

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, April 27, 1976

Senate called to order by the President.

Prayer by The Honorable Philip C. Jackson of Harrison:

Let us pray. Dear Lord, grant us the courage to change what can be changed, the serenity to accept what cannot be changed, and the wisdom to know one from the other. Grant that we may diligently seek, ardently desire, prudently examine, truly know, and perfectly accomplish those things that must be accomplished. Amen.

Reading of the Journal of yesterday.

Papers from the House
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 Cathleen R. Moody of Bradley who is entering retirement after thirty-two years in the teaching profession.

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. 2367)

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 Doris H. Wood of Bradley who is entering retirement after thirty-five years in the teaching profession

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. 2366)

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 Lynn Faulkinham of Stonington Valedictorian of the 1976 Graduating class of Deer Isle-Stonington High School.

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. 2365)

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 Thomas Allen of Sedgwick Salutatorian of the 1976 Graduating Class of Deer Isle-Stonington High School

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. 2364)

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 Bryan Duddy of Sedgwick First Honor Essayist of the 1976 Graduating Class of Deer Isle-Stonington High School

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. 2363)

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 Sandra Sturdee of Stonington Second Honor Essayist of the 1976 Graduating Class of Deer Isle-Stonington High School

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. 2362)

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 Midshipman Deborah Doane Who is First in Academic Rank in the 1976 Graduating Class of the Maine Maritime Academy, The First Woman to Graduate from that Institution and the First Woman in the United States to hold a U. S. Coast Guard Third Mate's Unrestricted License Good for "Any Ocean, Any Tonnage."

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. 2360)

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 Kenneth Hammond of Westbrook High School Salutatorian of the Class of 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. 2355)

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

KATHY DIBIASE
OF WESTBROOK HIGH SCHOOL
VALEDICTORIAN OF THE
CLASS OF 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. 2354)

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

HELEN GILE WOOD
OF FREEPORT
WHO WILL CELEBRATE
HER 100TH BIRTHDAY
ON JUNE 20, 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. 2370)

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

ELLEN WEBSTER
OF LINCOLN
NAMED MISS GREATER LINCOLN
AT THE MISS GREATER
LINCOLN SCHOLAR PAGEANT
SPONSORED BY THE
CHAMBER OF COMMERCE

We the Members of the House of Represent-
atives and Senate do hereby Order that our
congratulations and acknowledgement be ex-
tended; 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. 2369)

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

WHEREAS, the 107th Legislature identifies
as a serious problem the administration of
medication to various types of persons, in-
cluding, but not limited to, those confined in
correctional facilities and those residing in
community residential facilities such as nurs-
ing, boarding and foster homes; and

WHEREAS, persons who administer medica-
tion are often considered to lack the training
and licensing needed to safely administer
medication; and

WHEREAS, the issue of who is able to safely
administer medication to whom has generated
heated debate among various health care per-
sonnel; and

WHEREAS, this issue must be settled in
order to preserve the health and safety of cer-
tain individuals to whom medication is ad-
ministered; now, therefore, be it

ORDERED, the Senate concurring, that the
Joint Standing Committee on Health and In-
stitutional Services shall study the adminis-
tration of medication to various types of persons
including, but not limited to, those who live in
correctional facilities and in facilities such as
nursing, boarding and foster homes; and be it
further

ORDERED that in conducting its study the
committee shall determine who can safely ad-
minister medication and what type of, under
what circumstances, and to whom medication
can be safely administered; and be it further

ORDERED that in making these determina-
tions the committee shall consider input from
various health care personnel from the Depart-
ment of Human Services; and be it further

ORDERED that the Department of Human
Services and the various health care licensure
boards be requested to provide the committee
with such information and technical assistance
as the committee deems necessary to conduct
this study; and be it further

ORDERED that the Committee shall com-
plete 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 legisla-
tion in final draft form; and be it further

ORDERED, upon passage in concurrence,
that suitable copies of this Order be trans-
mitted forthwith to the department and to the
various health care licensure boards as notice
of this directive. (H.P. 2357)

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

On motion by Mr. Conley of Cumberland,
tabled pending Passage.

