioner hasn't had full input in this. In the last few discussions with the committee, the Governor didn't even include the Commissioner of Mental Health and Corrections; he turned this over to the Commissioner of Human Services. Yesterday I took him to task for that when we met, and he had made the statement that he believed he had the right to have whatever commissioner he wanted to discuss the bill. Mr. Smith has gone over this bill with the committee in the last few sessions, and it wasn't until yesterday when we met with the Governor that Commissioner Rosser was even invited, in the final drafts of these two committee amendments.

So yesterday when it was discussed, the Governor emphatically said that he would not accept Report "B", under no conditions, he said. The majority of the committee said that they would not accept anything other than

Report "A". So we are at a stalemate at the present time. The Commissioner in my presence yesterday did not say which report or whether he would accept the reports. I feel that he feels he is going to lose or be stripped of his authority if we accept Report "B" and the Governor has to be consulted on every move that is made. Again, I say that I fully support our Commissioner and I think he should have the right to do things as he wants to, but these reports aren't giving him that right.

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

Mr. BERRY: Mr. President, having spoken three times, I request permission from the body to speak for the fourth, and I will be brief.

The PRESIDENT: The Senator from Penobscot, Senator Berry, now requests leave of the Senate to speak a fourth time. Is it the pleasure of the Senate to grant this leave?

It is a vote. The Senator may proceed.

Mr. BERRY: Mr. President and Members of the Senate: I am very reluctant to stand here this morning in opposition to my good friend and colleague, the Senator from York, but I think some statements have to be corrected.

The Commissioner of Mental Health and Corrections has had a great deal of input into this legislation. The Commissioner of Mental Health and Corrections and his staff were at the committee hearing and they were at the committee workshops. The meeting with the Commissioner of Health and Welfare and the chief executive of this state was brought about through myself. The meetings with the Health and Institutional Services Committee, the Commissioner of Health and Welfare, and the Commissioner of Mental Health and Corrections were attended by both, although some members of the committee were absent. The meeting that was held yesterday in the Governor's cabinet room was attended by the Commissioner of Health and Welfare and by the Commissioner of Mental Health and Corrections. So I think it is a very fair statement to say that the Commissioner has been entirely informed on this legislation.

One other thing I would like to point out to the body, Mr. President, is the fact that there are primarily two differences between Committee Amendments "A" and "B", and at the meeting this morning with the chief executive of the State of Maine, I left with no reservations that we could come into an agreement if Committee Amendment "A" was adopted. And the reason is not only because I supported Committee Amendment "A", but I have taken upon myself that I will be offering amendments to bring it into agreement where the chief executive will support this legislation.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from York, Senator Hichens, that the Senate accept Report "C", the ought not to pass report of the committee.

The Chair recognizes the Senator from York, Senator Hichens.

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

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I would once again urge the Senate to vote against the motion to indefinitely postpone. It is obvious that this bill has stirred up a great deal of debate here this morning, and to indefinitely postpone it is going to certainly leave a lot of questions still in our minds. I think the wisest thing to do is to keep it alive and perhaps we can get some more answers before the bill is enacted or it makes its demise.

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

Mr. GAHAGAN: Mr. President, just to give everyone a very clear picture of what is going on down in Thomaston right now, there are 400 inmates in Thomaston at the present time. Staff-wise and program-wise we are geared for 250. If the criminal code goes in with its flat sentencing provision, the count at the prison could double. Either Report "A" or Report "B" would give the commissioner the discretion to back some of those inmates out of Thomaston into Skowhegan, or out of the Men's Correctional Center into Skowhegan, to prevent the overcrowding and the potentially explosive situation which exists right now.

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

One-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from York, Senator Hichens, that the Senate accept Report "C", the ought not to pass report of the committee. A "Yes" vote will be in favor of accepting Report "C"; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Cummings, Greeley, Hichens, McNally, Wyman.

NAYS: Senators E. Berry, R. Berry, Cianchette, Clifford, Conley, Corson, Curtis, Cyr, Danton, Gahagan, Graffam, Graham, Jackson, Johnston, Katz, Marcotte, Merrill, O'Leary, Pray, Reêves, Roberts, Speers, Thomas, Trotzky.

