

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, April 16, 1976

Senate called to order by the President.

Prayer by the Honorable Minnette H. Cummings of Newport: Many years ago in elementary schools just before exams we would sing a certain hymn, and I would like to say the first line of that hymn today, if you will bow your heads. O God, our help in ages past, our hope for years to come, please stand by us today, tomorrow, and the next few days in these difficult decisions. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government." (S. P. 700) (L. D. 2225)

In the House April 6, 1976, Report "A" Read and Accepted and the Bill, in New Draft, (S. P. 790) (L. D. 2341) Passed to be Engrossed, in non-concurrence.

In the Senate April 13, 1976, Report "B" Read and Accepted and the Bill, in New Draft, (S. P. 791) (L. D. 2342), Passed to be Engrossed as Amended by Senate Amendments "H" (S-569) and "I" (S-570), in non-concurrence.

Comes from the House, that Body having Adhered.

On motion by Mr. Speers of Kennebec, the Senate voted to Recede and Concur.

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

Communications

April 15, 1976

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

The House voted today to Adhere to its former action whereby it accepted the "Ought Not to Pass" Report "A" of the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing State, Maine Maritime Academy and University of Maine Employees' Pay" (H. P. 1846) (L. D. 2015).

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

(Off Record Remarks)

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:

Enactors

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

An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry and Veterinary Medicine. (S. P. 760) (L. D. 2310)

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

An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977

and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government. (S. P. 790) (L. D. 2341)

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

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

Mr. SPEERS: Mr. President, I now move that the rules be suspended for the purpose of receiving an amendment without the necessity of the amendment itself being reproduced and distributed according to the Senate rules.

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

Mr. O'LEARY: Mr. President, I would ask for a division on that motion.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I would like to point out that the reason for making that motion is so that an amendment may be presented which the Senate does in actuality have before it at the present time, the exact same amendment except that the amendment was to another bill, so that the Senate, if it wishes to know the contents of the particular amendment, if there are any here who do not know those contents at the present time, would certainly be able to find out those contents by looking at that other amendment.

The alternative to suspending the rules at the present time so that an amendment may be offered, without the necessity of having it reproduced correctly to reflect the amendment to the current bill before us, is to recess this body until such time as that particular amendment may in fact be reproduced. I think that this is simply a time-saving measure in which I think it would be foolish for this body to neglect to suspend the rules so that the amendment could be offered at the present time without the necessity of being reproduced.

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

Mr. COLLINS: Mr. President and Members of the Senate: The amendment in question is in the hands of the Senator from Androscoggin, Senator Carbonneau. I have proofread his amendment against Senate Filing S-584, which is in our books, which was then offered yesterday as Senate Amendment "D" to L. D. 2015. The text of Senator Carbonneau's amendment now in his hand is exactly the same as the text of Senate Filing S-584.

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

Mr. BERRY: Mr. President, a question through the Chair: As I understand it, Mr. President, it would be the prerogative of the Chair, if the motion before us failed, that the Chair could declare the Senate in recess, and the same thing could be accomplished simply by waiting for the amendment to be reproduced. Am I correct?

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

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

Mr. O'LEARY: Mr. President, I withdraw my motion at this time.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now requests leave of the Senate to withdraw his motion for a division. Is this the pleasure of the Senate to grant this leave?

It is a vote.

The PRESIDENT: Is it now the pleasure of the Senate that the rules be suspended?

It is a vote.

Mr. Carbonneau of Androscoggin then presented Senate Amendment "G" and moved its Adoption.

Senate Amendment "G", Filing No. S-587, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CARBONNEAU: Mr. President and Members of the Senate: I don't wish to debate this item very long. It is just a matter of telling you that it is the same thing as was presented yesterday word for word in every way, shape, manner, and form, only it is an amendment to another bill that we have before us. I urge you to vote for this amendment because this is about the last thing we have to work with as far as the pay bill is concerned, and if we are going to give the state employees a raise this year, it is time to do it without having to come back to override a veto.