WHEREAS, the Public Utilities Commission
currently faces an ever increasing workload
because of continuing inflation which spurs
utilities to submit new applications for rate in-
creases in an effort to cope with this inflation;
and

WHEREAS, the People of Maine now spend
about \$300,000,000 a year paying for public
utility services; and

WHEREAS, it is of critical importance to the
People of Maine that their utility bills be kept
as small as is consistent with a reasonable
rate return on the capital of public utility in-
vestors; and

WHEREAS, many rate increase requests now
being submitted to the Public Utilities Commis-
sion involve complex issues relating to rate
structures as well as revenue requirements; and

WHEREAS, the Public Utilities Commission
at present does not have the resources neces-
sary to conduct independent audits of public
utilities making rate increase requests; now,
therefore, be it

ORDERED, the Senate concurring, that the
Joint Standing Committee on Public Utilities
shall conduct a study of the operations of the
Public Utilities Commission in regulating the
State's Public Utilities, of the commission's
capacity to adequately protect the interests of
the citizens of the State and of the Government
of Maine while regulating those utilities, and of
its ability to promote the goals of energy ef-
ficiency and conservation in its regulation of
public utilities; and be it further

ORDERED, that the committee shall com-
plete 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 legisla-
tion in final draft form; and be it further

ORDERED, upon passage in concurrence,
that a suitable copy of this Order shall be
forwarded to each member of the committee.
(H. P. 2356)

Comes from the House, Read and Passed.

Which was Read.

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

Mrs. CUMMINGS: Mr. President and
Members of the Senate: This is the first time I
have seen this order, and in reading it through,
it seems extremely vague. We have tried
several times to pass through the legislature a
method of strengthening the Public Utilities Com-
mission so that they are in a better position to
regulate the Public Utilities by being able to
hire experts who are capable of really evaluat-
ing the experts who are hired by the public
utilities themselves. As you know, both times
it was vetoed. I think that is the basic prob-
lem with the Public Utilities Commission. I
think that this would be a waste of the state's
money to have a study like this, and I move its
indefinite postponement.

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

Mr. Conley of Cumberland then moved that
the Joint Order be tabled pending passage.

On motion by Mr. Speers of Kennebec, a
division was had. Eight having voted in the
affirmative, and 16 having voted in the nega-
tive, the motion did not prevail.

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

Mr. REEVES: Mr. President and Members
of the Senate: I would like to say just a word
in support of this order. I think it is an in-
credible paradox that the consumers in the
State of Maine pay whatever the power com-
panies and the other utility companies want to
hire in

terms of experts in research to prepare their
rate cases to raise the rates on the consumers,
whereas the consumers have very little protec-
tion with the PUC being so understaffed. I
think it is one of the top priorities in our
state government that we give more support to
the PUC in terms of expertise and financial
assistance to hire expertise from outside the
state as the power companies and the tele-
phone companies and the other utility com-
panies do. I think the last rate case that the
Central Maine Power Company had was well in
excess of \$100,000 to \$200,000 that they
spent of consumer's money to prepare their
case. I think when you finally examine the
rate case that is going on now, you will see
that the intervenors for large industry are
spending upward towards half a million dol-
lars, whereas the consumers have very little
protection, as I said before, from the PUC
being so understaffed.

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

Mr. SPEERS: Mr. President and Members
of the Senate: I hope the Senate takes cog-
nizance of the fact that what we are debat-
ing is a study order to the Committee on
Public Utilities of the State Legislature. The
situation that the good Senator from Kenne-
bec, Senator Reeves, was just discussing
actually was addressed by this legislature in
a bill, as it should have been, which was
presented to the legislature, and I very hon-
estly do not recall the fate of that particu-
lar bill at this moment, whether it was en-
acted or not, but the point is that that was
the forum under which the comments made by
the Senator from Kennebec, Senator Reeves,
were most pertinent.

