

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

Monday, April 12, 1976

Senate called to order by the President.

Prayer by the Honorable Richard N. Berry of Cape Elizabeth:

As we enter the closing days of this session, let us be grateful for our friendships, our associations, and the opportunity to be of service to our state. Amen.

Reading of the Journal of Friday, April 9, 1976.

Papers From The House

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

Non-concurrent Matter

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

In the Senate April 9, 1976, Passed to be Engrossed as Amended by Senate Amendments "B" (S-548), "C" (S-552), "D" (S-553), "E" (S-554), "F" (S-556), "G" (S-557), "H" (S-558), "I" (S-559), "J" (S-560), "K" (S-561) and "L" (S-562).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendments "B", "D", "E", "G", "H", "I", "J", "K", "L", and House Amendments "A" (H-1240), "B" (H-1242), "C" (H-1243), "D" (H-1244), "E" (H-1248), "H" (H-1261), "I" (H-1262), "J" (H-1263), "K" (H-1264), "L" (H-1265), "M" (H-1266) and "N" (H-1267), in non-concurrence.

Mr. Collins of Knox then moved that the Senate recede.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: As this bill comes before us now, two of the amendments placed on it by the Senate have not succeeded in the other body, and we have eleven new amendments from the other body. I have two further amendments that seem to be of some importance to be placed on the bill now in the Senate. This will provide an opportunity for any further action the Senate may wish.

The PRESIDENT: Is it now the pleasure of the Senate to recede?

The motion prevailed.

House Amendment "A" was Read.

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

Mr. CONLEY: Mr. President and Members of the Senate: I know we are in a tremendous rush to get out of here and bring this session to a close, but I can honestly say that it is certainly unusual to see at such a late date an act to correct the errors and inconsistencies in the laws of the State of Maine come before this Senate with over 25 amendments proposed. I remember the days when the errors and inconsistency act was held to be quite sacred, and that the bill was generally heard by the Judiciary Committee with the Director of the Legislative Research, and it took almost an act of God to have such a bill opened up and additional amendments put on it because of the fact that the Legislature itself in both branches had such respect for the Judiciary Committee.

It seems to me today that with all these amendments that have been placed on this bill there is no one in either chamber that has an idea, and certainly I don't have any idea, as to what all these amendments are going to do to the particular bill, and there is a great question in my mind as to whether or not they are errors and inconsistencies, and I would wish that as the amendments are being handled that someone from the Judiciary Committee might be able to explain them.

I know last week when we sent this down to the other body that we did have several Senate Amendments on it. Today it comes back up and

it is my understanding, without any of us having seen them, that there are now eleven House Amendments that have been offered to the bill. So it would be my hope that the Chairman of the Judiciary Committee or a member of that committee might possibly explain exactly what these House Amendments do.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: With respect to House Amendment "A" that is now before the body, you might say that this is something that the Judiciary Committee had no control over. It authorizes the acquisition of an additional piece of land adjoining the state police barracks in Orono. It did not come to the attention of the Judiciary Committee at all until this bill was on the floor. I understand it to be an enabling piece of legislation to permit carrying out negotiations now under way for expanding a piece of land. That is probably the most substantive item among the new amendments before us.

Perhaps it would be best if specific questions are raised about specific items. Some of these I have seen for the first time only since lunch today and others are familiar to me. I will be glad to comment on those that are familiar to me, but on the others I am not very helpful.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I agree wholeheartedly with the Senator from Cumberland, Senator Conley, that some of these amendments are surely not errors and inconsistencies. Naturally, I refer to the amendment that I put in last Friday under Senate Amendment "F" which has to do with the telecommunications. This amendment which has been killed in the House is going to enable cities and towns to compete on an unfair basis with private enterprise which has already spent a lot of money in order to put in some of their cable television things, and at this point the towns can be in competition with them and, not paying taxes, they are at an unfair advantage. It reminds me a little bit of something I read in the paper. "Capital punishment is when the government taxes you to get capital so that it can go into business in competition with you and then taxes the profits on your business in order to pay its losses."

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

Mr. CURTIS: Mr. President, I would like to address myself to House Amendment "A" in this bill, which is under filing number H-1240. I believe I can correct an error that was made in the description of this bill by the chairman of the Judiciary Committee, Senator Collins from Knox. I would realize, of course, that this amendment is not something that came before his committee and there is no particular reason that he would have any background on this bill.

The first time that I heard about this entire situation was this morning, Mr. President, when apparently this amendment was added in the House. What this amendment does is authorize the Commissioner of Public Safety in the name of the State of Maine to execute and convey by quit claim deed the state police barracks in the Town of Orono. As I understand it, they do not intend to expand in Orono by the acquisition of land but possibly to expand the area that they have and the building space that they might have by moving to another location, probably in the City of Bangor and possibly in the area of the airport.

As I understand it, no specific plans have been made for that change, and it might very well be that such a change like that will be

beneficial to all concerned, including possibly the Town of Orono, which might by the sale of this property from the state obtain some more valuation on its tax rolls. However, the matter is of some importance. Like I said, it was brand new to me, and my communication to the state police this afternoon resulted in the information that I just conveyed.

I think it is the sort of proposal that really ought to have full legislative scrutiny, and I am thinking in terms of bills that the State Government Committee has handled for the conveyance of very small parcels of land; this year, for example, in Kingman Township. And we insisted that there be every careful provision for the sale of that land, including publication in a newspaper and a review by the Governor and Council. At other times we have authorized the negotiations of sale of state land, but provided that before the actual sale take place the entire issue come back to the legislature for a review by the legislature of the sale price and the purposes to which that previously owned state land might be put.

In other words, Mr. President, I think that this amendment changes our policy regarding the sale of state land. The sale of state land has been criticized for in the past, the method by which we have gone about it, and I think we ought to be very careful before changing our present system which is buttressed with some safeguards. For that reason, at the appropriate time, and I am not sure if that is now or not, I would like to move indefinite postponement of this House Amendment "A".

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

Mr. SPEERS: Mr. President and Members of the Senate: I would like to concur with the Senator from Penobscot, Senator Curtis, in his motion to indefinitely postpone House Amendment "A". This is unquestionably a substantive matter. During the previous session of the legislature, when I had the good fortune to chair the Committee on State Government, we did have a number of bills presented to that committee which dealt with the question of conveying state lands, and it was the general position of the State Government Committee at that time that, rather than having an outright grant in conveyance of state owned property, that we would adopt the policy generally of granting long term leases to state owned property, so that in the future there could be a reversion to the state of property that may well be of considerable more value and need to the state in the future. I think it is a substantive issue and it is regrettable, I think that it has been raised through an amendment to the errors and inconsistencies law. I think it deserves indefinite postponement.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Curtis, that House Amendment "A" to L. D. 2345 be indefinitely postponed. The Chair will order a division. Will all those Senators in favor of indefinite postponement please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 22 having voted in the affirmative, and seven having voted in the negative, the motion prevailed.

House Amendments "B", "C", "D", and "E" were Read and Adopted in concurrence. House Amendment "H" was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: In casual perusal of House Amendment "H", which is H-1261, it indicates a change in definition of a nursing home for, I assume, qualifications for reimbursement. I think here we go from, as I understand it — and once

again I am no expert in this subject — from a minimum of 15 beds to not less than six or more than 16 beds. I am not sure that this might not be a substantive change, and I think perhaps this one we ought to have some explanation from our experts on.

The PRESIDENT: The Senator from Cumberland, Senator Berry, poses a question through the Chair.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: This is a correction which was inadvertently in the bill which was passed and signed by the Governor last week. The provision in that bill took care of the smaller boarding homes, and then we found out from one of our administrative aides that they were not protected against the fire code. If it went through the way it came out in the original bill they would have to have sprinkler systems just the same as the larger boarding homes do. And that was not the intention of the committee and not the intention of the bill as passed and signed by the Governor, so this correction was made in the inconsistencies law and is a very appropriate correction.

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

It is a vote.

House Amendments "I", "J", "K", "L", "M", and "N" were Read and Adopted in concurrence.

Mr. COLLINS of Knox then presented Senate Amendment "M" and moved its Adoption. Senate Amendment "M", Filing No. S-566, was Read.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: There is a bill now on the Governor's desk concerning the workman's compensation statutes and this bill creates potential conflict in the definitions of employee. This was discovered only this forenoon because the bill had not cleared the Governor's desk, and after conferring with those people who were active on this bill, it was deemed advisable to make this clarification.

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

It is a vote.

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

Mr. COLLINS: Mr. President, if I may make a parliamentary inquiry, Senate Amendment "C", which was presented in this body by the Senator from Cumberland, Senator Graham, was not adopted in the other body. When this bill goes back in non-concurrence, will our Senate Amendment "C" go back as a part of the bill?

The PRESIDENT: The Chair would answer the Senator in the affirmative.