ABSENT: Senators Carbonneau, Collins, Huber.

A roll call was had. Five Senators having voted in the affirmative, and 24 Senators having voted in the negative, with three Senators being absent, the motion did not prevail.

Mr. Speers of Kennebec then moved that the Senate accept the Ought to Pass as Amended Report "B" of the Committee, and Mr. Hichens of York subsequently requested a division.

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

Mr. BERRY: Mr. President, very briefly, and I am not going to speak against the motion by the good Senator from Kennebec, Senator Speers, but I know I have had support and I appreciate it very much, and I would like to inform those who have supported me that I am going to support Committee Amendment "B", but I will be offering an amendment to that report.

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

Mr. SPEERS: Mr. President, I would ask the question through the Chair of the good Senator from Androscoggin, Senator Berry, if he is to offer an amendment to Report "A", which would make Report "A" Report "B", whether there are any differences that he intends to have remain in the bill between the two reports.

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

The Chair recognizes that Senator.

Mr. BERRY: Mr. President, in response to the question posed by the good Senator from Kennebec, Senator Speers, I think either bill would be easy to amend. There are two basic differences. One gives the final approval of opening Skowhegan to the chief executive of the State of Maine, and the other difference is that on the recommitment of funds it changes the date from June, 1977 and backs up six months to

December of 1976. The commitment of funds is the problem.

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

Mr. SPEERS: Mr. President, I understand that Report "B" is the report which does state that the final determination of such reopening would be with the chief executive, and I feel that is where it should be, and that is the reason I moved that report.

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

Mr. BERRY: Mr. President, I was slightly lax in my explanation, and I would like to say at this time that the approval of the chief executive of the State of Maine was not a recommendation from the Commissioner of Mental Health and Corrections; that was a committee decision. And the Commissioner this morning has informed some of us that this wording could be acceptable.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate accept the ought to pass as amended Report "B" of the committee.

A division has been requested. Will all those Senators in favor of accepting Report "B" please rise in their places until counted. Will those opposed to the motion rise in their places until counted.

A division was had. 24 having voted in the affirmative, and four having voted in the negative, the Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "B" was Read and Adopted.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, this bill as amended is twenty-five pages long and it affects the lives of a good many people. I request that the second reading be delayed until later in today's session.

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

Mr. SPEERS: Mr. President, I wonder if the Senate would allow this bill to be given its second reading at this time, and then it could be tabled until later in today's session, pending engrossment.

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

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

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

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

Joint Order — Relative to Joint Select Committee on State Tax Policy (H. P. 2247)

Tabled — March 26, 1976 by Senator Speers of Kennebec

Pending — Passage

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

The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President, I would like to pose a question through the Chair to the Senator from Kennebec, Senator Speers. Is this joint select committee on state tax policy a committee of the legislature, or will this be a

committee on which other individuals not elected will serve?

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

The Chair recognizes that Senator.

Mr. SPEERS: Mr. President, it is my understanding that there will be both legislators and other individuals serving on this committee.

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

Thereupon, on motion by Mr. Gahagan of Aroostook, a division was had. 24 having voted in the affirmative, and one having voted in the negative, the Joint Order was Passed in concurrence.

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

Joint Order — Relative to Joint Standing Committee on Taxation studying recommendations of Governor's Tax Policy Committee. (H. P. 2057)

Tabled — February 20, 1976 by Senator Speers of Kennebec

Pending — Passage.