What we are talking about right now is a
study order for the Committee on Public
Utilities to be kept busy during the interim
between the special session in which we are
now operating and the next regular session
of the next legislature. Mr. President, I
hope fervently that a motion to indefinitely
postpone this order, if it carries, will be just
a beginning of what I do hope will be a very
stringent look at the number of study orders
that we find on the Senate calendar un-
assigned, some twenty-two or three of them,
for the joint standing committees to continue
their work during the interim. I would like
to inform the Senate that there are some
twenty-four or five studies of the joint
standing committees which are carrying over
from the last regular session of this legis-
lature which have not been completed and
on which the joint standing committees are
going to be continuing their work for their
reports to the next legislature.

Mr. President, these studies do not come
cheaply. I think it is coming home very
clearly, certainly to those of us on the legis-
lative council, at least, who are reported to
each month as to the status of the legisla-
tive account, as to the amount of money that
is being spent on these various study orders
and the amount of money which we have avail-
able to use.

It would be very desirable indeed if we
were able to enjoy the luxury of having the
committees come together and meet whenever
they so desired during the interim and doing
whatever work that they themselves feel may
be useful for the next session of the legisla-
ture. That is not the case, however, because
we are faced with some very stringent finan-
cial problems, and the legislature as well as
every other department of state government
is faced with these very same problems. I
think that the leadership has been generally
agreed, and I hope that that will be con-
tinued to be the case, that almost every one
of these study orders on the calendar that we
have here now will meet a similar demise,
and that only those orders which are of the
most urgent and most necessary nature will
actually receive the blessing

and have the study committees take those into consideration.

So it is not a reflection at all upon the comments of the good Senator from Kennebec, Senator Reeves; as I say, I think the issue that he suggested was addressed during the session and either enacted or indefinitely postponed, I don't recall which, but we are talking about a question of whether or not these committees should be so overburdened with work that they really do not function very effectively and do cause a great deal of financial drain upon the legislative resources.

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

Mr. CONLEY: Mr. President and Members of the Senate: What the good majority floor leader, Senator Speers, has stated is true. I think that the legislative council is going to be looking over all the study orders sometime today and will determine exactly which of those orders, if any of them, shall pass. I just don't think it is in a sense, a fair play to single out one particular joint order as it comes through and get up and give it its demise without the leadership or the legislative council reviewing each one of these particular joint orders. I for one intend to be very strict on passage of any of these orders at this time, but I think this should be placed on the table along with the rest of those currently waiting for approval or disapproval.

As far as this particular order goes though, it does seem to me that if we were to consider this we should consider the fact that because of the lack of technical knowledge within the PUC, or lack of the number of employees that are needed to do a suitable job in protecting the people of this state, it is really strange that a community such as mine and other communities throughout the state have been asked by the Maine Municipal Association to contribute, particularly my community which is asked to contribute \$2,000, for the recent CMP case presently before the PUC and I know there are many other communities throughout the state who were asked to be assessed or to make a contribution along with the City of Portland. The same story prevailed last year, that the City of Portland contributed \$2,000 to help fight the CMP rate case at that particular time.

It seems to me that we are being penny wise and dollar foolish, in a sense, to automatically strike something down that may have a great deal of significance to the lives of everybody, particularly when you start talking about communities, because we are not just talking about the individual ratepayer, but if you stop and look at your municipal budget each year and to see what that community is paying for telephone rates, water district or electrical rates, and so forth down the line, it is an insurmountable amount of money. I think in all honesty that there should be something done to beef up the PUC so that they will be able to have the professional staff that is needed to be able to look into these particular cases.

Therefore, Mr. President, I would hope that the Senate would vote against indefinite postponement of this particular joint order and that it be placed on the table and be considered by the entire legislative council.