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

Under suspension of the rules, sent down forthwith for concurrence.

Joint Orders State of Maine

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of John Dionne of Van Buren District High School 2nd Place Winner of the State Spear Speaking Contest for 1976

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the

Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

(H. P. 2318)

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 Colleen McIntosh of Washburn District High School Third Place Winner for Girls in the State Spear Speaking Contest for 1976

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2319)

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 the Members of the Office of Legislative Assistants for their tireless and expert assistance to the Joint Standing Committees during the 107th Legislature

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. 2317)

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

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Repealing the Exemption Law and Providing for the Control of Access to and Disclosure of Criminal History Record Information." (S. P. 773) (L. D. 2326)

Have had the same under consideration, and ask leave to report:

That the Senate recede from its action whereby it Passed the Bill to be Engrossed; Adopt House Amendment "B" (H-1213); adopt Conference Committee Amendment "A" (S-563), submitted herewith; and Pass the Bill to be Engrossed, as amended by House Amendment "B" and Conference Committee Amendment "A";

That the House recede from its action whereby it Passed the Bill to be Engrossed; recede from its action whereby it adopted House Amendment "A" (H-1208) and indefinitely postpone same; adopt Conference Committee Amendment "A", submitted herewith; and Pass the Bill to be Engrossed, as amended by House Amendment "B" and Conference Committee Amendment "A"

On the part of the Senate:
COLLINS of Knox

CLIFFORD of Androscoggin

On the part of the House:
SPENCER of Standish
HUGHES OF Auburn

Which report was Read and Accepted.
Thereupon, under suspension of the rules, sent down forthwith for concurrence.

Orders

Out of order and under suspension of the rules.

On motion by Mr. Graffam of Cumberland, WHEREAS, it has come to the attention of the Legislature that there are presently over 200 bottle clubs in the State of Maine; and

WHEREAS, these bottle clubs are places where members bring in liquor to be consumed on the premises even though the club itself cannot sell alcoholic beverages; and

WHEREAS, certain bottle clubs permit persons to buy memberships for periods as brief as one night only; and

WHEREAS, a few of these clubs permit consumption of liquor on their premises after the time when state licensees are required by State statute to stop the sale of alcoholic beverages; and

WHEREAS, these bottle clubs at present are subject to no state licensing or regulation; and

WHEREAS, most operators and owners of bottle clubs do not object to State regulation in order to prevent a few from using their non-regulated status to evade the State's policy concerning the sale and consumption of alcoholic beverages outside of people's dwellings; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Liquor Control shall study the question of whether or not these bottle clubs should be subject to State regulation and licensing and, if so, the further question of the extent of regulation and preferred methods for enforcing these regulations; and be it further

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

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to each member of the committee. (S. P. 803)

Which was Read.

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

Orders of the Day

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

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

Tabled — April 9, 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:

Senate Report — from the Committee on Appropriations and Financial Affairs — Bill, "An Act to Provide Grants and Loans for Health Education". (S. P. 760) (L. D. 2310) Ought to Pass as Amended by Committee Amendment "A" (S-550)

Tabled — April 9, 1976 by Senator Huber of Cumberland

Pending — Acceptance of Report

Mr. Collins of Knox moved that the Bill and

all accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: The general purpose in back of this bill is a good one, one that I have an interest in and concern for. The reasons that I have for proposing this action to the Senate are two: One reason is that this sets up a professional health fund that would provide grants and loans to health professionals. Let's speak more specifically of physicians. And in this particular year it carries no appropriation, so it is something for the future. But the policy in the bill sets up a program for finding areas of shortage of these professionals and a program whereby loans to these professionals can be forgiven if they return to Maine to an area of shortage and put in a prescribed number of years of practice in those areas.

The program relates only to those situations where the state has contracts with the schools, and we know, for example, that the state has had contracts with Vermont and with Tufts concerning the education of doctors. But there are many of Maine's young people going to institutions other than Vermont and Tufts, and I would hope there might be an opportunity for them also to share in such a program if it is established and when it is funded.

The second thing that concerns me is that after the medical school for Maine was defeated last year the Governor appointed a committee to improve medical manpower in education, which is chaired by Dr. Chamberlain in Waterville. This committee has met once or twice, I believe, it has deliberated a bit on the problem, and I understand that a subcommittee of that committee has looked at this, but I have talked with three members of that committee and am informed that the full committee has never considered this particular piece of legislation. So there is no official committee position on it.

Since nothing can be done with this particular program until the next biennium, because there is no money, it seems to me that there should be no rush to put this on our books. It has not had the full attention of the medical profession and those most interested in medical education. So I would say that it ought to be something that has a further look and a more careful review before we adopt it as policy.

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

Mr. KATZ: Mr. President, over the years the legislature has authorized the purchase of spaces to insure access for Maine students in medicine, dentistry, and most recently in veterinary medicine. The present cost of these programs varies from a low of \$5,000 for students at the University of Vermont Medical School to a high of \$8,000 for each student per each year at the University of Pennsylvania School of Veterinary Medicine. Besides the contract cost, the Maine student also has a tuition to pay directly to the institution, and in the past this has been favorable rate. The legislature has never enunciated policy, and right now the costs are on the way up, and up very significantly.

The legislature has had two motivations in establishing these programs: first, to afford an opportunity of access for Maine students pursuing a health specialty not available inside the state. We have no dental school, we have no medical school, we have no school of veterinary medicine. Also these are specialties where access outside of the State of Maine is not adequate for the demand of Maine students. Second, and more important perhaps, the legislature has given support because it identified a shortage of these professionals practicing in our state, thus, we have student doctors in Vermont, student dentists at Tufts, and stu-

dent veterinarians in Pennsylvania. It has been hoped that upon completion of their training these students would return to Maine to practice in places and under such conditions as would be favorable to Maine taxpayers. For example, after an investment of at least \$32,000 in one student attending the University of Pennsylvania School of Veterinary Medicine for four years, we hope that the youngster will have a motivation to come back and practice veterinary medicine in a place where he is needed in the state.

Now the present posture of the Maine Legislature has been far more successful in meeting the needs of the student than it has in giving any benefits demonstrable to Maine taxpayers with respect to performance. This piece of legislation which was approved by the subcommittee of which the Senator from Knox, Senator Collins, has spoken, but is not a product of that subcommittee, says for the first time that we are establishing a policy. There is no money in it. It is not an appropriations bill. The appropriations are in the appropriations measure that we have already approved, or perhaps it is in the one that we are about to approve, and there are no financial implications of future spending unless this legislature or a subsequent one decides we want to increase the number of youngsters at the University of Vermont or at Tufts, and that has nothing to do with this bill.

This bill merely establishes a policy, and the policy is very simply enunciated by the statement of fact. It says that there are two interests here: the interest of the student and the interest of Maine taxpayers. And this bill gives a motivation to the student to come back to practice in Maine to give benefit to the very taxpayers who have underwritten his cost of his education. There is nothing new, innovative, or very complicated about the approach. If it is in place in the federal government in many programs. It is in place in an increasing number of states who realize that these education programs are extremely expensive. What it says is that we shall identify areas where a general practitioner is necessary and if, after completing his practice and his residency, a youngster voluntarily chooses to come back to the State of Maine and practice that specialty or that general profession in a place that is advantageous to the state, that part of a loan will be forgiven to him, and if he practices here long enough, the entire loan will be forgiven to him, I think that it is as simply as I can say.

Right now it costs something in the vicinity of \$12,000 to educate a doctor. We have never really decided who shall pay this \$12,000. All we have been doing is appropriating money, appropriating money to buy spaces. This bill says that if it succeeds in the future, that we will be giving motivation to more of these youngsters to come back to practice and help us.

If this bill is a failure, if it is a failure, it means that we will recover some dollars from a youngster who chooses to be a psychiatrist in southern California and make a pretty good rate of compensation out there, and the money will go back into this fund to help other youngsters who want to become doctors, veterinarians, or dentists, pursue their ambitions too. It is a bill that cannot cost money. It is a bill which will recover dollars if the basic intent of offering motivation fails, but I don't think it will fail.

The only argument of the Senator from Knox, Senator Collins, that bears looking into is the question that it does not offer any financial assistance to those youngsters who go to schools with whom we do not have contracts; for example, if a youngster presently goes to a dental school other than Tufts, we do not give him any financial support. We do not give him any financial support under the present system, and we will not give him any financial support if you

pass this bill. But I say if you are really concerned about the youngster not presently getting financial support, at least now we will have a policy to enable us to evaluate whether it is advisable in the future to give support to any youngster who goes to a medical school anywhere, and presently we have no such vehicle.