Thereupon, on further motion by Mr. Speers of Kennebec, The Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

On motion by Mrs. Cummings of Penobscot, Recessed until 3 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 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 Alice L. Patey who is retiring April 30, 1976 following thirty-eight years of dedicated service in Kittery Town Government concluded with ten years as Town Clerk

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. 2300)

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 Gale Brownlow of Blue Hill Second Honor Essay Award of the 1976 Graduating Class of George Stevens Academy

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. 2302)

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 Esme McTigue of Blue Hill First Honor Essay Award Of The 1976 Graduating Class Of George Stevens Academy

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. 2303)

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 Patricia Wardwell Of Penobscot Valedictorian of The 1976 Graduating Class Of George Stevens Academy

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. 2304)

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 Cheryl Ling of Sedgewick Salutatorian of The 1976 Graduating Class of George Stevens Academy

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. 2306)

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 State Treasurer Rodney L. Scribner And The State Treasurer's Office Who Planned And Supervised The Recent 19 Million Dollar State Bond Issue Which Was Sold At The Low Interest Rate of 4.46% Thus Saving The Citizens Of Maine Many Millions Of Dollars In Interest Charges

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. 2305)

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 Hermann W. Chatto of Brooklin Who Served His Town As Selectman For Fourteen Years From 1962 to 1976

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. 2307)

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 Gregory Caron of Auburn A Senior At Edward Little High School Who Has Composed A Sonata In D Minor Which Will Be Performed At The National Music Council Bicentennial Parade Of America Council In Washington, D.C. On April 19, 1976

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. 2308)

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

Joint Resolution
State of Maine

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

Joint Resolution Recognizing Mrs. Lurene Carlson Houston of Guilford, Maine's unofficial Ambassador to the Court of King Gustaf of Sweden when he visits the United States this spring

WHEREAS, it has come to the attention of the Legislature that King Gustaf of Sweden who

is visiting the United States will, on April 17th, greet the Swedish community of Kansas and will dedicate a pavilion at Lindsborg, Kansas; and

WHEREAS, the State of Maine has many citizens of Swedish descent who have played an important part in shaping its history and has several towns, such as New Sweden and Stockholm, whose very names reflect that proud Swedish heritage; and

WHEREAS, it has also come to the attention of the Legislature that, Mrs. Lurene Carlson Houston of Guilford, who is herself of Swedish descent, will be visiting Kansas at the time of the King's visit and will be attending the dedication at Lindsborg; now, therefore, be it

RESOLVED: That we, the Members of the 107th Legislature in special session assembled, do hereby designate and recognize Mrs. Lurene Carlson Houston as Maine's unofficial ambassador to the Swedish court during the King of Sweden's visit to the United States, and that we ask her to convey our cordial greetings and best wishes to him on behalf of all of the citizens of this State; and be it further

RESOLVED: That a suitable copy of this resolution be sent forthwith to Mrs. Houston as a token of our recognition and gratitude. (H. P. 2309)

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

Communications

State of Maine

One Hundred and Seventh Legislature
Committee on Liquor Control

April 8, 1976

Honorable Joseph Sewell
President of the Senate
State House
Augusta, Maine 04333

Dear President Sewall:

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

Total Number of Bills Presented	8
Unanimous Reports	6
Ought to Pass	1
Ought to Pass as Amended	1
Ought to Pass in New Draft	1
Divided Reports	2
Leave to Withdraw	3

Sincerely,

(Signed) LINWOOD E. GRAFFAM
Senate Chairman

Which was Read and Ordered Placed on File.

Committee Reports
House

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, An Act Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites (Emergency) (H. P. 1948) (L. D. 2134) have had the same under consideration, and ask leave to report: that the House recede from passage to be engrossed; recede from adoption of Committee Amendment "A" (H-993) as amended by House Amendment "A" (H-1063), thereto; recede from adoption of House Amendment "A" to Committee Amendment "A"; indefinitely postpone House Amendment "A" to Committee Amendment "A"; indefinitely postpone Committee Amendment "A"; adopt Committee of Conference Amendment "B" and pass the bill to be engrossed as amended by Conference Committee Amendment "B" that the Senate recede from indefinite postponement; read the bill twice; adopt

Conference Committee Amendment "B" and pass the bill to be engrossed as amended by Conference Committee Amendment "B" in concurrence.

On the Part of the House:

QUINN of Gorham

CLARK of Freeport

AULT of Wayne

On the part of the Senate:

CORSON of Somerset

GRAHAM of Cumberland

WYMAN of Washington

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Non-concurrent Matter

Bill, "An Act to Clarify the Election Laws." (H. P. 2293) (L. D. 2344)

In the House April 7, 1976, Passed to be Engrossed as Amended by House Amendment "A" (H-1230).

