

# MAINE STATE LEGISLATURE

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**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

**1976**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

SENATE

Friday, April 9, 1976

Senate called to order by the President.  
Prayer by the Honorable Walter W. Hichens of Eliot:

May we pray.  
Our Lord and Our God!  
Soon comes the time when we must say good-bye

And listen to those words "Adjourn Sine Die"  
When all our desks are cleared — books laid away  
And from these halls each goes his separate way.

One to perhaps a higher place in State  
And others to retirement — sedate.  
While there are those who hope they will return

To keep alive the fires that herein burn.  
We'll miss the fellowship that we have shared,

Though oft in disagreement — our thoughts bared-

In an attempt to make a better Maine;  
And off our sincere efforts seemed in vain.  
However, we've been heard — and in the years

To come — perhaps the meaning of our fears  
Will be realized and some may join the fight  
To keep the record clear — protect the right  
Of young and old, of rich and poor alike;  
To ward off any who by chance may strike  
Against our State — the great old State of Maine,

From ocean shore to mountain as terrain.  
We say goodbye — but will remember long  
The times we've shared and as we join the throng

Who crowd us as we travel on life's way  
May we receive Thy blessings every day.  
That each may do what Thou dost will, oh Lord

And e'er be true to Thee and to Thy word.  
Protect us, guide and keep us by Thy Grace  
As we continue on in life's great race.  
Amen!

Reading of the Journal of yesterday.

Communications  
State of Maine

One Hundred and Seventh Legislature  
Committee on Transportation

April 8, 1976

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

Dear President Sewall:

It is a pleasure to inform you that the Committee on Transportation has considered and acted on all matters referred to it by the One Hundred and Seventh Legislature in First Special Session.

Following is the tabulation of bills as reported out of committee:

Total Number of Bills Received	20
Ought to Pass	3
Ought to Pass as Amended	5
Ought to Pass in New Draft	2
Ought Not to Pass	3
Divided Reports	6
Leave to Withdraw	1

Very truly yours,

Signed:

EDWIN H. GREELEY  
Senator  
Chairman

Which was Read and Ordered Placed on File

Senate Papers

Mr. Greeley of Waldo presented the following Joint Resolution and moved its adoption:

Joint Resolution  
STATE OF MAINE

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

IN MEMORIAM

Having Learned of the Death of Oscar B. Horne of Belfast A Distinguished Law Enforcement Officer

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

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (S. P. 789)

Which was Read and Adopted.  
Sent down for concurrence.

Orders of the Day

The following Bill was held on April 8, 1976, at the request of Senator Trotzky of Penobscot:

Bill, An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Sptic Systems. (H. P. 2206) (L. D. 2306) (In the Senate — Passed to be Enacted in concurrence).

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

Mr. TROTZKY: Mr. President and Members of the Senate: There is a technical question about the wording of this bill and we are waiting for an opinion from the Attorney General. I expect we will have it by this afternoon. I would, therefore, move that we reconsider our action whereby we enacted this bill and would appreciate it if someone would table this until later in today's session.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves that the Senate reconsider its action whereby L. D. 2306 was Passed to be Enacted.

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

Thereupon, on motion by Mr. O'Leary of Oxford, tabled until later in today's session, pending the motion by Mr. Trotzky of Penobscot to Reconsider Enactment.

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 8, 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:

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. Huber of Cumberland, the Senate voted to Recede from its former action

whereby the Bill was Passed to be Engrossed.

The same Senator then moved that the Senate Recede from its former action whereby House Amendment "A" was Adopted.

The PRESIDENT: The Senator has the floor.

Mr. HUBER: Mr. President and Members of the Senate: This bill which was reported out of the Appropriations Committee as a result of the study of state bidding procedures was, I am sure with all good intentions, amended in the other body, but I feel that even this amendment, as amended in the other body, provides a degree of cumbersomeness which will hamper the operations in the State Purchasing Department, and I therefore would move that we indefinitely postpone House Amendment "A", leaving this bill in the position in which it came out of the Appropriations Committee, reviving the standardization committee and providing for non-state employee membership on this committee.

The PRESIDENT: Is it now the pleasure of the Senate to recede from its action whereby it adopted House Amendment "A"?

It is a vote.

Thereupon, on motion by Mr. Huber of Cumberland, House Amendment "A" was Indefinitely Postponed and the Bill Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the third 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.

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

Mr. COLLINS: Mr. President and Members of the Senate: This is the omnibus errors and inconsistencies bill. There will be a number of amendments coming through and they are not all ready yet, although I think there may be one or two in the Senate which possibly can be offered after we reach that point in procedure.

I would like to draw the attention of the Senate to the explanatory notes that are on your desks, mimeographed several sheets, which take up each section of the bill, the 175 sections or more that are in the printed bill, and provide explanations. The great bulk of these matters are very simple technical corrections. There are a few which are a little more difficult to understand, one or two that have some policy questions, but in each of those cases the committee deemed the policy question not controversial and worthy of your consideration.

I would like to call your attention to half a dozen sections of this type, and if there are any sections in which you have questions, I know that members of the Judiciary Committee will be glad to present such answers as we have, and in some cases I can refer you to other members of the body for a greater explanation.

Section 40 of the bill corrects an inconsistency concerning agricultural fair dates. Senator Jackson was interested in that and we think this resolves that problem.

Section 41, we found that last session's enactments had three different taxes on the milk procedures, two cents, three cents, and five cents, and we determined by study and by interview with the people interested in those matters and members of the Agriculture Committee that three cents was intended, so this resolves that with the three cent figure.

Section 72 and 73 are matters that I think the Senator from Androskoggin, Senator Clifford, may mention at a later time. Section 107 is a section which the Senator from Cumberland,

Senator Merrill, is the authority on. Section 109 is a new introduction into the law but one that we certainly would have considered had we thought of it when we were working on another bill; it concerns intoxicated licensed operators who are teaching someone else to drive. There have been actual cases in the state where those persons were apprehended but, the way the law read, there was nothing that could be done about them, and this is designed to fill up that loophole.

Section 110 postpones the driver education requirements concerning motorcyclists until September 1, 1977. Representative Goodwin, who has a special interest in this matter, advised us that the State of Maine is not yet ready to provide all of the education that was required in that law, so the time is moved back.

Section 111, in the regular session we enacted something to take care of abandoned automobiles left with repair places. Unfortunately, we said that they had to have been in an accident, but there are motor vehicles that have not been in an accident, and we felt that it was desirable to include those as well.

Section 121 to 128 concerns telecommunication systems. The technology of this is a bit beyond my understanding, but I think Senator Marcotte is the authority on this because I think it has particular concern in York County.

Section 133 has to do with the Washington County rural community health facility problem. We believed that was not controversial.

Near the end, section 150, 151, 158, 159, there were sections inserted which have since been cured by other legislation that was in the works at the same time that we were printing this, and these will be removed by amendments to be offered later.

Section 169, authorizing television facilities in the plantation of St. John, is clearly a substantive new matter. It was presented to us at the request of Speaker Martin, and the committee accepted it for the reasons presented to the committee.

I am sure there may be some other questions that you will have, and I have a voluminous collection of reasons and answers on my desk. If anyone wishes to come to me either between sessions or at anytime, I would be happy to try to provide them. The eight or ten amendments that will be offered later are largely things that could not be included in the printed bill because chapter numbers and sections had not been assigned in the process, and we will present those probably later in the day.