I would like to say to the Senate that this is a bill which I sponsored and a bill which has been a concern to me for at least three or four years. It is not complicated and it answers a real problem. It is a fiscally sound and fiscally conservative approach to either getting something more for our money or getting back some of the money we have invested.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I would just like to join with the Senator from Kennebec, Senator Katz, in urging the Senate to pass this bill. The Senate will recall in the regular session when we passed a bill to set up a medical school in Maine that I offered an amendment which would have provided for a similar sort of mechanism for the tuition and the loans to help with the tuition for the students that would go to that medical school. Seeing now that a Maine medical school isn't going to be possible, at least in the short future, I think that this is a good step. I think it is an attempt to have those people who we help gain professional educations, professional education which will render them a great amount of money over their professional careers, a chance to pay back the State of Maine either in coming here and practicing medicine, as we hope, or if they don't do that, to pay back some of Maine's investment when they make that sort of money in other areas. I commend the Senator from Kennebec, Senator Katz, for offering this bill, and I think it is completely consistent with the action the Senate took when it amended the medical school bill in the regular session.

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

Mr. BERRY: Mr. President, I don't like to delay proceedings, but I wonder if the Secretary might read the committee action on this bill.

The PRESIDENT: The Secretary will read the committee report.

The SECRETARY: The Committee on Appropriations and Financial Affairs, to which was referred the bill entitled, "An Act to Provide Grants and Loans for Health Education" (S. P. 760) (L. D. 2310), have had the same under consideration and ask leave to report that the same ought to pass as amended by committee amendment "A".

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, once again I don't want to delay proceedings, but I note with a certain amount of concern that there is no member of the Appropriations Committee present. Casual perusal of the bill indicates that we seem to have again one of Senator Katz's annual bouquet of flowers that frequently has a tremendous price tag on it to the recipient. This has \$20,000 on it, and I suppose that is seed money, but I frankly feel the Senate is entitled to some illumination by the members of that committee.

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

Mr. COLLINS: Mr. President and Members of the Senate: It seems to me that this bill with the committee amendment has been stripped of

an appropriation. It really is not an appropriate bill for the Appropriations Committee. It really deals with higher education in the medical field and should have gone to the Committee on Education for full deliberation. I am afraid it had a rather quick treatment in Appropriations because the fact that it ended up not having any appropriation, and that is what concerns me.

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

Mr. KATZ: Mr. President and Members of the Senate: I share the recommendation of the Senator from Knox, Senator Collins, that this bill was not an Appropriations bill and should have gone to Education. It has been discussed in Education. No vote was taken, but the issue is very, very much alive in the Committee on Education. I think perhaps one way to get some members of the Appropriations Committee on the floor would be to request a roll call, which I will do.

With respect to the shadows that dance up and down in front of the good Senator from Cumberland, Senator Berry, personally I am absolutely shocked that legislature after legislature could appropriate the huge sums of money we are appropriating in these special fields without any accountability whatsoever, no accountability, as to whether or not we are buying that which we think we are buying. This bill will build accountability into any program that the legislature has authorized or authorizes in the future. And I know of no way, no vehicle, by which the legislature, once it has identified the fact that we have too many dentists in the state — and that day may never come, but if it should, how do we get rid of an old program that keeps going on and on. This will give us the vehicle to know what we are doing with our money and to give guidance to the legislature as to whether a program should be curtailed, diminished, expanded, or what. Future legislatures, I am confident, are going to be getting additional requests from various health specialties, and if it just goes into a Committee on Appropriations for a decision based upon whether we have enough dollars, rather than based upon any policy decisions, we will get expansion of expenditures which I am sure the Senator from Cumberland will oppose.

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

Mr. BERRY: Mr. President and Members of the Senate: There are several things in the bill that at cursory glance indicate areas of concern. I note that it is stipulated in section 2275 that "The legislature shall annually enact legislation which includes the following," then it goes down and there are two things that it does. I think that is language which indicates a presupposition that the legislature will or must conform with this legislation, and this we know does not necessarily take place. I think the language is ambiguous in this area of what the legislature shall enact.

Let me call your attention to the duties of the committee which the bill provides. It says that: "The committee shall designate those areas of the State which do not have adequate services of health professionals." I think this is a pretty good job to have to do. "The committee is composed of seven members who shall be appointed from the general public, among whom shall be representatives of the health professions." What is a member of the health profession? We have been continually widening the scope of those arts which we consider health professions, and this could end up with no osteopaths or no doctors on it but still have seven people, some of whom represent health professions.

To get back to what the committee will do, "The committee shall designate those areas of the state which do not have adequate services of health professionals." Who is going to set the standards? Who is going to say how many

medical people, how many osteopaths, how many dentists, how many dental hygienists, how many paramedicals are going to be required and in what particular area? Are we going to go by topographical areas which are economically or socially coherent, or are we going to go by county lines? "In addition, the committee shall identify the specific health professions whose services are needed in each area." This seems to me to require a person whose omniscience is far above that of a mortal. "In making designations the committee shall consider the likely long-term as well as the immediate health professional needs of any area." It seems to me that we are dealing in very nebulous language here. The amendment to take the money off is certainly something we all subscribe to once in a while with our own pet bills, and that is to get the money off so it doesn't go on the appropriations table, but there are long-term commitments here requiring very definitely a very, very full look at the delivery of health care to the people in the State of Maine.

I personally feel that this bill certainly hasn't had any debate, other than what you are getting fragmentarily here this morning. Before the Appropriations Committee I am sure it was primarily a matter of dollars and cents, and I agree with Senator Katz that it should have the review perhaps of a Committee like State Government or somebody like that in the area that it is opening up. It has precious little to do with education, other than the initial selection or the subsequent selection of the individuals concerned.

Implicit in this legislation is the determination by the state of what areas professionally and geographically need to have state money put in them. I feel that this is very, very far reaching material and certainly should not be considered until it has had full consideration. I would certainly subscribe to the motion that the bill be indefinitely postponed.

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

Mr. SPEERS: Mr. President and Members of the Senate: As I understand this bill, it is really a relatively rather simple concept. At the present time the state is providing for grants for specific spots to insure that individuals within the State of Maine who desire a medical education are able to obtain a medical education. The concept of this bill is to change some of those grants into specific loans, and that should an individual from the State of Maine wish to take advantage of obtaining a medical education under such a loan program, that he may do so and repay that loan entirely, but if he wishes to return to the State of Maine and practice medicine in an area that has been designated as needing medical facilities or medical expertise, that the State of Maine will forgive a portion of that loan.

It seems to me that we have been talking a good deal about the needs of the State of Maine as far as medical attention is concerned. I opposed a medical school a year ago because I felt that it was far too expensive and would result in far too great an expense in the future, that the State of Maine could ill afford to pay for an entire medical school. But it does seem to me, and it did seem to me a year ago, that there were actions that the State of Maine could be taking that would act and provide incentives for individuals to go into a medical profession and return to the State of Maine to practice medicine in Maine. It seems to me that this is the concept that the good Senator from Kennebec, Senator Katz, has brought forth and brought forward to us today, and I think it is a concept worthy of support.

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

Mr. HUBER: Mr. President and Members of

the Senate: I apologize for not being in the chamber when the debate on this bill commenced, but would like to review the testimony presented to the Appropriations Committee at the hearing, which was our last formal public hearing.

This bill came up quite quickly prior to the last hearing, and the proponents of the bill, there was the sponsor himself, Dr. Andrews, and Dr. Hanley. The last two mentioned doctors did support the general concept of the bill, although they had specific objections to inclusion of the New England Board of Higher Education and also to the period primarily of the so-called indenture provision, although it is not so-called in the bill, this requirement for residency after training and forgiveness of loan through this process.

The Appropriations Committee tried to remove the major objections presented, namely, reference to NEBHE, although I believe the only funds available are currently contracted through NEBHE in this area of health education. We also removed what we felt was a burdensome provision for the commission to identify areas of medical scarcity, in hopes that the Health Service Agencies, Incorporated, a health planning agency, could be utilized by the commissioner in coming up with his recommendations in this regard.

Unfortunately, there was sparse testimony and conflicting testimony. The Appropriations Committee did try to eliminate the major objections, and this really is the remainder of this legislation. I might also say that there was also, in a slightly different area, the question of additional so-called contract slots at the University of Vermont, and there seems to be a wide variance of opinion as to the future availability of these positions, which perhaps responds more directly to the presence or absence of a medical school in Maine. One school of thought says these slots will be available at a negotiable price into the indefinite future. The other school of thought says that if we don't contract these slots now that they will be lost to other states and unavailable to us in the future. The Appropriations Committee had no means to validate or invalidate either side of these arguments, and essentially is presenting the basic structure of this bill, with attempts made to remove the criticized portions.

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

Mr. KATZ: Mr. President, it is very unusual for my good friend from Cumberland, Senator Berry, to debate twice so vocally on a bill, apparently being aware of the fact that it has been amended, and many of his remarks pertained more to the bill than they did to the amended portion of the bill. This is an oversight that I do not often see in my good friend from Cumberland.