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

Mr. KATZ: Mr. President and Members of the Senate: Just before the session started one of my favorite members of the lobby gave me a quote from Abba Eban, former Israeli Ambassador, and the quote goes something like this, "Nations and men will become reasonable only after they have exhausted all other alternatives." Well, it seems to me that somehow pertains to the extraordinary machinations of the Maine Legislature over the past couple of weeks.

Last night we had a traumatic experience. This Senate which has worked so compatibly over the past two or three months reached an impasse where the two caucuses were diametrically opposed on an issue. That was last night. I am going to ask the members of the Senate today to vote against the adoption of the Carbonneau amendment unless they are absolutely willing in their hearts to realize that voting for the Carbonneau amendment today, which I shall do also will involve a personal commitment, should the occasion arise, to vote to override a gubernatorial veto. I suggest that the time has come for the Maine Senate to do its thing. And looking back to an earlier occasion in this special session of the legislature, this body joined hands to do something which most of us felt was appropriate under the circumstance when we went through our first torture of Hell with respect to school funding.

The special session now calls upon us to do a second difficult task, and I ask the Senate to send such a strong signal down to the other body, a signal which represents the unanimous feeling, if possible of this chamber, so the other chamber and all others will know that the Republicans and the Democrats have joined hands to identify what in our view is the only remaining logical compromise to make with respect to the question of employee pay. I request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: It is an axiom of politics, I guess, that timing is everything. The question before the legislature today is can the good Senator from Kennebec, Senator Katz, and the others put Humpty Dumpty back together again. I am afraid they can't, but their efforts will not fail because of my actions, and I will vote today to put the Carbonneau amendment, so-called, on this bill. The grave reservations that I have were expressed many times before in this body that the Hay Report shouldn't be implemented, if it were good, before collective bargaining, and shouldn't ever be implemented because it is so bad, but I will vote for it in the serious hope that some middle ground can be struck in this legislature and that we will not find ourselves impotent at the eleventh hour to deal with the problems that the Maine people sent us here to deal with.

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

Mr. PRAY: Mr. President and Members of the Senate: As to the remarks of the good Senator from Kennebec, Senator Katz, earlier that this is the only alternative that we have before us, I disagree. We also have the Report "A" which is there and, if we do not accept the Carbonneau amendment, we still have that option to take. And to relay another quote on to this body, "All change is not growth and all movement is not forward."

The PRESIDENT: Is the Senate ready for the question?

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

Mr. O'LEARY: Mr. President and Members of the Senate: I have compromised and compromised and compromised my thoughts on this piece of legislation, and we have tried and tried and tried to compromise with the majority here in this Senate, but it has got to the point now where it seems that there is going to be no compromise because I believe that this bill is going to come right back to us in the same posture that it is right now.

I think it behooves us now to act upon this piece of legislation, send it down to his excellency, the Governor of this state, and tell him that this is triple "D" day and all the deals are dead.

Mr. President, I am at the end of the road when it comes to compromises. I am reminded when I first ran for the House of Representatives. I was young, impetuous, and was told that if I wouldn't compromise my views I would accomplish nothing. I didn't learn at that time to compromise and I accomplished nothing. It would appear to me that members of my party attempted in good faith on a number of occasions right in this chamber to compromise with the majority party and we accomplished nothing. Now it would appear to me that the majority party is willing to compromise with a monkey that is on their back. Mr. President, I move the indefinite postponement of this amendment.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that Senate Amendment "G" be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President and Members of the Senate: I am getting kind of aggravated about this whole thing. What transpired yesterday, forget. Let's go from here. Let's get this show on the road. Let's not engage in rhetoric over here. We have got to move over here. I would like for this Senate to extend its recess from twelve to three. This is Good Friday, and that is a sacred day for me and a sacred day for many people here. Let's vote on this thing and take care of the rhetoric later. Thank you, sir.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that Senate Amendment "G" 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. Seven having voted in the affirmative, and 24 having voted in the negative, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "G"? A roll call has been requested. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Carbonneau, to

adopt Senate Amendment "G" to L. D. 2341. A "Yes" vote will be in favor of adoption; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, R.; Carbonneau, Cianchette, Clifford, Collins, Conley, Cummings, Curtis, Cyr, Gahagan, Graffam, Graham, Greeley, Hichens, Johnston, Katz, Marcotte, McNally, Merrill, Reeves, Roberts, Speers, Thomas, Trozky.