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

Whereupon, the Ought to Pass in New Draft Report of the Committee was Accepted and the Bill in New Draft Read Once. Under suspension of the rules, the Bill in New Draft was Read a Second Time.

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

The President laid before the Senate the fourth 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).

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

Mr. CURTIS: Mr. President and Members of the Senate: I desire to offer an amendment to this bill and it is going to require a few motions to get to the proper place where the inconsistent house amendment might be rejected and the proper amendment offered. Before doing that, because I always found it helpful when somebody gives an explanation of what they are about to do before they go through the motions, I would like to explain that the amendment is under filing number S-547 and it does two things. One, it changes the title of the position of the Director of Personnel to that of Commissioner of Personnel, in line with some of the increased duties which that position will have in the future. Two, it changes the position in Title 2, Section 6, of the statutes which establishes the maximum salaries which can be paid to commissioners from a lower level in the third category to the higher level in the first category, namely, from a maximum of \$22,500 to \$25,500.

Mr. President, I move that the Senate recede from its action whereby this measure was passed to be engrossed.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that the Senate recede from its action whereby L.D. 2125 was passed to be engrossed. Is this the pleasure of the Senate?

It is a vote.

On further motion by the same Senator, the Senate voted to Recede from its prior action whereby House Amendment "A" was Adopted and, on subsequent motion by the same Senator House Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "B", Filing No. S-547, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

**Communications**

State of Maine

One Hundred and Seventh Legislature

Committee on Taxation

April 8, 1976

Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine 04330

Dear President Sewall:

It is a pleasure to inform you that the Committee on Taxation has considered and acted on all matters placed before it by the First Special Session of the One Hundred and Seventh Legislature.

Following is a tabulation of bills as reported out of Committee:

Total Number of Bills Received	25
Ought to Pass	2
Ought to Pass in New Draft	3
Ought Not to Pass	4
Leave to Withdraw	7
Divided	9

Respectfully,

Signed:

J. HOLLIS WYMAN

Senate Chairman

Which was Read and Ordered Placed on File.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: Yesterday during the debate on the corrections bill, I indicated that there was a very serious situation at Thomaston Prison and that we should act to do whatever we could to try to prevent that situation from worsening and perhaps preventing a crisis.

I went down to Thomaston Prison after the session yesterday and I met with prison administrators and some of the lieutenants and captains, guards, and some of the inmates. I found that there is a very tense situation in Thomaston, extremely tense.

To give you an example, the population figures I quoted yesterday were correct. The population now is about 500 people, and it is programmed for 250. There are eight guards after nine o'clock in the evening for the 500 people who are incarcerated there.

In the same cell blocks at Thomaston prison you have maximum security, minimum security, and medium security range inmates. You also have, because of federal regulations imposed for the granting of federal money, many mentally unstable people who came out of Maine's mental health institutions. These people are incarcerated in Thomaston along with the others. There are 20 to 30 of these people there who are classified as psychotic, and these people are causing disruption in the prison. The temperature is rising very rapidly.

There is an issue pending before state government which I personally believe is quite relevant to the situation at Thomaston. I stated on several occasions that I believe that the Alliance for Maine's future was, ill conceived, that the Alliance for Maine's future had been in error when it formed to approach this funding of state government on a piecemeal basis, when in fact we only funded education and then left all the others, state employees, University of Maine, without anything to hang onto. One tax increase is all we passed. Now we are faced with what to do about the pay raise of state employees.

There is one area of state government which is extremely vulnerable, and that is in our mental health and corrections institutions because there people are concentrated. It is always a weak point in our society when we don't fund these institutions. Pressure builds, pressure builds for sometimes political reasons. I believe, Mr. President and members of the Senate, that there is a great danger here that this situation at Thomaston may be related to the pay increase for state employees.

It seems as if everything is getting focused on this Hay Report and whether or not it is fair or not. In the Appropriations Committee we wrestled over Report "A", Report "B" and Report "C", which are now on the table. I am talking specifically about Thomaston Prison. I would certainly hope that there would be no attempt made to get the public opinion in favor of a pay raise because there was a fear that there was going to be some kind of disruption at Thomaston Prison, that because of the low staff at Thomaston Prison, because of the low pay rate, they couldn't handle the population that was in there. There is already a very tense situation in Thomaston Prison because of the population. To aggravate that situation for political purposes is playing with danger, it is playing with fire, and I think quite honestly that it would backfire.

What we are doing here is extremely important to this state. The stand we take on the Hay Report is also very important. We do need reclassification. There are some inequities in the Hay Report. Many of the inequities appear at the lower level; for example, many of the newer guards at Thomaston Prison are not getting ahead. Midmanagement did very well. What we do here today and maybe Monday may

well determine and be able to avert a very serious situation at Thomaston Prison.

There is presently another vehicle available, should we choose not to go with the 2225 which is on the table, either of the committee reports. I am very seriously considering the possibility of delaying the Hay Report's implementation, forming a special legislative committee to study the Hay Report, to determine if the classifications are fair and equitable from a legislative standpoint, and at the same time to postpone collective bargaining so that the two would be implemented at the same time, so that the legislature would have a period of time from now until the 108th Legislature to take a very close look from a legislative standpoint at the Hay Report, and to postpone collective bargaining.

I think we should also consider that in the interim, because of the pressure that is building, that we should consider a tax on cigarettes to fund an across-the-board pay hike for state employees. And I think we should also consider adding another cent to that cigarette tax to restore some of the funds that were cut from the Department of Mental Health and Corrections so that we can make some adjustments at Thomaston Prison, so that we can segregate the psychotic prisoners, the maximum security, the medium security, and the minimum security, and also provide funds that will permit us to take population out of Thomaston and put it into another institution in the state.

We should not be crisis activated. We should not wait until something very serious happens until we act. If we do, we are going to have another Attica and then we will all wish we had done something before it happened. If you want to find out for yourselves, go down to Thomaston, talk to the administration, talk to the guards, talk to the inmates, go over and talk to the Commissioner of Mental Health and Corrections, Commissioner Rosser. The economy is sinking and because of that the low priority, as it has always been, is in this area of corrections. These are the people that get shoved aside all the time. Education is sitting pretty nice right now, but we have got a very serious situation here and we must deal with it.

In the Palmer-Smith Bill, which is in the Legislative Finance Office and has not been reported out, there is the opportunity to put a report together. I am not sure what this conference committee is going to come up with — it could come up with the very same thing which I am saying here today — but I have a very distinct feeling that if something isn't done very soon we are going to have a crisis to deal with. We must discuss this openly and we must think about it. We just can't be too concerned about going home, and maybe once we get there finding that we have left too many things undone.

The Alliance for Maine's Progress appears to me, as I have said before, to be an attempt by some of the leadership of the unions on an emotional basis to get their troops behind them so that they could be the representatives on the other side of the collective bargaining table. Employees should be very well represented. They have every right, and I encourage them to elect responsible leadership to represent their positions at the bargaining table. But from where I sit and what I saw, and what I have seen for the past year, there is a lever in Mental Health and Corrections, and that lever may be just the emotional thing which will backfire and will completely disintergrate whatever gains have been made by state employees as a result of their leadership.