But I think the basic question that you have to ask here is whether in conscience you can go along with a non-system that says the taxpayers of Maine are going to be underwriting the cost of \$32,000 to educate a kid at the University of Pennsylvania who then goes out to California and becomes a dog and cat veterinarian for the set down in Malibu Beach, or whether or not we at least want to give him some kind of a motivation, some kind of a motivation through a combination of grants and loans, to come back to the State of Maine and perhaps get into a big animal practice, if that is his decision, in an area of the state where we want him.

You cannot attack this bill in conscience without acknowledging that the present system is absolutely intolerable, and if there is any fiscal sanity to what we are doing right now, without this policy established in the bill, it escapes me completely.

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

Mr. BERRY: Mr. President, with reference to fiscal sanity, I would like to ask the Senator from Kennebec why he took off the \$20,000, and what the future cost of the bill is.

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

The Chair recognizes that Senator.

Mr. KATZ: Mr. President, I request unanimous consent to speak a fourth time.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now requests consent to speak a fourth time. The Chair hears no objection. The Senator may proceed.

Mr. KATZ: Mr. President, under the present system there is no possibility of recapturing one penny from the program in place. This bill does not change the amount of money involved, but it gives you a very real chance to recapture dollars from youngsters who choose to practice in other parts of the country. That is a negative cost.

I spoke to the Commissioner of Education and asked him whether or not he could live with this without any dollars on it, and he said yes. I spoke to the Department of Human Services, which will have a role in this, if you will note what the amendment says, and they say that they can get this kind of advice from information available through HSA, through a professional standards committee. The information is there but it is never brought to the attention of the legislature, and this will be a no cost or a low cost opportunity for the legislature to make some policy decisions which will either get us more professionals practicing or help us recapture dollars so that other youngsters who come along will have a chance. The dollars that we recapture could also be used to reduce the overall cash cost in the form of tuition to the youngsters presently in the program, if the legislature decided that that was the best thing to do.

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

Mr. CLIFFORD: Mr. President, I would like to pose a couple of questions through the Chair, if I might. One is that I guess I didn't understand what the approach to this bill was on the University of Vermont Medical School slots or additional slots. The college in my community has expressed an interest in determining whether or not there will be any additional slots.

The second question which I would like to pose through the Chair is that it seems to me I remember, during the debate on the medical school a year ago, that one of the results of the debate on the medical school, which was a very healthy debate I think for the State of Maine, one of the results of that was a commission on medical education, which I believe was formed, and I wonder if this bill was a result or came from that commission which I believe the Governor has appointed.

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

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

Mr. KATZ: Mr. President, there is no relationship between this bill and the question of any additional slots. This is a policy bill and has nothing to do with appropriations.

With respect to your question on the existence of the committee set up by the Governor, this bill was considered by the subcommittee on Interstate Compacts and it was approved by the subcommittee. When it got before the entire committee it got involved primarily with the question of the additional slots. The question of

additional slots was like a red flag to some doctors — and they were mostly doctors on this committee — who felt it was a dodge to weaken the chance of there ever being a University of Maine medical school. If you get confused by legislative politics, you ain't seen nothing yet until you get mixed up in medical politics. But I think that answers the question as clearly and as briefly as I can.

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

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

The pending question before the Senate is the motion by the Senator from Knox, Senator Collins, that L. D. 2310 and all its accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Collins, Corson, Cyr, Danton, Graffam, Johnston, McNally, Pray, Roberts, Wyman.

NAYS: Senators Carbonneau, Cianchette, Clifford, Conley, Cummings, Curtis, Gahagan, Graham, Greeley, Hichens, Huber, Jackson, Katz, Merrill, O'Leary, Reeves, Speers, Thomas, Trotzky.

ABSENT: Senator Marcotte

A roll call was had. 12 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

Whereupon, the Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted.

Under suspension of the rules, the Bill, as Amended, was given its Second Reading and Passed to be Engrossed.

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

Papers from the House

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

Enactors

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

Emergency

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

This being an emergency measure and having received the affirmative vote of 30 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Papers from the House

House Paper

Bill, "An Act to Amend the Authorization for York County to Construct a County Jail and to Increase the Bond Authorization by \$100,000." (H. P. 2325)

Comes from the House. Passed to be Engrossed without reference to Committee.

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

Enactors

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

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

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

Emergencies

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

An Act Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites. (H. P. 1948) (L. D. 2134)

These being emergency measures and having received the affirmative vote of 28 members of the Senate were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

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

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

Mr. HICHENS: Mr. President and Members of the Senate: The other day the good Senator from Aroostook, Senator Gahagan, gave us an interesting expose of the problems now existing at Thomaston. He emphasized the need for more funds for Mental Health and Corrections. He explained the need for implementation of greater services at Thomaston and Pineland, but at no time did he give a reason why we should close one institution and create overcrowded conditions at two others to alleviate the problems at Thomaston.

This bill as amended is now before us for enactment. I want to go on record as opposing L. D. 2281 and hope that the members of this legislature, the department, and the executive department will somehow get the message as to what the real problem is and meet it head on instead of hurting some persons to help others.

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

Mr. BERRY: Mr. President and Members of the Senate: If I may just make a brief remark in response to the remarks of the good Senator from York, Senator Hichens, I would like the record to show that it is my belief that this will not hurt any persons in the State of Maine and will only help the correctional system, and that we are doing the proper thing to overcome a problem which exists by reallocating funds and existing resources in an order in which they should be.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative vote of 23 members of the Senate, with four Senators voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Communications

Honorable Harry N. Starbranch
Secretary of the Senate

107th Legislature

Augusta, Maine

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Change the Statutory Qualifications and Salary Limit for Director of Personnel" (H. P. 1937) (L. D. 2125)

Mr. BUSTIN of Augusta

Mrs. BOUDREAU of Portland

Mr. LAFFIN of Westbrook

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act to Change the Statutory Qualifications and Salary Limit for Director of Personnel" (H. P. 1937) (L. D. 2125), the President appointed the following Conferees on the part of the Senate:

Senators:

CURTIS of Penobscot
WYMAN of Washington
GRAHAM of Cumberland

**Joint Orders
STATE OF MAINE**

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Professor Judy R. Potter of the University of Maine Law School Who Prepared at Her Own Expense Comprehensive Legislation Supported by Study to Reform Constitutional Aspects of Maine Law Respecting Women's Civil and Human Rights

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. 2322)

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 the Skowhegan Area High School Cast of the Play "The Romancers" Directed by Mrs. Elizabeth Merrill and Sumner Hayward Which was One of Two Selected to Represent the State of Maine in the 1976 New England Drama Festival at South Weymouth, Massachusetts

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. 2320)

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

WHEREAS, there are presently being conducted studies or projects on Children and Youth, on Cost Benefit Analysis of Maine's Correctional Institutions, on the Juvenile Laws of Maine, on the Standards and Goals of the Criminal Justice System in Maine and on Community Justice, which findings may affect legislation to be considered by the 108th Legislature; and

WHEREAS, it is apparent that these studies overlap in subject matter and thus their recommendations will also undoubtedly overlap in subject matter; and

WHEREAS, it is desirable that the recommendations of these studies be considered by the legislature as a whole and not in a piecemeal fashion; now, therefore, be it

ORDERED, the Senate concurring, that there is established a Joint Select Committee

on the consolidation and coordination of the recommendations of certain studies concerning the Maine Justice System which shall receive the reports and recommendations of the studies or projects on Children and Youth, on Cost Benefit Analysis of Maine's Correctional Institutions, on the Juvenile Laws of Maine, on the Standards and Goals of the Criminal Justice System in Maine and on Community Justice, this committee to consist of 4 members of the Senate, one to be a member of the Joint Standing Committee on Judiciary, one to be a member of the Joint Standing Committee on State Government, one to be a member of the Joint Standing Committee on Education and one to be a member of the Joint Standing Committee on Health and Institutional Services, to be designated by the President of the Senate; and 4 members of the House, one to be a member of the Joint Standing Committee on Judiciary, one to be a member of the Joint Standing Committee on Education and one to be a member of the Joint Standing Committee on Health and Institutional Services, to be designated by the Speaker of the House, the chairman of the committee to be elected by the committee; and be it further

ORDERED, that this committee shall consolidate and coordinate the proposals received from the above studies or projects and shall submit to the first regular session of the 108th Legislature, by February 1, 1977, its recommendations and complete and final drafts of any proposed legislation and shall recommend to the Joint Standing Committee on Reference of Bills the appropriate committees to which the recommendations of this committee may be referred; and be it further

ORDERED, that members of this committee shall receive the same reimbursement of expenses as other members of a joint standing committee; and be it further

ORDERED, that upon passage in concurrence and after appointment of all the members of the committee, a suitable copy shall be sent to each member of the committee; and be it further

ORDERED, that S. P. 528, Joint Senate Order passed May 21, 1975, is repealed. (H. P. 2324)
Comes from the House, Read and Passed.
Which was Read.