In the Senate April 8, 1976, Passed to be Engrossed as Amended by House Amendment "A" and Senate Amendment "A" (S-538), in non-concurrence.

Comes from the House, that Body having Insisted.

Thereupon, the Senate voted to Recede and Concur.

Communications

State of Maine

Senate Chamber

President's Office

Augusta, Maine 04333

April 7, 1976

Secretary of the Senate
State House
Augusta, Maine 04333

Dear Mr. Secretary:

In accordance with 1 M.R.S.A., Section 1002, I am pleased to present to the State Senate the nomination of the Honorable Robert B. Williamson, Chief Justice, Retired, of the Maine Supreme Judicial Court, to serve on the Commission on Governmental Ethics and Election Practices.

Knowing Justice Williamson to be a man of complete and unquestionable integrity, I strongly believe he will be a tremendous asset to this Commission.

Sincerely,
JOSEPH SEWALL

Which was Read and Ordered Placed on File.

The PRESIDENT: In order to confirm this nomination, it must have the concurrence of two-thirds of those present, pursuant to Title 1, Section 1002, of the Maine Revised Statutes. Will all those Senators in favor of this nomination please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 28 Senators having voted in the affirmative, with no one voting in the negative, the nomination was confirmed.

The Senate of Maine
Augusta, Maine 04333

April 7, 1976

Secretary of the Senate
State House
Augusta, Maine 04333

Dear Mr. Secretary:

It is with a great deal of pleasure that I submit to the Senate for consideration to appointment to the Commission on Governmental Ethics and Election Practices, pursuant to Title I, Section 1002, the name of Professor Douglas Hodgkins.

Professor Hodgkins is a professor of government at Bates College and is a person, in the words of the statute, of unquestioned "judgment, probity and objectivity."

It is with a great deal of pride that I urge the Senate to confirm the appointment of Professor Douglas Hodgkins to the Commission.

Sincerely,
JERROLD SPEERS

Which was Read and Ordered Placed on File.

The PRESIDENT: In order to confirm this appointment, it requires the concurrence of two-thirds of those Senators present, pursuant to Title 1, Section 1002, of the Maine Revised Statutes. Will all those Senators in favor of the confirmation of Professor Hodgkins to this commission please rise in their places until counted. Those opposed to this nomination will rise in their places until counted.

A division was had. 28 Senators having voted in the affirmative, with no one voting in the negative, the nomination was confirmed.

The Senate of Maine
Augusta, Maine 04330

April 7, 1976

Mr. Harry N. Starbranch
Secretary of the Senate
Senate Chambers
State House
Augusta, Maine

Dear Harry,

It is my pleasure to appoint Mr. Barnett I. Shur to the Commission on Governmental Ethics and Election Practices, pending approval of two-thirds vote of the Maine Senate.

Mr. Shur is an attorney with offices located at 1 Monument Square in Portland and for twenty-five years served as Corporation Counsel for the City of Portland.

Sincerely,
GERARD P. CONLEY
Senate Minority Leader

Which was Read and Ordered Placed on File.

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

Mr. CONLEY: Mr. President and Members of the Senate: It is my pleasure today to present to the Senate for confirmation Mr. Barnett I. Shur of Portland, who has served as Corporation Counsel for the City of Portland for over a period of twenty-five years. I believe he has distinguished himself not only as an attorney but as a man concerned with the problems of our city and the people that have lived within it.

I want the Senate to take particular notice that Mr. Shur is not a member of my party, but I believe he is a man of high integrity and will serve this body in a very fine, judicial position.

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

Mr. KATZ: Mr. President and Members of the Senate: This is the first time this procedure has ever been used. I can't recall this Senate being called upon to act on any confirmation ever before. And when you take a look at the three names presented by our leadership, Robert Williamson, one of the most distinguished jurists in the United States, a local person from Augusta who is in a very real sense a legend in his time; Professor Doug Hodgkins, one of the brightest young professors in the State of Maine, a man who has attained great respect, even in the limited number of years he has been out in this great world; and Barney Shur, a Republican nominated by a Democratic leader, I would say that this system is off to a great start and I wish to compliment all members of leadership who are involved.