The legislature should take a very careful look at this, just look at it, you don't have to believe me, look at it for yourselves. Talk to Mental Health and Corrections, go down to the prison, go to Pineland, and you will see what is going on. It is not pleasant, it is not pleasant at all, but it is there and we have to deal with it. We talk about economy in government and cost

savings. Well, we can't talk about it in that area; that should be a top priority of this state government. The Commissioner of Mental Health and Corrections requested two million dollars to put together what he felt was a program which would avert crisis in the state, crisis in mental health, mental retardation, and crisis at the prisons. We gave him about \$800,000 of that two million dollar figure.

Perhaps we should consider what it is we are supposed to do here. We are supposed to take care of people. We are not supposed to set up fancy government structures and study committees and fund them all the time without really looking at what we are doing to the people we are supposed to be representing. So I encourage this conference committee that is meeting to take a very careful look at what they are doing, and what the stakes are. The stakes are very high.

On motion by Mr. Speers of Kennebec,  
Recessed until 2 o'clock this afternoon.

#### After Recess

Called to order by the President.

#### Papers From The House

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

#### Joint Orders

WHEREAS, the United States Department of Commerce, Bureau of the Census, has requested that Maine establish a committee to work with the bureau to assist in the preparation of a 1980 census program designed to meet the State's needs for legislative reapportionment and redistricting purposes; and

WHEREAS, the Members of the 107th Maine Legislature believe it essential to obtain the most accurate population counts possible to assure equal representation for all Maine citizens in the State House of Representatives and the State Senate; now, therefore, be it

ORDERED, the Senate concurring, that a Joint Select Committee be established to assist the Bureau of the Census in preparing a 1980 census program for the purposes of meeting the State's needs for legislative reapportionment and redistricting, the committee to consist of 2 Senators appointed by the President of the Senate, 3 Members of the House appointed by the Speaker of the House of Representatives, the Legislative Administrative Director or his designee and a representative of the State Planning Office, the committee to elect a chairman who shall serve at the pleasure of the committee; and be it further

ORDERED, that the members of the committee shall serve without compensation, but that the legislative members may be reimbursed for their actual expenses in attending meetings when the Legislature is not in session; and be it further

ORDERED, that the committee shall complete this study no later than 45 days prior to the next regular session of the Legislature and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to each member of the committee. (H. P. 2315)

Comes from the House, Read and Passed.

Which was Read.

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

#### 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 Frisbee's Market of Kittery Point Which is The Oldest Family Store in The Nation Having Been Continuously Owned And Operated By The Frisbee Family Since 1828

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. 2313)

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 Mabel Hall Everett Former Language Teacher in Bridgewater Classical Academy Now Retiring After Fourteen Years of Faithful Service As Town Manager of Bridgewater

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. 2314)

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 Heather Kim Degenhardt, 4 years old, Joy My Lien Degenhardt, 8 years old, David Vinh Degenhardt, 6 years old Children of Mr. and Mrs. Edward Degenhardt Who Were Born in Vietnam And Became United States Citizens on April 5, 1976, At Houlton

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. 2316)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Committee Report House

#### Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index." (H. P. 1799) (L. D. 1958)

Report that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox

O'LEARY of Oxford

Representatives:

LAVERTY of Millinocket

LEONARD of Wollwich  
NADEAU of Sanford  
MORTON of Farmington  
THERIAULT of Rumford

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

Signed:

Representatives:

MacEACHERN of Lincoln  
POWELL of Wallagrass  
KELLEY of Machias  
USHER of Westbrook

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "C" (H-1033).

Which reports were Read.

Mr. Conley of Cumberland moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

Mr. COLLINS: Mr. President and Members of the Senate: This bill is one of two that were before the Committee on Veterans and Retirement that concern a prospective increase in the benefits paid to retired persons under the system. The other bill is on the table in the Senate and was sponsored by the good Senator from Cumberland, Senator Conley. We have been keeping that bill there from day to day pending the outcome of other events in our procedures, particularly the question of the termination of the state pay raise. The existing law in the retirement system provides that when there is a general compensation increase the retirees in the state system receive the same percentage of increase as the state employees receive. That law being as it is, unless and until we change it; for example, if the state employees were to receive a 6.4 percent increase, the retirees would automatically receive a 6.4 percent increase. These two bills that were before our committee proceed from different points of view.

Senator Conley's bill, which is on the table, contains a provision for a flat percentage increase, a one-time elevation of the level of benefits. If there were no pay increase, and if there were no other system adopted, that bill could become the vehicle for making some increase in the benefits. I would not like to suggest what that percentage of increase should be because it relates very heavily, in an actuarial sense, to the level of increase of state compensation, if there is any.

The second bill, the one that is now before us on motion of the Senator from Cumberland, Senator Conley, for the minority report, was a bill to tie the increases to the federal cost of living index. There was also a provision in the original bill that made the criteria tie to that which is approximately the same as social security, which is really one percent more than the cost of living index. That bill has been amended, and with amendments there is some potential control over these changes getting out of hand. However, I submit to you that tying our system into a cost of living index maintained by the federal government is not the soundest way to measure the real potential of the fund, the real sound method of paying out benefits according to what the fund can afford.

In using the cost of living index, in working backward, you can prove about what you want to prove. When the group advocating the change was before our committee, they were saying that you could prove that following the cost of living index in a certain specified number of years in the past would mean that the state would be paying less to its retirees than it is now paying.

On the other hand, it seems unlikely that retirees would be plugging for something that

was going to pay them less. And so if you take another period of time for your measurement, you can show that if that period of time had been used in the measurement that we would be paying out considerably more than the state is now paying.

The fact is that the retirement system as now structured, and as designed by the actuaries, and as established with certain assumptions which require a pay-in from state employees' salaries, and a matching by the state or in most cases an amount by the state plus some increment over that, and similar arrangements with teachers and with municipal districts which buy into the system, the actuarial assumptions that prevail in that system are not structured or designed to go along with the federal cost of living index, and I for one am not ready to tie our system to an automatic federal index. I think that federal index has too many unknowns and too many shortcomings and too little relation to the State of Maine pricing.

Our committee did recognize the need to investigate and hopefully to find a better mechanism for triggering the increase in retirement benefits than we now have. To that end, we met with a member of the State Retirement Board who has had broad experience as an actuary and as a life insurance company executive, and we agreed as a committee unanimously that we would request the Retirement Board to study this question of a better triggering mechanism and report to the 108th Legislature next January, reporting to us their findings, considering not only the cost of living index as a possibility but other potential methods that would be related in an economic sense to the inflationary factors that affect all of us, not only in this fund but in compensation and in our needs for daily living.

So I would urge you at the present time to defeat the pending motion and to adopt the majority report because we will still have the vehicle that we have on our table for giving an increase to state retirees. Our committee is thoroughly committed to the idea that there should be an increase, that the fund can afford some increase, and the exact amount of the increase that we would recommend to the Senate and to the House is going to depend on what happens in the next few days with respect to compensation of state employees.

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

Mr. CONLEY: Mr. President and Members of the Senate: I commend the good Senator from Knox, Senator Collins for the debate he has given on the position of the majority report of the committee.

However, I think that a very close examination should be made of the retirement system that we have in dealing with retired teachers and retired Maine State employees.