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

**Joint Resolution
STATE OF MAINE**

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

Joint Resolution Concerning the Possible Discontinuance of the Naval Reserve Officers Training Corps Program at the Maine Maritime Academy

WHEREAS, the Secretary of the Navy has indicated his intention to discontinue the Naval Reserve Officers Training Corps Program at the Maine Maritime Academy; and

WHEREAS, the cost savings which are projected by this discontinuance are questionable at best, as United States Naval personnel will remain in Castine to teach Naval Science courses as required by federal statute and as Naval Reserve Officers Training Corps scholarships which are presently held by Maine Maritime Academy students will, in the future, be awarded to students of other institutions having this Naval program; and

WHEREAS, there are presently 60 Maine Maritime Academy students enrolled in this program, and there is a potential for growth of this program to include up to 140 Maine Maritime Academy students; and

WHEREAS, the Maine Maritime Academy,

situated in the outstanding natural harbor of Castine, has a marine science and engineering curriculum which, combined with the constant availability of the training ship "State of Maine," can provide invaluable maritime training to potential United States Naval Officers who will hold regular Navy commissions; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature in special session assembled, do hereby protest the discontinuance of the Naval Reserve Officers Training Corps Program at the Maine Maritime Academy and respectfully urge and request the Maine Maritime Academy and respectfully urge and request the Maine Delegation to the Congress of the United States to attempt to persuade the Secretary of the Navy to reconsider and reverse his decision; and be it further

RESOLVED: That duly attested copies of this Resolution be immediately transmitted to those congressional delegates with our thanks for their prompt attention to this important matter. (H. P. 2321)

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

Non-concurrent Matter

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

In the House April 9, 1976, the Minority report Read and Passed and the Bill Passed to be Engrossed as Amended by House Amendment "C" (H-1033).

In the Senate April 9, 1976, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

Mr. O'Leary of Oxford moved that the Senate Adhere.

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

Mr. COLLINS: Mr. President, I move that this matter lie on the table until later in today's session.

The PRESIDENT: The Chair would advise the Senator from Knox, Senator Collins, that it is later in today's session.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Thereupon, on motion by Mr. Conley of Cumberland, a division was had. 24 having voted in the affirmative, and two having voted in the negative, the tabling motion prevailed.

Committee Reports**Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Clarify the Fish and Game Laws" (H. P. 1933) (L. D. 2121)

have had the same under consideration, and ask leave to report: that the House recede from Passage to be Engrossed as Amended by Committee Amendment "B" (H-1050) as Amended by House Amendments "A" (H-1068), "B" (H-1163), "C" (H-1164), "D" (H-1172), and "E" (H-1175), thereto; recede from Adoption of Committee Amendment "B" as Amended by House Amendments "A", "B", "C", "D", and "E"; thereto: Indefinitely Postpone Committee Amendment "B" as Amended by House Amendments "A", "B", "C", "D", and "E"; thereto: recede from Adoption of Senate Amendments "A" (S-536) and "C" (S-513) and Indefinitely Postpone Senate Amendments "A" and "C"; Adopt Conference Committee Amendment "A" (H-1269) and Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A"; that the Senate recede from Indefinite Postponement; Adopt

Conference Committee Amendment "A" (H-1269) and Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A" in concurrence.

On the part of the House:

USHER of Westbrook
STROUT of Corinth

On the part of the Senate:

JACKSON of Cumberland
CUMMINGS of Penobscot
GRAHAM of Cumberland

Comes from the House, the report Read and Accepted.

Which report was Read.

Mr. McNally of Hancock moved that the Senate accept the Committee of Conference Report.

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

Mr. CONLEY: Mr. President, I would like to call the attention of the Senate to page No. 3 of the Committee of Conference Report, under Section 6, No. 6, it says: "Hunting Stamp Required. It shall be unlawful for any person who has attained the age of 16 years to hunt or have in possession any pheasant unless at the time of such hunting or possession he has on his person an unexpired Maine pheasant hunting stamp validated by his signature written across the face of the stamp in ink."

I don't want to prolong this agony, Mr. President and Members of the Senate, but I do notice that within the amendment it states very clearly that there shall be a fee of \$3.25, 25 cents of which shall be retained by the agent and shall be exhibited to any warden or employee of the department upon request. I would honestly think that if you were going to validate this section of the bill that you should actually say that the warden himself should pay the \$3.25, because it is only the warden and his friends that are ever going to capture any pheasants. But I will sit down and keep quiet and let the people of the state get hooked again.

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

Mr. CURTIS: Mr. President, I am interested in Section 7 of this amendment on page 4, regarding servicemen permanently stationed in Maine. I would like to pose a question to any member of the committee who might be able to answer it as to whether or not Maine citizens who are stationed elsewhere and return to Maine need to purchase an in-state, an out-of-state, or no license at all in order to hunt or fish in Maine, if they are in the United States military?

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

Mr. PRAY: Mr. President and Members of the Senate: In response to the question, there is another section in the law, Section 2401, which pertains to Maine people serving in the military, and they can purchase a license for a \$2 fee, a combination hunting and fishing license.

Last year I put in a bill which repealed the servicemen's right to buy licenses at a resident's fee, and the good Senator from Aroostook, Senator Gahagan, put an amendment on which gave it back to them, in which there were some wording problems, and that is why this appears again.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Hancock, Senator McNally, that the Senate accept the Committee of Conference Report.

Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

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

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

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-1115), as Amended by Senate Amendment "A" Thereto (S-519), and House Amendments "A" (H-1166), "C" (H-1183), "E" (H-1191) and "G" (H-1241) and Senate Amendments "B" (S-524), "D" (S-529) and "C" (S-526), as Amended by Senate Amendment "A" Thereto (S-532), in non-concurrence.

Mr. Graham of Cumberland moved that the Senate Recede and Concur.

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

Mr. CURTIS: Mr. President, I ask for a division on this question and I hope the pending motion does not prevail, because if it were to prevail, we would be in a position where we would be changing our previously stated position that we oppose the addition for confirmation purposes in the future of two groups: the Committee on Aging, comprised of seventeen members, and the Maine Human Services Council, comprised of fifteen members, making a total of an additional thirty-two new people, additional people, who would be required to go through the rather extensive confirmation process.

I would point out, Mr. President, that according to the statutes, Title 22, Section 5112 — and I will read only one sentence from this provision which refers to the Committee on Aging: "The committee shall be solely advisory in nature." Mr. President, I think this is an important point in consideration by the Senate, because if we get involved in a situation in which we are providing that members of advisory committees and committees of lesser importance than department heads, judges, and people who are involved in semi-judicial positions, such as the Public Utilities Commission, are required to be confirmed by the appropriate joint standing committee of the legislature and the full Senate on a roll call vote, then we are going to, I think, over the long run subvert the intent of the people last year and of this legislature last year in trying to simplify the process and make it more accountable for purposes of appointments so that the Governor can effectively administer this state government, except in those very important positions which require Senate confirmation.

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

Mr. CONLEY: Mr. President and Members of the Senate: As a member of this body, I voted the other day for the enactment of this piece of legislation, and to be honest with you, I would like to see this bill enacted into law.

I can recall that a few weeks ago the body at the other end of the hall took a very serious step which I considered to be a dangerous step, and that was on the motion to adhere on the criminal code, and I think all of us today realize exactly what that motion did.

However, I feel it is important that we do enact this piece of legislation redistributing the powers of the executive council. I am afraid if this bill is not enacted we will have no law at all and the chief executive of this state will be able to operate with no confirmation by anyone. So it would be, I think, just good common sense today to recede and concur with the other body and pass this bill along.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would just like to briefly add my voice to those who are asking for a motion to recede and concur, and admit in doing so that I think I agree with the logic of the Chairman of the State Government Committee, the Senator from Penobscot, Senator Curtis. If I was writing this bill all by myself, I think I would

agree that these positions shouldn't have to go through the confirmation process. I might say though that due to the work of that State Government Committee we have reached agreement on many, many complicated areas that I thought were going to be thorny problems last session when we passed this bill.

I think what we are discussing now really is a very small aspect of the bill. We have already cut down the number of people that have to be confirmed by several, several hundred, and I think that if people are worried about opening the door — and I think that is the problem with people as they look at this rather small infringement on the 150 that State Government has got it down to, they are worried about opening the door and having more in the future — I think that as experience goes by and as the legislature deals with the confirmation process, and realizes its limitations and the fact that it should be saved for more serious matters, I think that the thrust is going to be to have less positions that have to go through the confirmation process. I guess what I am saying is that the weight of our experience or the weight of the experience of the 108th when it starts dealing with these will be to cut back anyway.