The PRESIDENT: Is it now the pleasure of the Senate to confirm the nomination of Mr. Barnett I. Shur to the Commission on Governmental Ethics? In order to confirm the nomination, it requires the affirmative vote of

two-thirds of those Senators present, according to Title 1, Section 1002, of the Maine Revised Statutes. Will all those Senators in favor of the confirmation of Mr. Barnett I. Shur please rise in their places until counted. Those opposed will rise in their places until counted.

A division was had. 27 senators having voted in the affirmative, with no one voting in the negative, the nomination was confirmed.

April 5, 1976

Maine State Senate
Hon. Joseph Sewall
President of Maine Senate
State House,
Augusta, Maine 04330
Dear President Sewell:

I would like to take this opportunity to express my sincere thanks and appreciation to the Maine Senate for giving my staff and myself the pleasure of serving you.

As the 107th session draws to a close, we want to wish you all the very best.

Sincerely,
BERT J. OUELLETTE,
Manager

Cleaves Food Service
State House
Cafeteria

Which was Read and Ordered Placed on File.

Committee Reports House

Leave to Withdraw

The Committee on Taxation on, Bill, "An Act Providing for an Investment Tax Credit and a Credit for the Creation of New Jobs." (H. P. 1958) (L. D. 2167)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read.

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

Mr. WYMAN: Mr. President and Members of the Senate: It seems fitting to make a few comments in regard to this bill which, due to certain factors, was withdrawn by the sponsors, but I think it was a good bill and I think it was an endeavor to try to help small business.

The redraft would have retained the basic characteristics of L. D. 2167 by providing for alternative income tax credits for productive investments and the formation of new jobs. The redraft would have relieved any burden of administration on the Bureau of Taxation because the investment credit provisions were keyed directly to a taxpayer's federal return.

This bill would have contained a maximum or ceiling credit of \$5,000 for each taxpayer. Thus, the small taxpayer got the same benefit as a large taxpayer such as Georgia Pacific or the Bath Iron Works. By fixing a \$5,000 ceiling, the bill would have encouraged expansion and provided employment incentives, particularly to small business.

While it has been estimated that if advantage had been taken in full of the provisions of the bill, the cost could have been \$2,000,000, it is estimated, on the other hand, that the credit provisions of this bill would have generated gains in state revenue which would have more than offset any cost to the general fund within a two year period.

If productive investments had not been made and if new jobs had not been created, then there would have been no cost to the bill.

Any costs would have been offset by increased revenue derived from increased income and sales taxes and reduced expenditures from the State Unemployment Compensation Fund. In addition to these factors, the stimulative effect of this bill would have resulted in a stronger economic base to resist

recession and greater productivity through increased recapitalization and new jobs.

If the credits provided in this bill had not been utilized, there would have been no cost, but if the credits had been taken the resulting costs would have been more than offset by the foregoing increases in revenue from income and sales taxes and lowered unemployment expenses. Because of the effective date of this bill, it would have had no negative impact whatsoever in the fiscal year 1976.

I will move the pending question, as the sponsor has finally decided to have the bill withdrawn, but I didn't like to let this go by without making a comment because I think it was an effort in the right direction. And I was reading I guess in yesterday's newspaper that taxes bear a direct relationship to unemployment in many of the states in the union, and our tax situation is reaching the point where it is high and our unemployment is high, and I think this would have been of help all around. Thank you.

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

Mr. MERRILL: Mr. President and Members of the Senate: The reason this bill is being withdrawn, I think, or one of the many reasons it is being withdrawn is just because probably some more work has to be done on it, but it is an idea, I think, that could provide the kernel for an important tax program that, if any tax program could stimulate investment to produce jobs, this might be the beginning in that direction. And it is my hope that when we took the action this morning to provide for a legislative group to study the tax situation in the state that this group will give this bill serious consideration.