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

Mr. HICHENS: Mr. President and Members of the Senate: I reluctantly rise to oppose the indefinite postponement of this. We have had a very strong feeling in southern York County, especially last Saturday night when the Town of Eliot had a public meeting and 350 people met and voted to hire counsel to go along with the Town of Kittery to oppose the rate increase set by the Public Utilities Commission, or accepted by them, for the Public Service Company of New Hampshire. When this was first granted I

went to the Public Utilities Committee and asked why the full rate increase was granted, and they said that we didn't have a consultant that could put the time into looking into the matter, and if the towns wanted to appeal the case they could hire an attorney to do so.

It is costing the two towns \$15,000 in order to hire the attorney to appeal this case, which I don't think would have been necessary if the Public Utilities Committee had had the proper consultant. I went to the Governor of the State and asked him about it, and he very blatantly told me that they could have had the consultant, that they have enough money to work with, but that is the dissention between the Public Utilities Commission and the Chief Executive of this state, and I don't think that I can get into the middle of that argument. But on the other hand, it is costing the towns money which might be saved if we give the proper authority to the Public Utilities Commission, and so I would have to vote against the motion to indefinitely postpone.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: Many of the previous speakers are bearing out exactly the point I was trying to make. The solution to this is already in our hands. We have tried twice, and along with concurrence of the public utilities in the state, who have said that they would be perfectly willing to tax themselves a certain percentage in order to so-called beef up the Public Utilities Commission. This bill was passed and it was vetoed, so we know the solution. The solution is more money to the Public Utilities Commission so that they can hire experts. So why go into a study when we know what the answer should be and we know what the solution is. We have tried twice to get money to the commission in order for them to be able to combat the experts hired by the private utilities. I just think that this is a waste of state's time. I think the effort should be put another time into trying to pass a similar bill with the acquiescence of the private companies that will tax themselves so that the Public Utilities Commission can hire the experts they need to protect the consumers. We know the answer, so why go into a study.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled pending the motion by Mrs. Cummings of Penobscot to Indefinitely Postpone.

Joint Resolution STATE OF MAINE

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

Joint Resolution in Opposition to Conversion of Certain Schiller Units to the Burning of Coal Without Adequate Air Emission Control Devices

WHEREAS, the United States Federal Energy Administration has issued a Prohibition Order to Public Service Company of New Hampshire, which directs that company to cease burning petroleum products or natural gas at its Schiller Units 4 and 5; and

WHEREAS, said Units 4 and 5 are located near the Maine border on the Piscataqua River in such a manner that contaminants in the stack emissions from these units are carried by the wind into Maine communities more than half of the time; and

WHEREAS, said Prohibition Order would result in the conversion of Schiller Units 4 and 5 to the burning of coal; and

WHEREAS, the United States Environmental Protection Agency has stated emissions from the coal burning units will not exceed Federal Primary Standards and the agency intends,

therefore, to issue a Compliance Date Extension which will allow the burning of coal at the Schiller units without adequate air emission control devices until January 1, 1979; and

WHEREAS, the Maine Department of Environmental Protection has determined that emissions from the coal burning units which cross into Maine would exceed Maine's standards for these pollutants; and

WHEREAS, those standards were established by the Board of Environmental Protection after extensive research and public hearings; and

WHEREAS, those standards were adopted by this body as the law of the State of Maine; and

WHEREAS, those standards were certified as fulfilling federal requirements by the U. S. Environmental Protection Agency; and

WHEREAS, the Maine Department of Environmental Protection has determined that the air quality in southern Maine is currently better than all state and federal standards require, but would be degraded by these emissions and possibly become the most polluted air in Maine; and

WHEREAS, emissions of sulfur dioxide from the Schiller Units would be so high as to saturate air in southern Maine to near the maximum level allowed by Maine's air quality laws; and

WHEREAS, that saturation could preclude the licensing in southern Maine of any new sulfur dioxide emissions from industries or large public buildings, most of which require fuels which produce sulfur dioxide upon combustion; and