I note that an amendment that has been on this bill before in the House, that was defeated specifically here in the Senate, isn't on here, so there is a compromise position I think that is offered as it comes back, and I would hope that we could see to it that the bill would pass, and get it passed as soon as we can, and hope that this week before it comes to an end on the calendar it can come to an end here.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I want to congratulate the Chairman of the State Government Committee, Senator Curtis from Penobscot, who has done a magnificent job in cutting down the number of appointments that do require confirmation. We have cut down that number by two-thirds, so even if this bill goes through with the House Amendments, it will have less than 200 appointments requiring confirmation. So I urge you to accept my motion to adhere or to recede and concur.

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

Mr. CURTIS: Mr. President, if this were not a matter that I considered of such importance from the point of view of establishing a legislative policy as to what types of positions should be confirmed, I would not oppose this amendment so adamantly. We are talking about an amendment that provides for thirty-two new positions for confirmation. The Committee on Aging positions are three-year positions. That means that every three years an additional five members, not counting the two members who are legislators, but an additional five members will be up for confirmation. I have been told that those members' appointments expire in October. Now, what adding this type of committee, and this committee in particular, to the confirmation process would mean is that either the committee would operate for a number of months with only two-thirds of its membership, from October at least until January, or that the legislature, at least the joint standing committee that is involved, which would be the joint standing committee on Health and Institutional Services, and the full Senate would have to be called into special session.

I submit to you again it is very important that we consider the policy that is being established. Judges of this state serve terms of office of seven years. Most commissioners serve terms of office coterminous with the Governor. They will be coming into office when a new Governor is elected and many of them, most of them probably, will stay the full four-year term. The

legislature will be in session anyway when those nominations are posted. But when we get into the question of some of these staggered committees — and as soon as we establish the principle of adding the Committee on Aging and the Maine Human Services Council, then the LEAA Committee and some of the others that we have seen suggested will be right along next year saying what is the difference between our committee and the one you have already decided to have confirmation for — as soon as we get into that position, I suggest that we have subverted the entire intent of the constitutional amendment that we have worked so hard for.

The other thing I would like to suggest is that if this committee or perhaps the chairman or some part of it is that important, then the full legislature can reconsider the matter next January, and any time that two-thirds of the House and two-thirds of the Senate agree, a new position can be added or a position can be deleted. But I think we ought to establish the principle today.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would point out that the good Senator has made a very emphatic statement, a very important statement, that the legislature next January can very well reconsider its position. It may be reconsidering its position on the entire matter, and I think really in many cases it is good enough to come across with half a loaf of bread rather than a full loaf.

I would also point out to the Senate that both the membership of the Committees on Aging and Human Services stay on board until their successor has been confirmed, so in the event that this does not pass they are going to be there anyway, and I just think it is important that we recede and concur with the House.

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

Mr. MERRILL: Mr. President and Members of the Senate: I think it is clear that I agree if it were up to me that I wouldn't put these positions in, but I have to say that I think it is a little inaccurate to suggest that what we have here is a pristine and pure bill where strict policy decisions have been made right down the line and now we have something that falls outside of those strict policy decisions. There are many matters of judgment as to what should be confirmed and what shouldn't be confirmed. As I understand it, the purchasing agent of the state has to be confirmed under this bill, there are some bureau directors that have to be and some bureau directors that don't have to be. These are matters of judgment. And I think I agree with the judgment of the chairman of the committee in this case, but I think we have to yield some of our own positions in reaching an opinion that is in agreement between the two bodies.

I might just suggest that if we keep this bill out of concurrence long enough we can spend more time debating this one small point in a very big bill than it would take to confirm these people for the next biennium.

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

Mr. GRAHAM: Mr. President, I garbled my last statement a bit. I meant to say that I hope we adhere to my motion to recede and concur, and I ask for a roll call.

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

Mr. BERRY: Mr. President and Members of the Senate: I always feel there is a message transmitted by the individuals who take positions on different bills. As I sit back here in the left wing of the Senate Chamber and watch the Senators from Cumberland rise in measured cadence, and I am from Cumberland too, I say to myself I must be in error if I do not share the

views of Senators Conley, Merrill, and Graham. These gentlemen are never in the rear of efforts to do good, and I frequently take my message from the paths that they blaze.

However, it is my understanding — and I hope I am corrected if I am wrong — that what we are really talking about is an effort on the part of some in the legislature to keep their fingers in the pie when the new set-up is put in effect of replacing the Governor's Council by the Senate for confirmation purposes.

I note that the committee which would handle the two issues we are talking about today, the Health and Institutional Services Committee, is composed of eight Democrats and five Republicans. And if one were to take the worst supposition and figure that confirmations and proposals which might be accepted by the committee would be based on partisan lines, then of course the nominees to these two committees would be of personalities favorable to the Democrats involved. I don't think this would happen but it is a possibility.

I also think, far more seriously, that we have once again a dangerous precedent of the legislature getting into the executive department. There is a possibility here of stacking the committee by people who would do what the legislature, and in particular the Health and Institutional Services Committee, wants. I think this is a dangerous precedent.

I think that the chips are, as Senator Conley says, down, and I think that our willingness to continue to debate the seriousness involved in this question indicates that we are not just going to swallow this whole hog, but are going to take the time to very carefully analyze it, as Senator Curtis has indicated. So I would hope that with these thoughts in mind we would give this some more attention. It is far more important than just sloughing it off and saying let's get out of here by passing this. Let's not recede and concur, and then find the solution to the problem after we have taken that action.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Graham, that the Senate recede and concur with the House. A "Yes" vote will be in favor of receding and concurring; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

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

ABSENT: Senators Cianchette, Hichens.

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.

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

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

Mr. MERRILL: Mr. President, I move that the Senate insist and ask for a committee of conference, and I would like to speak to the motion.

The PRESIDENT: The Senator has the floor.

Mr. MERRILL: Mr. President and Members of the Senate: We have had a spectacle of debate here today which has run the gamut from the sublime to the ridiculous, the final

suggestion of course that the Democrats would be so presumptuous as to presume we are going to be in control next time and therefore have our policy based on that. I can sincerely say to the Senate that I don't care what becomes of this motion, but I do care what becomes of this bill. And I think that a motion to adhere right now is inappropriate, and I frankly hesitate to presume that there will be enough good will at the other end of the hall to keep this bill alive.

I don't think it is necessary, the areas of disagreement are so minor, and I think that it is inappropriate of a great body such as this to be so petty and so demanding of having its way, and having it when it wants it the way it wants it, as to let an important bill like this that represents so much work run the possibility of going down the drain just so that we can look tough. I think it would be an act of greatness on the part of the Senate to insist and join a committee of conference and see if we can't get some agreement.

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

Mr. CURTIS: Mr. President, I don't really consider the matter before us petty. And since reference has been made to consideration in the other branch, as I was coming in today I was surprised to hear my name being mentioned, and who I was having lunch with, in the debate in the other branch on this matter. I had lunch by myself in my car, eating a MacDonald's hamburger while driving down from Orono. Like I say, not that that was important to the bill; it is important that we consider the principle of the matter.

The two bodies that are under consideration here, the two committees, are both advisory. The statute referring to the Human Services Council states that the council shall be solely advisory in nature, and the statute referring to the duties and powers of the Committee on Aging states that the committee shall be solely advisory in nature. Mr. President, if we consider going in another direction in our confirmation process and consider confirming advisory committees, then the legislature will indeed be in session a long, long time in the future.

If there were any opportunity for substantial or meaningful compromise in this situation, I think I might agree with the previous speaker. But all of these committees are part-time. I think they serve at a salary of \$25 a day — the Committee on Aging does anyway, for days that they are actually working. This is the type of organization that the members are not full-time people; they are all volunteer people, except for the small salaries they receive which I mentioned, and it seems to me that if there would be some opportunity for change in position, then we would have seen it in the amendment when it came back to us. The amendment that came back to us, that we are debating here, is very, very similar to the one the Senate considered previously and also defeated. So I hope that we maintain our position and, as I suggest, the integrity of this piece of legislation.

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

Mr. MERRILL: Mr. President and Members of the Senate: There has been some change, as far as I can see, already in that what I think was House Amendment "F" is no longer on the bill. I am ready to stand corrected. So I think there has been some movement at the other end already.

I just don't think that it is worth risking this whole bill over what I think anyone with perspective would have to admit is a relatively small point. I think that the chairman himself pointed out in the debate earlier that these matters weren't even brought up in the original discussions before the committee when he had asked for the input and that sort of thing, which I think indicates what a relatively unimportant

area of difference we are dealing with here. I think that it is playing very dangerously with some very difficult compromises and very difficult committee work that has been put together. And I say once again I don't care a hoot about the fate of this amendment, but I do care about the fate of this bill. Harry Truman once said of his presidency that he spent about 80 percent of his time convincing people to do what was in their best interests. I look upon my role in this debate today as having that relative position to the Senator from Penobscot, Senator Curtis.