NAYS: Senators Berry, E.; Corson, Huber, Jackson, O'Leary, Pray, Wyman.

ABSENT: Senator Danton.

A roll call was had. 24 Senators having voted in the affirmative, and seven Senators having voted in the negative, with one Senator being absent, Senate Amendment "G" was Adopted.

Mr. Conley of Cumberland then presented Senate Amendment "F" and moved its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now offers Senate Amendment "F" and moves its adoption.

The Secretary will read Senate Amendment "F".

The Senate will be at ease for a moment.

(Senate at Ease)

Called to order by the President.

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

Mr. CONLEY: Mr. President, I ask leave to withdraw Senate Amendment "F".

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests leave of the Senate to withdraw his motion to adopt Senate Amendment "F". Is it the pleasure of the Senate to grant this leave?

It is a vote.

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

Senate Amendment "B", Filing No. S-565, was Read.

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

Mr. CONLEY: Mr. President, I now ask leave to withdraw Senate Amendment "B".

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests leave of the Senate to withdraw his motion to adopt Senate Amendment "B". Is this the pleasure of the Senate?

It is a vote.

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

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

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

Mr. MERRILL: Mr. President and Members of the Senate: I really have an observation and then an inquiry I would like to make. I think it is a good rule to follow that matters distributed in the Senate have the names of the person that distributed them to avoid any misunderstanding as to who is speaking to us. There was distributed on all of our desks a letter to Representative Mary Najarian, a letter which, if one were led to believe that she distributed it, I think would misrepresent her position. I would ask that the person responsible for the distribution make clear to the Senate from whence this communication comes.

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 Craig Neil of Strong, Maine who has Earned the Title and Distinction of Eagle Scout in Troop No. 586

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. 2353)

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 Scott Gould of Farmington, Maine who has earned the Title and Distinction of Eagle Scout in Troop No. 586

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. 2352)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

The PRESIDENT: The Chair would ask the Senator from Waldo, Senator Greeley to approach the rostrum.

Whereupon, Senator Greeley of Waldo, proceeded to the rostrum, amid the applause of the Senate, the members rising.

The PRESIDENT: Giving this order to the good Senator from Waldo, Senator Greeley, is a token of the Senate's esteem for him and for his wife, and we certainly have that for you both, Ed. (Applause)

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

After Recess

Called to order by the President.

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

Orders

On motion by Mrs. Cummings of Penobscot, ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, April 26, at 2 o'clock in the afternoon. (S. P. 812)

Which was Read and Passed.

Under suspension of the rules sent down forthwith for concurrence.

On motion by Mr. Gahagan of Aroostook, WHEREAS, the People of Maine have established the authority delegated by the Constitution of Maine; and

WHEREAS, the People of Maine have delegated to the Legislature the power to control spending and taxation; and

WHEREAS, the Members of the Maine Legislature are both entitled and obligated to perform that task; and

WHEREAS, a state and national financial crisis exists which, through inflation, has seriously curtailed the purchasing power of State Government; and

WHEREAS, existing services exceed the ability of Maine people to support them financially; and

WHEREAS, a comprehensive review of existing and pending state and federal mandates and initiatives is an essential first step in controlling this financial crisis; and

WHEREAS, an examination of present and projected bonded indebtedness is an essential second step; and