First, I believe the only increase that any retiree gets today under the state is when we give a general increase in salary to the many thousands of state employees we have. Right now we are debating an appropriation package which is going to determine in one way as to whether or not retirees may get an increase in their retirement. There is a question in mind as to whether or not the increase we are talking about today under the Hay Report, or whatever report we pass, as to whether or not the language that is presently in the bill states that this is the general pay increase for state employees. If that is so, then the retirees of the state will receive an increase in their retirement pay.

I think that the objections or fears the good Senator from Knox, Senator Collins, has about this particular legislation are really corrected in the House Amendment "C" that was put on the bill under filing H-1033. I would just call your attention to one section under section 3 on

page two, the top of it where it states: "The board of trustees shall only make a general adjustment in retirement allowance when, after consultation with the actuary, they find the adjustment shall not endanger the solvency of the Retirement System nor materially alter the actuarial assumptions so as to increase state contributions. Each such adjustment, when made by the board of trustees, shall be equal to the change in the index since the last adjustment to the nearest 1/10 of one percent, and shall become effective on the first day of the 3rd month after such change in the index is determined." So I personally believe that there are safeguards built into this legislation. I think, again, Mr. President and Members of the Senate, for us to have to rely upon a time as to how the fiscal situation is within the state to when the state employees are going to be given a pay increase, and that is how we handle our retired state employees, is not the best way to go. I would hope the Senate would accept the minority ought to pass report. When the vote is taken, I request it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

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

Mr. O'LEARY: Mr. President and Members of the Senate: The good Senator from Knox, Senator Collins, has covered most of the points very well. But I would just like to remind this body that most pension plans in this country, and I say nearly all of them, are in financial trouble because of being tied to the consumer index. This may have some safeguards in it with this amendment, but until such time as we can be sure, I would ask that you support the position of the majority of the committee.

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

Mr. COLLINS: Mr. President and Members of the Senate: I think it is important in considering this very considerable change in the retirement system policy to remember that the people more than ten years ago inserted into the State of Maine Constitution a provision saying that the retirement fund should be treated as a trust fund. A trust fund has to be treated according to historic rules about its investment, about the flow of cash, and with all of the economic and actuarial talent which prudent men would use in taking care not only of their own affairs but the affairs of others.

The amendment that has been read from by the good Senator from Cumberland, Senator Conley, sets up as a test, "endanger the solvency of the system". The trouble with that language is that when you look at solvency in a retirement system, you are not looking at the same kind of criteria that you look at in a bankruptcy case or with a private corporation. Just what that word or those words mean, I really don't know, "endanger the solvency", but my point is that I think the legislature has to bear the ultimate trust responsibility for this fund. And if we are going to turn it over to this board with only those words as a guide, it seems to me that we are surrendering a very important trust function that I feel ought to be kept here in the legislature. So, I would ask you to think carefully about this before you vote.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to address a question through the Chair to the chairman of the committee, if I may. Did the committee consider, as a middle ground approach to this problem, an approach similar at least to the approach that the federal government follows in regard to social security, which would have on an annual basis, now that the legislature has annual sessions, an increase based on the cost of living

go into effect only after notice has been given to the legislature of the percentage increase, and allowing the legislature to cap the increase at a lesser amount or, if it was its will, to provide for no increase at all? It seems to me an approach like this would allow the legislature to still be in control of the trust fund, not to give away any of its duties as the trustee, and yet would allow for at least some of the benefits that the sponsors of this legislation are looking for.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: There was discussion in the committee about the social security system, and I must say that it was mostly negative. We reviewed, for example, the reports of the subcommittee chaired by Senator Thomas Eagleton of Missouri, in which the federal social security system was examined and retirement systems all over the country were examined and compared. I think I can speak accurately in saying that it was the distinct feeling of certainly a majority of the committee that we did not think it wise at this time to choose for Maine the system followed by federal social security.

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

Mr. SPEERS: Mr. President and Members of the Senate: I share with the good Senator from Knox, Senator Collins, his concern about the solvency and continued strength of the retirement system enjoyed by the State of Maine. I think if any of us have received a stronger message from the width and breadth of the State of Maine in this last session than the one that we received with regard to the protection of the strength of the retirement fund, I don't know what that message might be. The retirement system certainly is one of the best retirement systems in the country; I think that is widely recognized. And I think it is very important, not only for the short term but for the long run as well, that this legislature not take precipitous action which might over the long run tend to endanger the strength of that retirement system.

The danger that I see as a possibility and the concern that I have is over the possibility that over a number of years there may be considerably more paid out of the retirement fund in benefits than there are paid into the retirement fund as contributions. And I am very happy that the good Senator from Cumberland, Senator Merrill, has raised a question of the social security system, because I think that this is precisely what we have seen happen on a federal scale. All we need do is read some of the concerns that are rampant in Washington at the present time with regard to the social security system to act as a firebell for this legislature in waking us up to the dangers that might be imposed upon us in the very few short years ahead should we adopt a system whereby benefits could be paid without an increase in contributions.

So I would certainly hope that the Senate would join the Senator from Knox, Senator Collins, in his concern to protect the retirement fund, to insure that it remains a strong fund, to insure that we do not run into the problems that the social security system now faces.

There has been reference made to the house amendment placed on this bill, Mr. President, the reference to the inability of the trustees to increase benefits should it endanger the solvency of the fund. I think the problem with

this language has been pointed out by the good Senator from Knox, Senator Collins, in that I think it can be readily seen that benefits can be increased for one year or two years, or whatever, without their being a danger to the solvency of the fund. But the question boils down to how much can they be increased, and for how long can they be increased, if there is not an additional contribution being made to the fund before the fund may be endangered at some point in the future. So that when the benefits are voted at the present time, there may not be a danger to the solvency of the fund, but it cannot be guaranteed that there would not be a danger to the solvency of the fund at some point in the future.

I think that we are very fortunate in having an example, a perfect example of the problems available to us with the social security system. I think we would be irresponsible if we were not to heed those warnings.

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

Mr. CARBONNEAU: Mr. President, I would like to pose a question through the Chair. I am wondering what is the solvency of the fund and what amount would be insolvent? Do we know that?

The PRESIDENT: The Senator from Androscoggin, Senator Carbonneau, has posed a question through the Chair.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: I would find it very difficult to explain what solvency means in terms of this kind of a trust fund. If you mean do we have enough money to pay our bills, the answer is yes we are solvent, we are paying our bills. We are paying the amount required by the present level of retirement benefits. But we always have to keep in mind that this is a continuing thing in which every employee of the state and every teacher and every participant from a municipal district has a built-in investment that they have paid in out of their salaries, deducted from their pay check every week, and the state has either matched or more than matched, and in cases where the actuarial standards has flipped below par, the state has put in additional money, as we are now proposing to do in all three versions of the appropriation bill that are now before us.

So the word "solvency" has to be looked at in a different context, and every fund of this type must have, to be healthy, a positive cash flow. More must be coming in all the time than is going out because people live longer and longer and salaries go up and up and up, and the requirements for the future continue to grow and grow and grow as we have inflation. So that solvency, in a very broad sense, must be looked at in the terms of actuarial science, in the same way that an insurance company plans to pay old age benefits or death benefits out of the premiums that it collects. This is about the nearest comparison that you can make. In the retirement committee whenever we have a bill, the first thing we do is request an opinion from the actuaries to see to what extent the fund is affected. I think that is the best answer I can give you.