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

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

Committee Reports House

Divided Report

The Majority of the Committee on Judiciary on,

Resolve, Authorizing Frederick Gooldrup and Germaine Gooldrup, or their Legal Representatives, to Bring Civil Action Against the State of Maine. (H. P. 2299) (L. D. 2346)

Report pursuant to Joint Order (H. P. 2241) that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin
MERRILL of Cumberland

Representatives:

PERKINS of So. Portland
SPENCER of Standish
MISKAVAGE of Augusta
McMAHON of Kennebunk
HUGHES of Auburn
HOBBINS of Saco
HENDERSON of Bangor
BENNETT of Caribou

The Minority of the same Committee on the same subject matter report pursuant to Joint Order (H. P. 2241) that the same Ought to Pass.

Signed:

Representatives:

GAUTHIER of Sanford
HEWES of Cape Elizabeth

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

Which reports were Read and the Majority Report Accepted in concurrence.

Divided Report

The Majority of the Committee on Judiciary on,

Resolve, Authorizing Frederick Gooldrup and Germaine Gooldrup, or their Legal Representatives, to Bring Civil Action Against the State of Maine. (H. P. 2301) (L. D. 2347)

Report pursuant to Joint Order (H. P. 2241) that the same Ought to Pass.

Signed:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin
MERRILL of Cumberland

Representatives:

PERKINS of So. Portland
HOBBINS of Saco
BENNETT of Caribou
HUGHES of Auburn
SPENCER of Standish
McMAHON of Kennebunk
MISKA VAGE of Augusta
HENDERSON of Bangor

The Minority of the same Committee on the same subject matter report pursuant to Joint Order (H. P. 2241) that the same Ought Not to Pass.

Signed:

Representatives:

HEWES of Cape Elizabeth
GAUTHIER of Sanford

Comes from the House, the Majority Report Read and Accepted and the Resolve Passed to be Engrossed.

Which reports were Read, the Majority Report Accepted in concurrence, and the Resolve Read Once.

Under suspension of the rules, the Resolve was then Read a Second Time.

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

Mr. CONLEY: Mr. President and Members of the Senate: Perhaps it is me, but I notice that Items 6-1 and 6-2 are both resolves authorizing Frederick Gooldrup and Germaine Gooldrup or their legal representatives to bring civil action against the state. Could anyone explain the difference between the two resolves?

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

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: Although I was not present at the public hearing on these bills, the differences are the maximum limit which is set in the bill, which is the maximum limit for which the state would be liable. It is \$20,000 on the majority report and \$4,000 to each plaintiff on the minority report, and the majority report case shall be heard without jury, and the minority report mandates that a jury hear the case. I believe those are the main two differences.

The majority of the committee in considering the matter felt that the authorization is only for the ability to sue the state, that the court still would determine whether or not there is any liability, and if in fact there is going to be liability, the majority of the committee felt that the \$20,000 maximum or ceiling, which, by the way, would be paid out of the highway funds, would be the more reasonable ceiling to put on the bill. Those are the main differences.

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

Mr. BERRY: Mr. President, I still have some cloud as to why there are two different bills submitted, if I may pose that question through the Chair.

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

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I am sorry I didn't answer the question. There are two bills because they are both redrafts of the original bill which was presented before the committee.

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

Mr. THOMAS: Mr. President and Members of the Senate: I would like to remind the Senate that if you look at the statement of fact, the accident happened just before you turn into my house.

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

Enactors

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

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

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

An Act to Regulate Drinking Water. (S. P. 687) (L. D. 2198)

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

An Act to Establish the Dates of Legislative Sessions and to Clarify Laws Relating to Expenses of Legislators. (S. P. 663) (L. D. 2087)

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

Emergency

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

This being an emergency measure and having received the affirmative vote of 27 Members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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

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

Mr. GAHAGAN: Mr. President, I would like to have the opportunity to prepare and distribute an amendment to Item 8-6, and I would appreciate it if someone could table it for one legislative day to give me time to prepare the amendment.

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

Mr. KATZ: Mr. President, because this is in the posture of enactment and it will take a two-thirds vote to reconsider in order to have an amendment offered, and because it is a very complicated and essential bill, might I inquire through the Chair as to the nature of the amendment that is about to be offered?