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

Mr. CURTIS: Mr. President, very briefly, I will reiterate what I mentioned on Friday, that the State Government Committee gave very careful consideration to all of the duties of the executive council, and in our report, which is dated February 6, 1976, there is an appendix of some eighteen pages. In that appendix you will find the consideration that the State Government Committee gave in session to each of the powers and the duties of the present executive council in all thirty-nine titles of the statutes and in the private laws. We gave it serious consideration, we considered both of these committees, and it was our determination that they were advisory committees in nature and they ought not to be subject to confirmation.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that the Senate insist and request a committee of conference with the House.

The Chair will order a division. Will all those Senators in favor of the motion of the Senator from Cumberland, Senator Merrill, please rise in their places until counted. All those opposed to the motion will please rise in their places until counted.

A division was had. 12 having voted in the affirmative, and 19 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

Under suspension of the rules, sent forthwith to the House.

Enactors

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

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

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

Non-concurrent Matter

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

In the Senate April 8, 1976, Passed to be Engrossed as Amended by House Amendment "A" (H-1230), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendments "A" and "D" (H-1270), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Providing for Administrative Corrections in Tax Laws." (H. P. 2312) (L. D. 2349)

In the Senate April 9, 1976, Passed to be Engrossed as Amended by House Amendment "A" (H-1252), in concurrence.

Comes from the House. Passed to be Engrossed as Amended by House Amendments "A" and "B" (H-1268), in non-concurrence.

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

Mr. COLLINS: Mr. President, I would like to pose a question through the Chair to anyone who may care to answer. In looking at House Amendment "B", H-1268, I note that there has been introduced into this bill a provision that assessors, on their own knowledge or on written application, may make such abatements as they believe reasonable in the real or personal taxes of all persons who by reason of infirmity or poverty are, in the judgement of the assessors, unable to contribute to the public charges. I haven't worked on this bill or studied it particularly before, but it seems to me that this is a rather broad power given to assessors in this particular type of municipal unit, and I wonder if someone better versed could explain whether this is to be a universal authority given to assessors and, if so, whether there are any safeguards against, it seems to me, a rather shallow standard of whether you assess or you don't assess.

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

Thereupon, on motion by Mr. Cyr of Aroostook, tabled and Tomorrow Assigned, pending Consideration.

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

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

Pending — motion by Senator O'Leary of Oxford to Adhere.

Mr. Conley of Cumberland then moved that the Senate Insist and Join in a Committee of Conference.

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

Mr. COLLINS: Mr. President, I would ask for a division and ask the Senate to vote against this motion. This matter was fully debated last Friday and it is the sort of thing that there isn't any real area of conference compromise. If we were going to make a radical decision to shift the standard for increasing benefits in the retirement laws, we would adopt this sort of thing. But as I pointed out last week, the unanimous opinion of the thirteen members of the Retirement Committee was that we ought to ask the actuaries who advise the system to study this problem and give an opinion to the 108th Legislature.

The cost of living index is a national index. As a rule, the City of Portland is the only place in the State of Maine that is used in measurements, and I am not convinced that this is the way to go with this mechanism, certainly not at this time, and certainly not until our own actuaries have been able to study the measurements thus suggested against the structuring of our system as it exists. I would ask you to defeat the motion to insist.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate insist and join in a committee of conference with the House.

The Chair will order a division. Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, please rise in their places until counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

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 insist and join in a committee of conference with the House. A "Yes" vote will be in favor of insisting and joining in a committee of conference; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Conley, Danton, Graffam, Graham, Greeley, Marcotte, Merrill, Pray, Reeves, Roberts.

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

ABSENT: Senator Cianchette.

A roll call was had. 12 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to adhere?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, once in a lifetime you will notice that the good Senator from Cumberland, Senator Berry, and I are on the same side, and I couldn't let this moment go by without pointing it out. And I think all of you have made a very, very bad mistake.

The PRESIDENT: Is it now the pleasure of the Senate to adhere?

Thereupon, the Senate voted to Adhere.

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

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

After Recess

Called to order by the President.

Papers from the House

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

Non-concurrent Matter

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

In the Senate April 12, 1976, Passed to be Engrossed as Amended by Senate Amendments "B" (S-548), "C" (S-552), "D" (S-553), "E" (S-554), "F" (S-556), "G" (S-557), "H" (S-558), "I" (S-559), "J" (S-560), "K" (S-561), "L" (S-562) and "M" (S-566) and House Amendments "B" (H-1242), "C" (H-1243), "D" (H-1244), "E" (H-1248), "H" (H-1261), "I" (H-1262), "J" (H-1263), "K" (H-1264), "L" (H-1265), "M" (H-1266) and "N" (H-1267), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendments "B", "C", "D", "E", "G", "H", "I", "J", "K", "L" and "M" and House Amendments "B", "C", "D", "E", "H", "I", "J", "K", "L", "M", "N", "O" (H-1272), "P" (H-1273) and "Q" (H-1274), in non-concurrence.

Mr. Collins of Knox moved that the Senate Recede and Concur.

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

Mr. CONLEY: Mr. President, I am concerned about House Amendment "P" that has been added to the bill in the other body dealing with school buses. It seems to me if this amendment is to stay on the bill that it would put the Greater Portland Transit District right out of business, that is, as far as transporting children to and from school, and it is the only type of bus that the greater Portland area has. Because of my concern and reservation for that, I would move that the Senate recede.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate recede. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, in the education errors and inconsistency there was a provision pertaining to the seating of youngsters. Presumably it is going to take care of the Portland Transit Authority. It is my understanding that in the last day or so the state police have indicated that they are unable to deal with that provision in the errors and inconsistencies of the education bill, and it is equally my understanding that the office of the Governor was involved, and this is a response to the grave concerns of both the executive and the state police.

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

Mr. CONLEY: Mr. President, it is my grave concern also. It certainly appears to me that this is a matter of substance. We did pass legislation that was enacted during this special session dealing with school busing, and the chief executive did veto that bill.

The good Senator from Kennebec, Senator Katz, speaks of an amendment that was put in the errors and inconsistencies on the education bill. Now, it seems to me again that this is contrary to the bill that was in the education win-up and I am just afraid that it is going to have some strong adverse effects back in my community. Again, in southern Maine, the only thing we have to rely on there is the Transit District. Now, if you are going to compel and mandate and force the greater Portland communities to get into buying or purchasing school buses, I think you are just forcing an additional increase in the property tax upon those people. Therefore, once again I would move that the Senate recede.

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

Mr. BERRY: Mr. President and Members of the Senate: I have some concerns but they are not exactly the same as those of the Senator from Cumberland, Senator Conley, and I would like to pose a question, if I may. It is my understanding that the average school bus seat has a width of 38 inches, and I guess the question I would like to ask is will this prohibit those systems that now transport three small children on a 38-inch seat from doing this, and will it cause these municipalities to have to go into a greater purchase of buses?

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would pose a question to the Chair as to whether or not this amendment is germane to this bill.

The PRESIDENT: The Senate will be at ease.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: The Chair would rule, in reference to the question by the Senator from Cumberland, Senator Conley, that the amendment is in order.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate recede. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, can I just briefly explain to the Senate that when I came in today there were apparently two concerns in the education errors and inconsistencies. One was taken care of on a tax bill earlier today, and this

was to have been taken care of too. There was a joint order to recall the education bill from the Governor's desk. Unfortunately or fortunately, depending upon how you look at it, the Governor had already signed it, so this is the only vehicle with which we could have faced this issue.

The PRESIDENT: Is it now the pleasure of the Senate to recede?

The motion prevailed.

House Amendment "O" was Read and Adopted in concurrence, and House Amendment "P" was Read.

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

Mr. CONLEY: Mr. President, I am in a quandary really because some people think this amendment does one thing and others think it does another. If I move to indefinitely postpone the amendment, and it succeeds, we are going to be in non-concurrence with the House any way you look at it. I move that House Amendment "P" be indefinitely postponed.

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

Mr. KATZ: Mr. President, I would request a division.

The PRESIDENT: A division has been requested. Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would ask a question through the Chair. Perhaps I missed most of the debate prior to this, but I am really not sure what House Amendment "P" is designed to do, and I wonder if any member of the Education Committee or otherwise might explain what the issue is before us.

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

Mr. KATZ: Mr. President, I will give my best effort in answering. Earlier this session we had an amendment to some bill or other, supported by the Senator from Cumberland, Senator Conley, which directed its attention to the Portland Transit District, and which was defeated by the Senate, which sought to liberalize the capacity of buses to be more flexible to handle very small kids. The Education Committee included in the education errors and inconsistencies its response to the same question, and it is that portion of the education errors that we are attempting to correct now. As I understand this amendment, it puts us back to pretty much where we were before this legislature convened in special session.