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

Mr. O'LEARY: Mr. President and Members of the Senate: I think perhaps I might answer the question of the good Senator from Androscoggin, Senator Carbonneau, by telling him at this time we have 28 years of unfunded liability. If at any time we go beyond this, we are just extending the number of years of unfunded liability. I think, further, that the committee itself feels that, if there is no pay raise,

absolutely no pay raise this year, we are still going to be able to afford to give something to the retirees.

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

Mr. CONLEY: Mr. President and Members of the Senate: I have been listening to the comments made by the various spokesmen here and it sort of set my thoughts on the legislature itself, and it appears to me the real threat to the retirement system is ourselves. The good senator from Knox, Senator Collins, mentioned the one million dollars that is in both Reports "A", "B" and "C", and that is there because of actions the legislature took during the regular session. I believe that there was a deferment made also by the chief executive of some five million dollars. It is my understanding in years gone by that there was fifty odd million dollars that really belongs in the retirement fund that is not there because of previous legislative action.

I think that the House Amendment that is on the bill very clearly stipulates as to whether or not the trustees should allow the CPI or the index increase to go into effect only after checking with the actuary to see as to whether or not the system could stand it. I know that when you speak with retirees of the federal system, that they automatically get the CPI increase in their pay checks, or if federal employees are given a raise in pay, that their pay is also automatically increased. It would seem to me that if we are going to rely chiefly on actions taken by the legislature from year to year relative to pay increases for state employees, and this is what people on fixed income are going to have to rely upon, with the very high rate of inflation that is going on, I don't see how they can possibly keep up with the standards of living. I personally think this is a mechanism to correct that inequity, and I would think that there is checks and balances within the House Amendment on the bill to make sure that the retirement system does stay solvent.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate accept the Minority Ought to Pass Report of the Committee. A "Yes" vote will be in favor of accepting the Ought to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Cianchette, Conley, Danton, Graffam, Graham, Johnston, Marcotte, Merrill, O'Leary.

NAYS: Senators Carbonneau, Clifford, Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Greeley, Hichens, Huber, Jackson, Katz, McNally, O'Leary, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senators Reeves, Roberts.

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

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

Sent down for concurrence.

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

Mr. SPEERS: Mr. President, I move the Senate reconsider acceptance of the majority ought not to pass report and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby it accepted the majority ought not to pass report of the committee. 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.

#### Senate

##### Ought to Pass — As Amended

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Grants and Loans for Health Education." (S. P. 760) (L. D. 2310)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (S-550).

Which report was Read.

On motion by Mr. Huber of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

#### Enactors

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

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

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

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)

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

#### Emergency

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

On motion by Mr. Curtis of Penobscot, tabled and Tomorrow Assigned, pending Enactment.

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

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

Tabled — April 9, 1976 by Senator O'Leary of Oxford

Pending — Motion of Senator Trotzky of Penobscot to reconsider Enactment

(In the Senate — Passed to be Enacted in concurrence).

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

Mr. TROTZKY: Mr. President and Members of the Senate: I hope the Senate will reconsider its action whereby it enacted this bill. There is a little technical problem here in the second section of the bill and I will briefly explain it to you. What the conference committee report did is allow towns a local waiver option whereby the local plumbing inspector can waive the soils investigation. In the second section, in order to get this local waiver option, the bill said "the municipality", which means that the municipality would have to have a town meeting. The intent of the committee and the department was that it should be the municipal officers after a public hearing, rather than a town meeting, who can adopt this local waiver option. So I would hope the Senate would reconsider its action whereby it enacted this bill, and then I will make the proper motion so as to straighten out this conference committee amendment.

The PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules the Senate reconsider its action whereby this bill was passed to be enacted?

It is a vote.

On motion by the same Senator, and under further suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby Conference Committee Amendment "A" was Adopted and, on subsequent motion by the same Senator, Conference Committee Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "A", Filing No. S-551, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Correct Errors and Inconsistencies in Laws of Maine." (S. P. 799) (L. D. 2345) (Emergency)

Tabled — April 9, 1976 by Senator Collins of Knox

Pending — Passage to be Engrossed

Mrs. Cummings of Penobscot presented Senate Amendment "F" and moved its Adoption.

Senate Amendment "F", Filing No. S-556, was Read.

The PRESIDENT: The Senator has the floor.

Mrs. CUMMINGS: Mr. President and Members of the Senate: This part of the errors and inconsistencies bill deals with cable television telecommunications. It is in the heart of the study which the Public Utilities Committee had last year. We really had an exhaustive study throughout the state. We held hearings in several different sections of the state, and we came to the conclusion that cable television should not be anything that was mandated or run by any government body, but should rather still remain in the private sector. This may very well change as cable television develops into a two-way system of communications and may eventually become something that is considered a needed part of a healthy life for the citizens of the State of Maine. At the moment it does not appear to be that, and I think an important step as this is should be taken as a bill on its own, presented to a committee, with hearings and all of the input that is necessary. I regard this as a very strong step and not one that should be taken lightly, and I would recommend the passage of my amendment.

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

Mr. CONLEY: Mr. President, I would pose a question through the Chair to anyone who may care to answer. It seems to me that today we are handling what I consider to be a very vital document, namely, errors and inconsistencies within the present laws, and I would pose a question, Mr. President, as to whether or not the amendment that has just been offered is not a matter of substance?

The PRESIDENT: The Senate will be at ease.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: The Chair would rule in answer to the good Senator's inquiry that the matters in the errors and inconsistencies bill are substantive, and the Chair would further rule that the amendment is germane.

The Chair recognizes the Senator from York, Senator Marcotte.

Mr. MARCOTTE: Mr. President and Members of the Senate: I would oppose this Senate Amendment "F" because I feel that this section 121 to 128 is merely enabling legislation. This would allow smaller municipalities to operate their own systems. In many situations it is just not economically feasible for private enterprise to set up a system. In this case the municipalities would then set up their own telecommunications system and provide services to its people. The attorney general's office was in question as to whether or not this amendment was even necessary. They felt that this was or should have been part of the municipal revenue bond financing act which allows other utilities, airports, water and sewerage districts, parking lots, and a number of other services, and they felt it was inadvertently left out of the act.

However, to clarify the situation, they suggested that this amendment or section 121 to 128 be incorporated in the act. The amendment was actually drawn up by the Attorney General's Office. So in this case I would move that Senate Amendment "F" be indefinitely postponed, and I would request a division.

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

Mr. BERRY: Mr. President and Members of the Senate: I know nothing about the reason why such provision should be included in the omnibus bill. The matter deals with a subject which the Public Utilities Committee has worked with for several sessions now and has not found a solution. This would permit, as the two previous speakers have mentioned, any town to get into the telecommunications business by making an investment in plant and supporting this investment in plant by charging rates which would be determined by, in this particular instance, the same people who are constructing the system, namely, the municipal officers.

There is no provision in here to differentiate between and determine when such systems should or should not be operated by the community or by private parties. I can see this as a tremendous gun at the head of people who had come in and applied for a permit to put in a CATV system and had started, or perhaps even were in operation, and then the town could say, "well, we are going to take over now." Without getting into the merits of the philosophy of the thing at all, certainly something like this deserves the distinction of being an L. D., so I think we very definitely should pass this amendment to remove this from the bill.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from York, Senator Marcotte, that Senate Amendment "F" be indefinitely postponed. Will all those Senators in favor of indefinite postponement please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had, 12 having voted in the affirmative, and 13 having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "F" was Adopted.