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

The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President and Members of the Senate: In response to the question of the Senator from Kennebec, Senator Katz, maybe, you have noticed that for almost the past week there have been a number of Maine citizens who have been in the halls here discussing a particular amendment which they are interested in, which I understand was defeated in the other body. Because of their persistence and genuine interest, I feel as if it might be incumbent upon us to at least consider the issue which they raise. I think because of this I am hoping to of-

fer an amendment, which will give them the opportunity to contact other members of the legislature to present their views. I think it is only fair that we would do this, and I hope someone would table this bill.

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

Mr. KATZ: Mr. President, I move the pending question, and I would like to respond briefly to the proposal that has just been presented.

The proposal, as I understood, that might be coming forth would fall into one of two categories: either an amendment to the general law, which, without referring to the action at the other end of the corridor directly, is not a logical approach, or a special and private bill. A special and private bill on errors and inconsistencies clearly would not be germane to the bill, and I think that the resource to this particular piece of legislation is not available for the solution to this particular problem.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative vote of 28 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. KATZ: Mr. President, I move reconsideration and hope you vote against me.

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

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

Constitutional Amendment

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

This being a Constitutional Amendment and having received the affirmative vote of 27 Members of the Senate, with one Senator voting in the negative, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Secretary of State.

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

Papers from the House

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

**Joint Order
State of Maine**

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Rosemary Skanes One Of The First Certified Municipal Clerks of Maine, Past President Of The Maine Clerks Association And Chairwoman Of The Finance And Budget Committee Of The National Clerks Association Who Is Retiring As The Town Clerk of Skowhegan After 10 Years Of Faithful Service 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. 2311)

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

Communications
State of Maine

One Hundred And Seventh Legislature
Committee on Veterans and Retirement
April 8, 1976

HONORABLE JOSEPH SEWALL

President of the Senate
State House
Augusta, Maine

Dear Sir:

The Committee on Veterans and Retirement is pleased to report the completion of that business that was placed before this committee by the Special Session of the 107th Legislature.

Total Number of Bills Received	6
Ought No to Pass	1
Ought to Pass as Amended	3
Divided, Ought to Pass as Amended	2

Respectfully submitted:

SAMUEL W. COLLINS, JR.

Senate Chairman

Which was Read and Ordered Placed on File.

State of Maine
One Hundred and Seventh Legislature
Committee on Human Resources
April 8, 1976

HONORABLE JOSEPH SEWALL

President of the Senate
State House
Augusta, Maine

Dear Sir:

The Committee on Human Resources is pleased to report the completion of that business that was placed before this committee by the Special Session of the 107th Legislature.

Total Number of Bills Received	3
Leave to Withdraw	1
Ought to Pass as Amended	2

Respectfully Submitted,

BENNETT KATZ

Senate Chairman

Which was Read and Ordered Placed on File.

The Senate of Maine
Augusta, Maine 04330

April 8, 1976

HONORABLE JOSEPH SEWALL

President of the Senate
State House
Augusta, Maine

Dear Sir:

The Committee on Education is pleased to report the completion of that business that was placed before this committee by the Special Session of the 107th Legislature.

Total Number of Bills Received	26
Ought to Pass	4
Ought Not to Pass	3
Ought to Pass In New Draft	3

Leave to Withdraw	1
Divided, Ought to Pass in New Draft	1
Ought to Pass as Amended	10
Divided, Ought to Pass as Amended	6

Respectfully Submitted:

BENNETT D. KATZ

Senate Chairman

Which was Read and Ordered Placed on File.

Orders of the Day

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

Bill, "An Act to Reorganize the Standardization Committee." (H. P. 2278) (L. D. 2339)

Tabled — April 8, 1976 by Senator Speers of Kennebec

Pending — Consideration

(In the Senate — Passed to be Engrossed as Amended by House Amendment "A" (H-1202), in concurrence.)

(In the House — Passed to be Engrossed as Amended by House Amendment "A", as Amended by House Amendment "A" Thereto (H-1238), in non-concurrence.)