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

Mr. CONLEY: Mr. President, it seems to me that we passed a bill here the other day that was in the education errors and inconsistencies bill. And at that time the good Senator from Kennebec stated to me, "Jerry, don't worry about anything because we have really taken care of that problem in the education errors and inconsistencies bill." That was signed into law and it relieved the problem. Now we have before us an amendment that actually repeals what was in the education errors and inconsistencies bill. Now, it just seems to me that the language that was put in the education bill came from the Commissioner of Education or people around that office, and it seems to me that what we are doing again is just taking another step backwards.

As I said before, we are concerned about the transporting of children in the greater Portland area, and I am sure that the good Senators from Androscoggin, Senator Clifford, Senator Carbonneau, and Senator Berry, are confronted with the same thing because of the fact that they have a transit authority, it is my understanding, or at least regular city buses that are used to transport children.

It seems to me now that the chief executive has some hang-up on the buses, and I know he

was totally all wet when it came to dealing with the original bill that he vetoed, but it seems to me that we are trying to relieve a very bad situation in Portland. And that is, as I tried to explain, that on a rainy day when the bus comes down the street, under the current law they have to by-pass children and let them stand there until some other bus comes along because of the fact that they are governed under the law that says they can only seat so many children.

The Senator from Kennebec, Senator Katz, said that they straightened that law out by allowing so many inches per seat to take care of children, and now we are getting back into the same ballpark where it is going to be a handicap to be able to pick these kids up. I think, like I said originally, for this amendment to be put on at this late hour without somebody having an opportunity, the school board in my area particularly, to be able to review it, that it is a substantive change and it should not be put on the bill. I would move that it be indefinitely postponed.

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

Mr. KATZ: Mr. President, I must confess that everyone has seen this for about the same length of time I have, and I have no notion as to the ultimate implications in this. I was merely cooperating with a request from my House chairman down at the other end when I agreed to address myself to it.

It seems to me that if I were to withdraw my request for a division, and if the opinion of the minority leader prevails, the amendment probably would not be an issue down at the other end, and it might be possible for us to engross this without the amendment on it. And if the Senate has made a grave mistake by going along with the Senator from Cumberland, then the other body can still address ourselves to the problem. On that basis, and to be cooperative, I will withdraw my motion for a division and hope that the Senate will go along with the motion of the minority leader.

The PRESIDENT: Is it now the pleasure of the Senate to indefinitely postpone House Amendment "P"?

The motion prevailed.

House Amendment "Q" was Read.

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

Mr. SPEERS: Mr. President, I would ask a question through the Chair as to whether or not House Amendment "Q" is, in effect, an amendment to the criminal code, since it does provide for a misdemeanor for anyone who is found operating a vehicle which is not registered to be on the public way.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, this is a matter which was discussed between the Judiciary Committee and the Attorney General's Office, and the reason for this is that the principal control of the traffic infraction situation is the suspension of license or registration, but when you are driving without a license or registration there isn't much the Secretary of State can do to suspend, since you don't have anything to suspend. In other respects in the traffic code we cured that with keeping those things on the criminal side of the fence, and I think this is an attempt to treat the registration situation similarly. So I would support Amendment "Q".

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

Thereupon, House Amendment "Q" was Adopted in concurrence.

Mr. Marcotte of York then moved that the

Senate reconsider its former action whereby Senate Amendment "F" was Adopted.

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

Mr. BERRY: Mr. President and Members of the Senate: This is the CATV amendment, and I would oppose the motion of the Senator from York, Senator Marcotte, and request a division.

The PRESIDENT: A division has been requested. Is it now the pleasure of the Senate to reconsider adoption of Senate Amendment "F"?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I would hope the Senate would vote against reconsideration. We had this matter debated fairly exhaustively, and I think there has become increasingly an awareness on the part of the members of the Senate since the debate Friday that this would just end up with a chaotic situation in every community where we have CATV at the present time, with competition, with the present operators facing the possibility of being ruled right out of existence by a vote of the local municipal board. I think that this matter should be considered by the legislature at the next session, once again — incidentally, this being a solution which has never been proposed up to now, so I hope the members of the Senate would vote against reconsideration.

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

Mr. CLIFFORD: Mr. President, this errors bill has had rather a stormy history, and I do believe that the postponement of House Amendment "P" will not be controversial. However, this particular matter of Senate Amendment "F" has been taken up in the other body twice and it has been soundly defeated twice, and it seems to me we ought to attempt as much as possible to try to end up in a concurrent as opposed to a non-concurrent manner, especially on items on which there have been strong votes taken.

Now, what we are talking about by this amendment is certainly not a wholesale intrusion by municipalities into private enterprise. We are talking about a very limited power which is being defined in the errors bill, which power most likely exists now in the communities, and certainly which power will not be exercised by a community which is being serviced by an existing cable television operation. What we are talking about is giving these smaller communities, the rural communities which are not serviced by cable television and will not be serviced by cable television because it simply is not economically feasible to be serviced by cable television, to allow them, should they want to consider it — one of the reasons for this is that it is under the Community Development Act — to apply the community development funds to get into this field, should the voters of the community decide to do that.

So it seems to me that this is really not an issue of private enterprise versus governmental intrusion. It is really an attempt to make clear that the municipalities have the power to use community development funds under the Community Development Act and get into the revenue obligation area for these communication systems. I don't think it is a big thing. I think, if you look at the statutes, that the communities probably have the power anyway, and this just makes it clear that they have the power to use these specific funds for this specific purpose, which is encouraged by the federal government under the Community Development Act.

So it seems to me for those two reasons: one, that I think we are going to end up in a serious non-concurrent situation, and No. 2, we are really not talking about a serious intrusion into

private enterprise, that we would go along with the Senator from York, Senator Marcotte, on his move to reconsider so we can kill this amendment. Thank you, Mr. President.

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

Mr. SPEERS: Mr. President, I would oppose the motion to recede from adoption of Senate Amendment "F". It seems to me that we are talking about a bill that deals with errors and inconsistencies in the public laws of the state. The good Senator from Androscoggin, Senator Clifford, mentioned that this is likely to be a very controversial measure, and it seems to me for that reason alone it is improper to be enacted in this law, which would be the case were Senate Amendment "F" removed from this bill.

This matter has not received a public hearing, and it certainly is worthy of a separate bill and a separate public hearing on that question. For that reason, I do feel that we should not recede from adoption of Senate Amendment "F" and would oppose the current motion.

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

Mrs. CUMMINGS: Mr. President, a parliamentary inquiry: Mr. President, I think Friday I made a motion to reconsider action on this and my motion was defeated.

The PRESIDENT: The Chair would advise the Senator that she is correct, the matter was reconsidered on Friday and reconsideration lost, but subsequently the matter has been down to the House and it has now returned to the Senate in a different posture. Therefore, I am advised by my parliamentarian that a simple majority is all that is required for reconsideration.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, to put this into focus in my own mind, I would inquire from the original mover to recede and concur, that by defeating this Senate Amendment, wouldn't we be in the same posture with regard to this matter as we would have been in had the motion to recede and concur taken precedence and been acted upon favorably?

The PRESIDENT: The Senate will be at ease.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: The Chair now understands that the Senator from York, Senator Marcotte, moves that the Senate recede from its action whereby it adopted Senate Amendment "F".

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, this is the motion that the good Senator from Cumberland, Senator Berry, and I oppose and for which a division has been requested.

The PRESIDENT: The Chair thanks the Senator.

Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from York, Senator Marcotte, that the Senate recede from its action whereby it adopted Senate Amendment "F" to L. D. 2345.

The Chair will order a division. Will all those Senators in favor of receding please rise in their places until counted. Will all those opposed to the motion rise in their places until counted.

A division was had, 17 having voted in the affirmative, and 10 having voted in the negative, the motion to recede prevailed.

Mr. Merrill of Cumberland then moved that Senate Amendment "F" be Indefinitely Postponed.

A viva voce vote being taken, Senate Amendment "F" was Indefinitely Postponed in con-

currence and the Bill Passed to be Engrossed, as Amended, in non-concurrence.

Sent down for concurrence.

Committee Reports

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Implement a Central Licensing Division within the Department of Business Regulation" (H. P. 2153) (L. D. 2294)

have had the same under consideration, and ask leave to report: that the House recede from passage to be engrossed as amended by House Amendment "A" (H-1111) as Amended by House Amendment "A" (H-1116) thereto; indefinitely postpone House Amendment "A" as amended by House Amendment "A" thereto; adopt Conference Committee Amendment "A" (H-1271) and pass the bill to be engrossed as amended by Conference Committee Amendment "A"

The Senate recede from indefinite postponement, adopt Conference Committee Amendment "A" and pass the bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

On the part of the House:

CLARK of Freeport
BYERS of Newcastle
BOUDREAU of Portland

On the part of the Senate:

CURTIS of Penobscot
CONLEY of Cumberland

Comes from the House, the report Read and Accepted.

Which was Read.

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

On motion by Mrs. Cummings of Penobscot, Adjourned until 10:30 o'clock tomorrow morning.