Mr. Graham of Cumberland then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-552, was Read.

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

Mr. GRAHAM: Mr. President and Members of the Senate: This amendment we feel is essential because under the present law which we passed last year a former state employee is dis-



qualified from appearing in any proceeding the subject matter of which was directly within his official responsibility as a state employee. This amendment limits the applicability of the law to proceedings which were pending before the agency at the time of the employee's departure. The purpose of the amendment is permit the departing state employee to utilize the professional expertise which they may have brought or developed in state service, but still prohibit them from using their influence to affect pending proceedings in which they may have been involved. As the law now stands, it creates a significant impediment to the ability of state employees to obtain other employment.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "C" to L. D. 2345?

It is a vote.

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

Senate Amendment "B", Filing No. S-548, was Read.

The PRESIDENT: The Senator has the floor.

Mr. MERRILL: Mr. President and Members of the Senate: This is just a technical amendment which corrects a date which was incorrect in an L. D. we passed earlier on in the session.

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

It is a vote.

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

Senate Amendment "E", Filing No. S-554, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: The Secretary of State currently is doing what this would specifically allow him to do; that is, under the implied consent law, where there is a refusal to take a blood test, for the refusal there is a suspension of 90 days. However, under another section in the law which gives the Secretary of State authority to issue a restricted license, for example, to and from employment after 30 days, provided, however, that there is a conviction, plea of guilty and attendance and completion of a course in rehabilitation. So that this would, I think, as the statement of fact says, result in more convictions, result in more people taking these rehabilitation courses, and result in fewer people attempting to plea bargain in the area of operating under the influence. I think it is consistent and it is a clarification because it specifies and allows the present policy of the Secretary of State which has been called into question as to the conflict in the law. Thank you, Mr. President.

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

It is a vote.

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

Mrs. CUMMINGS: Mr. President, I move the Senate reconsider its action whereby it accepted Senate Amendment "F" and hope you vote against my motion.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves that the Senate reconsider its action whereby it adopted Senate Amendment "F" to L. D. 2345.

The Chair recognizes the Senator from York, Senator Marcotte.

On motion by Mr. Marcotte of York, a division was had, 10 having voted in the affirmative, and 14 having voted in the negative, the motion did not prevail.

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

Senate Amendment "D", Filing No. S-553, was Read and Adopted.

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

Mr. COLLINS: Mr. President and Members of the Senate: There are two additional amendments to the errors bill that should arrive in the Senate at any moment. I would therefore hope that someone might table this matter for a few minutes and perhaps we will be able to finish it very shortly.

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

On motion by Mr. Speers of Kennebec, Recessed until the sound of the bell.

#### After Recess

Called to order by the President.

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

Mr. CURTIS of Penobscot then presented Senate Amendment "G" and moved its Adoption.

Senate Amendment "G", Filing No. S-557 was Read.

The PRESIDENT: The Senator has the floor.

Mr. CURTIS: Mr. President and Members of the Senate: The purpose of this amendment is to repair an inconsistency in the law that resulted because last year we enacted a full revision of the veterinary laws of the State of Maine as they affected the Veterinary Licensing Board. We also enacted a bill which provided that every such licensing board have a public member. Because of the inconsistency of the two, it is necessary now to have an amendment which provides that the Veterinary Board, just like all the other licensing boards, have a public member.

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

It is a vote.

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

Senate Amendment "H", Filing No. S-558, was Read.

The PRESIDENT: The Senator has the floor.

Mr. MERRILL: Mr. President and Members of the Senate: This amendment merely states what is now the interpretation of the law that is followed by the Secretary of State, something that isn't specific and clear in the law, and that is that a person may not file for more than one office. It is to prevent a situation which was raised, at least as a hypothetical, and which I discussed with the Chairman of the Election Laws Committee, and we couldn't find anywhere in the law where it specifically prohibited it, and this makes it clear. For example, you couldn't file for sheriff and for the legislature and then withdraw one of those petitions before the ballots were printed.

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

It is a vote.

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

Senate Amendment "I", Filing No. S-559, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Member of the Senate: This is to reinstate in a rewrite of the longarm statute a provision which was voted on by the Judiciary Committee and which was left out by inadvertence, which is a catchall provision which broadens the jurisdiction authority of Maine over non-residents who do damage to property or injury to persons of Maine residence. This is inconsistent with the law which we passed last year to broaden the jurisdiction of the Maine courts over the non-residents in the so-called longarm, and this is merely putting something in which the

Judiciary Committee voted to put in and was left out by inadvertence.

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

It is a vote.

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

Senate Amendment "J", Filing No. S-560, was Read.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: One reason we have a rather lengthy selection of amendments this year is that for the first time we have a computer service checking the cross-referencing in our work. Every week there is delivered to my desk several pages of cross-reference material from the computer showing where we are contradicting each other in various bills. Unfortunately, many of these bills don't get chapter numbers and section numbers until the very last day or so, and this is why we have to bring some of them before you in this manner, in order to clean everything up. It should, hopefully, reduce the numbers that come in at the next regular session. This particular one I think has only one real change in it, and that is when we passed the traffic code bill this special session we made a crime once more speeding 30 or more miles per hour in excess of posted limits, but there is a special section in the law that relates to construction sites on public highways, and we wanted the same rule to apply there. So that is the chief purpose of this. The other things are rather routine corrections of inconsistent laws.

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

It is a vote.

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

Senate Amendment "K", Filing No. S-561, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: In the regular session of the legislature the wholesalers were allowed, although there could be no sales of liquor on election day, they were allowed to make deliveries on election day, since it would not interfere with the holding of an election, but by inadvertence in the omnibus liquor bill that provision was wiped out of the law, and this is merely a reinstatement.

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

It is a vote.

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

Mr. COLLINS: Mr. President and Members of the Senate: There is one last amendment that should be with us in a matter of two minutes, if the Senate would be willing to be at ease for a moment.

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

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

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

#### Enactors

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

An Act Redistributing the Powers of the Executive Council. (H. P. 1997) (L. D. 2197)

Comes from the House, Failed of Final Passage.

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

Mr. CURTIS: Mr. President and Members of the Senate: I hope that the Senate will pass this

bill to be enacted today. I think it is extremely important that we do so. It is a matter of legislative responsibility that we take some action this session to replace the many, many powers of the executive council. Last year there was a great deal of compromise, there was a great deal of careful deliberation that went into the work resulting in an amendment to the constitution, ultimately enacted by the people in November, to abolish the executive council.

Since that time last year when the regular session of this legislature adjourned there has been a great deal of work done by the State Government Committee to prepare the necessary statutory changes which should be enacted to replace all of those powers of the executive council.

As you may recall, shortly after we adjourned the session last year the State Government Committee distributed by mail to each legislator a questionnaire listing all of the many positions which are subject to confirmation, and asking each legislator, each one of the 184 legislators, to indicate which positions they thought should be subject to confirmation. Now we received a few answers, a few responses, and primarily those responses suggested that as few positions as possible should be subject to confirmation, that only those truly important positions such as judges, such as department heads, such as members of the independent regulatory commissions, should be subject to that detailed procedure whereby a joint standing committee of the legislature and the whole Senate should vote on confirmation.