WHEREAS, this crisis is most essentially a financial matter; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs and other committees deemed appropriate by the Legislative Council be directed forthwith to make a comprehensive review and evaluation in order to establish the state's degree of fiscal commitment and to make such recommendations for the elimination of programs on a priority basis which the State can no longer financially sustain; and be it further

ORDERED, that the committee shall request the advice and recommendations of the Honorable James B. Longley, Governor of the State of Maine, concerning this survey and the development of a program for legislative consideration in order to prevent any duplication of effort and to achieve the best possible coordination of effort upon final implementation of this program; and be it further

ORDERED, that the study of any subject or matter adjudged by the committee to be relevant or germane to the subject of this Order shall be deemed within the scope of the committee's inquiry; 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 members of the Committee. (S. P. 811)

Which was Read.

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

Papers from the House Non-concurrent Matter

Bill, "An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government." (S. P. 790) (L. D. 2341)

In the House April 16, 1976. Passed to be Enacted.

In the Senate April 16, 1976. Passed to be Engrossed as Amended by Senate Amendment "G" (S-587), in non-concurrence.

Comes from the House, that Body having Adhered.

Mr. Huber of Cumberland moved that the Senate Adhere.

Mr. Conley of Cumberland then moved that the Senate Recede and Concur.

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

Mr. HUBER: Mr. President and Members of the Senate: I am aware that many of you feel that this is the last possible measure before this legislature concerning the reappropriation of monies and such things as the university, and especially the state employees salary increase. I think Report "A", which this matter now is in the stance of the original Report "A" out of the Appropriations Committee, is a terribly irresponsible piece of legislation. Continuing programs are funded with one-time money, as I have already tried to point out before. I think this is an inherent tax increase. I

think the various sources of funds utilized in this bill are considerably suspect. This employs the principal from the permanent school fund, for example, as well as accumulated interest in this account, and uses this one-time funding to expand the state's services in a number of areas. This also considers as a one-time need the one million dollars teachers retirement, although I am sure we are all aware that this million dollars will be required into the future and, in fact, in the next biennium an additional three million dollars will be required each year.

The Governor has asked me to present another piece of legislation dealing with state employees' pay and has further compromised his position by offering implementation bonus which would provide all state employees with at least the equivalent of \$11 per week. Under this plan, via the annual increase contained in the Hay Report and the bonus, all state employees would receive at least \$572, 42 percent of state employees would receive increases greater than \$11, and 20 percent of state employees would receive increases of greater than \$15. This also would implement the reclassification under the Hay Report, which I feel is a necessity at this time. I do hope that the Senate will not recede and concur to the position presented in Report "A".

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

Mr. O'LEARY: Mr. President and Members of the Senate: In the last few days we have had unrest throughout the state amongst our employees. I feel, now that we have passed this order and we are going to adjourn until a week from Monday, if we do nothing today we will have initiated a period of unrest and a period of tension for our state employees and our people of this state. This is not good for the employees of this state and this is not good for the State of Maine. I would suggest that we recede and concur.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: As the Senator from Cumberland, Senator Huber, has said, we are now left with what was the original Report "A" out of the Committee on Appropriations and Financial Affairs. I was not a signer of that report and I am very disappointed that we have had to go around and come right back to this same issue as to whether or not Report "A" is going to be acceptable or not.

As a sole signer of Report "C", I had hoped that there might be some opportunity to discuss the merits of the pay increase plus the implementation of the Hay Report. As we are now faced with what is perceived as a pay increase or not, using this as a vehicle, I reluctantly would have to say that the funds, in my opinion, are just not available under Report "A" to provide funding for the pay increase. As the Senator from Cumberland, Senator Huber, has said, the funding is highly questionable. This is the reason for my opposition to Report "A" at that time. What is expected as one-time funding is, in my opinion, continuous funding and would amount to a deferred tax increase in the next legislature. The funds are highly suspect. And while I have great sympathy and understanding and I believe empathy for the state employees in wanting a pay raise, I do not feel as if I would be acting responsibly to vote for Report "A" and give state employees the idea that the money was there to provide for the pay increase, because I do not think the money is there.