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

Reconsidered Matter

The following Resolve was held earlier in today's session at the request of Senator Trotzky of Penobscot, pending Consideration: Resolve, Authorizing the Governor to Create, Administer and Seek Funds for a Community Jobs Program for the State of Maine. (H. P. 2165) (L. D. 2293)

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

Mr. DANTON: Mr. President, I move reconsideration and I hope the Senate votes against me.

The PRESIDENT: The Senator from York, Senator Danton, now moves that the Senate reconsider its action whereby L. D. 2293 was Finally Passed. Will all those 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 Change the Statutory Qualifications and Salary Limit for Director of Personnel." (H. P. 1937) (L. D. 2125) (Emergency)

Tabled — April 8, 1976 by Senator Speers of Kennebec

Pending — Consideration

(In the Senate — Passed to be Engrossed as Amended by House Amendment "A" (H-938) and Senate Amendment "A" (S-420), in non-concurrence.)

(In the House — Fails of Passage to be Engrossed)

On motion by Mr. Speers of Kennebec, retabled until later in today's session, pending Consideration.

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

House Reports — from the Committee on Appropriations and Financial Affairs — Bill, "An Act Providing Funds for Young Women's Christian Association Fair Harbor Emergency Shelter in Portland, Maine, an Emergency Shelter for Girls." (H. P. 1876) (L. D. 2051) — Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled — April 8, 1976 by Senator Pray of Penobscot

Pending — Acceptance of Either Report

(In the House — Minority Report Read and Accepted and the Bill Passed to be Engrossed.)

Mr. Marcotte of York moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

A viva voce vote being in doubt, a division was ordered. 15 having voted in the affirmative, and 13 having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence. Sent down for concurrence.

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

Senate Report — from the Committee on Judiciary — Bill, "An Act to Correct Errors

and Inconsistencies in the Laws of Maine" (S. P. 751) (L. D. 2305) Emergency — Ought to Pass in New Draft under Same Title (S. P. 799) (L. D. 2345)

Tabled — April 8, 1976 by Senator Speers of Kennebec

Pending — Acceptance of Report

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

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

Bill, "An Act to Reorganize the Bureau of Corrections." (S. P. 732) (L. D. 2281) (Emergency)

Tabled — April 8, 1976 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

(In the Senate — Committee Amendment "B" (S-544) Adopted.)

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

Mr. BERRY: Mr. President and Members of the Senate: Earlier in today's session it had been indicated by myself that there may be amendments to be offered to this legislation. Immediately following the session this morning, there was a meeting between myself and Senator Hichens and the members of the Health and Institutional Services Committee, the chief executive of the State of Maine and the two commissioners involved in the legislation. I think it is fair to say that the majority of the Report "A" and "B" supporters are in compliance and in agreement now that the legislation is in its best form; and I would wish it a speedy course through the other body.

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

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

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

Bill, An Act Relating to Monthly School Tax Payments by Municipal Treasurers to the Treasurer of State. (H. P. 2018) (L. D. 2187) (Emergency)

Tabled — March 10, 1976 by Senator Speers of Kennebec

Pending — Enactment

(In the House, Passed to be Enacted)

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-546, was Read.

The PRESIDENT: The Chair recognizes that Senator.

Mr. KATZ: Mr. President, the Senate will recall that in order to avoid the appearance of unconstitutionality in the school funding mechanism that we require all communities in the state to send in the uniform property tax in twelve equal payments. This has created a significant additional expense through local borrowing and permits the use of vouchers instead of sending in checks under certain circumstances.

I will address the Senate's attention to the statement of fact on this amendment. This has been through a constitutional mill and is now, so far as we know, in the proper form, and will permit a town to avoid that business of sending in a check on the 5th or every month or the 20th of every month and then waiting five days for the state check to make the round trip.

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

The motion prevailed.

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

Sent down for concurrence.

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

Bill, "An act to Change the Statutory Qualifications and Salary Limit for Director of Personnel." (H. P. 1937) (L. D. 2125) (Emergency)

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

Pending — Consideration

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

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