We also worked on many other areas, and in October, prior to the vote of the people, the State Government Committee submitted to each legislator and to the people of the state generally, through the press of the state, a preliminary report indicating what direction we were going to go in our recommendations. In December we held a public hearing on that preliminary report. If I remember correctly, two legislators attended that public hearing and we appreciated their suggestions. However, the suggestions that they made are not the ones that seem to be in some dispute today or in the last couple of days.

A final report was issued and was distributed to this legislature shortly after we came into session. The bill providing for the replacement of the powers of the executive council was duly advertised and had its public hearing. At the public hearing none of the issues that seem to have cropped up so recently were raised.

The bill then is at its enactment stage. If the Senate enacts it, it will be necessary of course for the House to take further action on it. As I said before, I think it is the responsible thing to do to provide this year the legislation which will go into effect on the effective date of the act, which is January 4 of next year, the same day that the executive council will go out of existence.

I would like to read, Mr. President, the first paragraph of a letter which I received from the Attorney General of the State of Maine, Joseph D. Brennan, in response to two questions which were posed.

"Dear Senator Curtis: You have asked two questions regarding L. D. 2197. 'An Act Redistributing the Powers of the Executive Council', which is presently pending before the legislature. Specifically you have asked whether this piece of legislation requires the approval of two-thirds of the members of each house present and voting and whether, absent legislation such as L. D. 2197, the Governor would be able to make judicial and department head appointments without confirmation by any body of state government after January 4, 1977, the date on which the recent amendments to the Maine Constitution abolishing the executive council become effective.

"My answer to the first question is that the legislation in question does require the approval of two-thirds of the members of each house present and voting. My answer to the second question is that, absent further legislation, the Governor would be able to make appointments without confirmation to statutorily created offices which may fall vacant after January 4, 1977, but would not be able to make any appointment at all for constitutionally created offices such as judgeships after that date."

In the debate last year, Mr. President, when we were discussing the issue of what would happen this year when we handled the statutes, I recall that I made some remarks about of course the legislature would act in its responsible capacity, and, even if it didn't take a statesmanlike approach to the whole matter, it would realize that it would have a gun before its head and would have to take action. For that reason, Mr. President, I submit that this piece of legislation is essential, it is necessary, it is the right thing to do, and I request a division.

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

Mr. MERRILL: Mr. President and Members of the Senate: This isn't the first time we find ourselves about to be in non-concurrence with the other body. The other day I think a very in-temperate act on the part of the Senate was made when we passed a motion to adhere. The act which was in-temperate put the gun to the head of the other body, and I am afraid the next time we see this bill the gun will be pointing in the opposite direction.

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

Mr. CONLEY: Mr. President, I think we just received the answer to the questionnaire from the 151 member House.

The PRESIDENT: Is the Senate ready for the question? A division has been requested. Will all those Senators in favor of the enactment of this bill please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 20 having voted in the affirmative, with no one voting in the negative, the Bill was Passed to be Enacted in non-concurrence.

Sent down for concurrence.

#### Senate Papers Joint Resolution

Mr. Clifford (Cosponsor: Mr. Carbonneau of Androscoggin) present the following Joint Resolution and move its adoption:  
STATE OF MAINE

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

#### IN MEMORIAM

Having Learned of the Death of Lucien Lebel Who Was An Outstanding Civic Leader of Lewiston and who Faithfully Served That City for 30 Years as Municipal Clerk

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

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (S. P. 802)

Which was Read and Passed.

Sent down for concurrence.

#### Papers From the House 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 House April 7, 1976, Fails of Passage to be Engrossed.

In the Senate April 8, 1976, Passed to be Engrossed as Amended by Senate Amendments "A" (S-420) and "B" (S-547), in non-concurrence.

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

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

On motion by Mr. Speers of Kennebec, Recessed until the sound of the bell.

#### After Recess

Called to order by the President.

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

Bill, "An Act to Correct Errors and Inconsistencies in Laws of Maine." (S. P. 799) (L. D. 2345) (Emergency)

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

Pending — Passage to be Engrossed.

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

Senate Amendment "L", Filing No. S-562, was Read.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: When we were considering the criminal code bill, there was an amendment in the other body which affected the authority of law enforcement officers. The sponsor of that amendment did not intend to completely wipe out the ability of law enforcement officers to serve citations with respect to civil violations, and it was by inadvertence that his amendment did that. And it was agreed between the sponsor and later by the full Judiciary Committee that this correction should be made in the errors bill, therefore, this amendment is offered to restore the ability of law enforcement officers in this area.

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

It is a vote.

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

Sent down for concurrence.

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

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

In the House April 7, 1976, Passed to be Engrossed as Amended by House Amendment "A" (H-1202), as Amended by House Amendment "A" Thereto, (H-1238), in non-concurrence.

In the Senate April 9, 1976, Passed to be Engrossed, in non-concurrence.

Comes from the House, that Body having Adhered.

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

#### Committee Reports House

##### Ought to Pass in New Draft

The Committee on Taxation on, Bill, "An Act Providing for Administrative Corrections in Tax Laws." (H. P. 1959) (L. D. 2147)

Reports that the same Ought to Pass in New Draft under Same Title (H. P. 2312) (L. D. 2349).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1252).

Which report was Read and Accepted in con-

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

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for the State Share of the Spruce Budworm Control Program and Imposing a Tax on Forest Lands for Spruce Budworm Control." (H. P. 1875) (L. D. 2050)

Reports that the same Ought to Pass in New Draft under New Title: "An Act Relating to the Suppression of the Spruce Budworm Epidemic" (H. P. 2310) (L. D. 2348).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1251).

Which report was Read.

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

Mr. HUBER: Mr. President, if I have not already done so, I request to be excused from voting to avoid a possible appearance of a conflict of interest.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now requests leave of the Senate to refrain from voting on L.D. 2050 because of a possibility of the appearance of conflict of interest. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The PRESIDENT: The Chair would also ask leave of the Senate to refrain from voting on this issue because of a possibility of the appearance of a conflict of interest. Is it the pleasure of the Senate to grant this leave?

It is a vote.

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

Mr. KATZ: Mr. President, although I do not request similar leave, I would feel much more comfortable if I had an explanation of the posture of the bill and the amendment.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I do not wish to belabor the point but the question of spruce budworm is an extraordinarily important issue. It is emerging for the first time out of committee, and I feel the Senate requires some kind of explanation.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: This bill is basically a committee acknowledgement that the Department of Conservation would be able to handle the spruce budworm program in this session without any funds. The program is quite expensive. I don't have the information at my desk at this moment. There are no new funds. The bill appeared to be satisfactory to all concerned. We had industry representatives, we had the commissioner attending several hearings and sessions of the committee, and I note that the amendment is only a date change in the original bill. That is all the information I have at the present time.

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

Mr. MERRILL: Mr. President, I know it is probably a matter only of my own ignorance in how to read these appropriations bills, but I would like to at least have the confusion cleared up in my own mind as to why section 4 of this bill talks in terms of a two million dollar appropriation for 75-76 and well over a half million dollars for 76-77.

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 Aroostook, Senator Gahagan.

Mr. Gahagan of Aroostook then moved that the Bill be tabled and Tomorrow Assigned pending Acceptance of the Committee Report.