I hope that in the interim we will be able to come to an understanding of the significance of Report "A", or what we do and what we do not do, and perhaps we can come back and consider some of the alternatives that have been discussed in the past few days.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President, when the vote is taken, I request it be taken by the "Yeas" and "Nays."

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I would like permission to pair my vote with Senator Marcotte. If he were here, he would vote to recede and concur, and I would vote against receding and concurring, and hopefully later adhere.

The PRESIDENT: The Senate from Washington, Senator Wyman, now requests leave of the Senate to pair his vote with the Senator from York, Senator Marcotte, who, if he were here, would vote "Yea", and the Senator from Washington, Senator Wyman, would vote "Nay". Is it the pleasure of the Senate to grant this leave?

It is a vote.

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

Mr. CURTIS: Mr. President and Members of the Senate: I reviewed this bill again which has been before us for two weeks, L. D. 2341, and I decided reluctantly to vote to recede and concur in adoption of this measure. My biggest objection to this piece of legislation is the drastic cuts that it provides for the Maine State Museum and for the Maine State Archives. My favorite area of the bill is that provision which provides for more money for the University of Maine than what we have been discussing before, and I think it comes closer to being something reasonable for what the university's needs are for the forthcoming year.

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

Mr. CONLEY: Mr. President and Members of the Senate: I believe that every compromise that was available to this body was at one time or another over the last week before us to review, review and review, and for reasons unknown to me, it just appeared that we never were able to really get together. So today we are just faced with the only alternative for voting for a state employee pay raise and other additional and very important items that are within this supplemental budget. I am going to vote to recede and concur and I would urge the Senate to do likewise. I hope that perhaps a week from now, if this bill is not signed into law, I hope that greater wisdom can prevail and that we can sit down and try to legislate amongst ourselves and try to present a fair and equitable bill for the citizens and the taxpayers of the state as well as to the state employees.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate recede and concur with the House. A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Cianchette, Clifford, Collins, Conley, Curtis, Cyr, Graffam, Graham, Greeley, Hichens, Johnston, Katz, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky.

NAYS: Senators Berry, R.; Carbonneau, Corson, Cummings, Gahagan, Huber, Jackson, McNally, Sewall.

ABSENT: Senator Danton.

PAIRED: Senators Marcotte, Wyman.

A roll call was had. 21 Senators having voted in the affirmative, and nine Senators having voted in the negative, with one Senator being absent and two pairing their votes, the motion prevailed.

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

Mr. MERRILL: Mr. President, is the bill now passed to be enacted?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. MERRILL: Mr. President, having voted on the prevailing side, I move that the Senate reconsider its action whereby we receded and concurred, and ask the Senate to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate reconsider its action whereby the Senate receded and concurred with the House. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will say "No".

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

Non-concurrent Matter

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

In the Senate April 15, 1976 Passed to be Engrossed as Amended by Committee Amendment "A" (S-507) as Amended by Senate Amendment "A" Thereto (S-520).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by Senate Amendment "A" Thereto and House Amendment "B" (H-1296), in non-concurrence.

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

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

Mr. SPEERS: Mr. President, do I understand that House Amendment "B" is now before the body?

The PRESIDENT: The Chair would answer in the affirmative, the Senator is correct.

The Secretary will read House Amendment "B".

House Amendment "B" was Read and Adopted.

Thereupon, on motion by Mr. Speers of Kennebec, tabled pending Passage to be Engrossed.

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 Concerning Single Motor Vehicle Registration Plates and Placement of Motor Vehicle Inspection Stickers" (H. P. 2009) (L. D. 2191)

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

that they were unable to agree.

On the part of the House:

BIRT of Millinocket

WINSHIP of Milo

FINEMORE of Bridgewater

On the part of the Senate:

GREELEY of Waldo

O'LEARY of Oxford

WYMAN of Washington

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

The Adjournment Order having been returned