On motion by Mr. Speers of Kennebec, a division was had. Three having voted in the affirmative, and 16 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 am not a member of the Committee on Appropriations and Financial Affairs, so I certainly stand to be corrected if the explanation is not correct, but I believe that the appropriations that are made by this bill are also collected by a forestry tax or a tax on those lands which are affected by the spruce budworm control. This is a matter that comes out of the Committee on Appropriations, and if that is not correct, I would certainly hope that a member of that committee would so correct the record.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: The Senator from Kennebec, Senator Speers, is correct. There is no net loss out of the general fund due to the implementation of this program. The funds that are collected by the tax pay for the program.

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

Mr. MERRILL: Mr. President, I would like to direct another question to any Senator who may care to answer. Is the excise tax that is referred to in the debate, and the fiscal note that has been led to through the process of debate, the same excise tax that was levied in the last session for this purpose? And if not, how does it differ, with particular emphasis on a concern of mine raised in the press and elsewhere that the excise tax was levied simply on the basis of who had large tracts of forest land, with no consideration given to whether or not these people benefitted in any way from this spraying?

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

Mr. TROTZKY: Mr. President and Members of the Senate: I spoke with the Commissioner of the Department of Conservation a few days ago to get an understanding of this bill. I am not a member of the Appropriations Committee, but this is my understanding of it: the total bill for the spruce spraying is nine million dollars, of which the federal government will pay one-half, 4.5 million. The state has to raise the other 4.5 million dollars. Part of that money comes from what was left over from the last budworm spray program.

The landowners are going to be assessed in the following way. First of all, the tax is going to go on those who have over 500 acres, parcels of over 500 acres. If the acreage is softwood, it will be fifty-six cents an acre. If it is all hardwood, there won't be any tax on the acreage because spruce budworm doesn't attack hardwood. If it is mixed hardwood and softwood, it will be half of fifty-six cents, or twenty-eight cents an acre. The Commissioner of Conservation figured the average would be about thirty-five to forty cents per acre. In last year's spray program the excise tax levied was thirty-five cents an acre. So we are saying here that the spray program will only cover those acres which are affected by the spruce budworm, mainly the northern part of the state.

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

Mr. MERRILL: Mr. President, I apologize to keep pushing this, but this is a matter of some concern to me and I just want to try to understand it completely. What is the situation under this new tax that is created by the passage of this legislation in regards to a property owner who does not wish to have spraying done on his property, be he owner of soft or hardwood?

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 Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Merrill, has posed questions that will appear on the record, and in future readings of the bill we will have the information available to answer the questions that he has posed, should the bill receive passage at this time.

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

Mr. CONLEY: Mr. President, I notice the statement of fact says there is no cost to the general fund. I would like to know just how the money is being raised. Is there a tax involved in this?

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

Mr. KATZ: Mr. President, obviously there are some unanswered questions in which there is genuine interest. On the other hand, this is just a committee report, and I think we will have ample time to get answers to the questions prior to any final action on this bill. So perhaps for purposes of moving it along, we might accept the committee report and let it go from there.

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

Mr. BERRY: Mr. President and Members of the Senate: I think it is extremely important on this occasion, in view of the distinguished audience we have present here from the other body, who have always felt, I am sure, a certain amount of respect for the ability of this body to handle its problems, I think this group should be assured that this is not a prestaged and prearranged program that we are putting on for you, but this is typical debate in this body, particularly by two senators from Cumberland County. And one of my favorite cliches, as the President and members of the Senate know, is that I always say it is a good idea to read the bill, and quite obviously one or two of us have not read the bill.

The bill provides for automatic withdrawal from the program of not less than 500 acres or more than 1000 acres, an entitlement which everybody has the right to exercise once. And the tax is a continuation of the forest tax which was put on by the legislature and quite properly assesses now the cost of the program to the landowners involved.

There was a great deal of criticism the last time around that people were being sprayed who were being forced to pay for the assessing and got no benefit from it. I think this is an excellently drawn document to take care of that provision because that certainly was, in my opinion and I think everybody who followed it, a trespass on the landholder's rights. They absolutely were forced to pay for something that they didn't get. So I think these particular points are extremely well drawn, but they have been well taken care of.

I think the committee has done an outstanding job here in coming up with a bill where they will be able to handle what is a big problem without any cost. It was done, of course, by a change in philosophy, a change in the concept that massive spraying in the state may not be the answer to the problem. We have found now that New Brunswick and Nova Scotia are hav-

ing second thoughts in this area too, and that perhaps man's interference with some of these biological rhythmic cycles isn't the best answer to the problem. This is really a whole new concept we are talking about, in the process of which they are taking care of some of the objections raised by previous questions.

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

Mr. MERRILL: Mr. President, I am glad an expert has stepped forward who is completely familiar with the bill, because now it might be possible to find out exactly what is meant by the one-time limitation on withdrawal from spraying, and whether or not that limitation is in fact consistent with the philosophy expressed by the previous speaker.

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

Mr. BERRY: Mr. President, I would answer that inquiry in the affirmative.

The PRESIDENT: Is it now the pleasure of the Senate to accept the ought to pass in new draft report of the Committee. The Chair will order an division. Will all those Senators in favor of accepting the ought to pass in new draft report of the committee please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 16 having voted in the affirmative, and four having voted in the negative, the Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill in New Draft Read Once. House Amendment "A" was Read and Adopted in concurrence.

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

#### Non-concurrent Matter

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

In the Senate Passed to be Engrossed as Amended by Committee Amendment "B" (S-544).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "B", as Amended by House Amendments "A" (H-1247), "C" (H-1254) and "D" (H-1259), in non-concurrence.

Mr. Berry of Androscoggin moved that the Senate Recede and Concur.

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

Mr. KATZ: Mr. President, I must confess to a sense of pique that two important bills come, are laid on our desks and no explanations are given to either one without solicitation, and I would really appreciate an explanation of the House amendments with which we are in non-concurrence.

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: We do have three amendments before us. The first one is H-1247. This amendment provides that if Skowhegan is not opened as provided in the bill and within the time limits that the funds allocated for that purpose shall revert back through the system, but not more than \$200,000 of those monies shall revert back to the correctional improvement fund, leaving the department the option of utilizing the rest of those funds to provide for inmates that are in the existing facilities.

The second amendment, H-1254, is a correctional amendment. In the bill it provides for funding for an assistant superintendent, but the slot or the line was not provided.

The third amendment, the purpose of that amendment is that in the bill there is a plan which the department must report back to the 108th, and this amendment would provide that the Department of Mental Health and Corrections study the feasibility of using what is known as AMHI, the Augusta Mental Health Institute, as a site for caring for the disturbed inmates, such as those that need psychiatric care at Thomaston.

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

It is a vote.

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on An Act Concerning the Geologist and Soil Scientist Certification Act. (H. P. 2240) (L. D. 2322) Have had the same under consideration, and ask leave to report:

That the House recede from Engrossment; adopt Conference Committee Amendment "A" (H-1257) submitted herewith; and pass the Bill to be Engrossed as Amended by House Amendment "A" (H-1100) and Conference Committee Amendment "A"; that the Senate recede from indefinite Postponement, Adopt House Amendment "A" and Conference Committee Amendment "A" and pass the bill to be engrossed as amended in concurrence.

On the part of the House:

DeVANE of Ellsworth

PEAKES of Dexter

PIERCE of Waterville

On the part of the Senate:

BERRY of Cumberland

CYR of Aroostook

O'LEARY of Oxford

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

On motion by Mrs. Cummings of Penobscot, Adjourned until Monday, April 12, 1976, at 2:00 o'clock in the afternoon.