WHEREAS, Maine is famous for its environmental quality and the environment is an important factor in Maine's economy; and

WHEREAS, such emissions would damage the environment, thus besmirching that reputation and producing a negative impact on the Maine economy; and

WHEREAS, it is apparent that the resulting costs, in limitations on future development in southern Maine, in property devaluation, in aesthetic degradation, and in personal well-being which will be paid by southern Maine residents, far outweigh any benefits to the national energy policy; and

WHEREAS, this body believes every governmental policy must be implemented with due regard for environmental quality; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature now assembled in special session, do hereby protest the conversion of Schiller Units 4 and 5 owned by the Public Service Company of New Hampshire to the burning of coal and respectfully urge and request the Members of the Maine Congressional Delegation to use every means possible to reverse the position of the United States Federal Energy Administration and Environmental Protection Agency; 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. 2361)

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

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

Mr. HICHENS: Mr. President and Members of the Senate: I move that we accept this joint resolution which concerns the serious problem confronting the residents of southern Maine. Some six years ago I was instrumental in having the emission stacks of the Schiller generating plant in Newington, New Hampshire raised several feet to eliminate the soot fallout on the Maine side of the Piscataqua River.

Two years ago, Congress passed the Energy Supply and Environmental Coordination Act in

1974, and immediately the Federal Energy Administration ordered that seven generating plants in New England who were burning petroleum products convert to coal in a certain period of time to conserve oil. Such conversion would cause very serious environmental and health problems in southern Maine and New Hampshire, and opposition was voiced by the Schiller plant officials, the Maine Department of Environmental Protection, the New Hampshire Department of Environmental Protection, along with town officials and myself. Following a hearing in Boston held without proper advance notice, word was received that as far as environmental problems were concerned the order would be enforced. Meanwhile conversion orders for the other six New England generating plants were rescinded.

At the insistence of the Maine Department of Environmental Protection and myself, a hearing was held at Portsmouth, New Hampshire, last Thursday evening at which representatives from Maine and New Hampshire Departments of Environmental Protection, the Schiller Plant attorneys, selectmen, the Maine Lung Association, myself, and residents of the seacoast area expressed opposition to the continuing plans to force the company to convert from oil to coal. The savings in energy cost, which admittedly by the United States EPA is very small, will be offset by environmental and health problems and consumer rate increases. Thus this joint resolution to our congressional delegates, which I hope you will support and which will duly be attended by our representatives in Washington.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I don't care to make a big thing about this, but we have been hearing a long time about our energy problems and one of the solutions seems to be to convert to coal. If we go on record here saying that we are against converting to coal, I don't know what we are going to support.

Mr. President, for the purposes of going on record, I would ask for a roll call vote.

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

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. Trotzky of Penobscot then moved that the Joint Resolution be tabled until later in today's session, pending Adoption.

On motion by Mr. Speers of Kennebec, a division was had. Four having voted in the affirmative, and 18 having voted in the negative, the motion did not prevail.

The PRESIDENT: A roll call is ordered. The pending question before the Senate is the adoption of Item 1-14, Joint Resolution. Those Senators in favor of adoption of this joint resolution will vote "Yes"; those opposed will vote "No".

The Secretary will call the roll.

ROLL CALL

YEAS: Senators R. Berry, Collins, Gahagan, Hichens, McNally, Reeves, Roberts, Speers, Thomas.

NAYS: Senators E. Berry, Carboneau, Cianchette, Clifford, Conley, Corson, Cummings, Curtis, Cyr, Danton, Graham, Greeley, Huber, Jackson, Johnston, Marcotte, O'Leary, Pray, Trotzky.

ABSENT: Senators Graffam, Katz, Merrill, Wyman.

A roll call was had. Nine Senators having voted in the affirmative, and 19 Senators having

voted in the negative, with four Senators being absent, the Joint Resolution Failed of Adoption in non-concurrence.

Sent down for concurrence.

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

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 Mr. Trotzky of Penobscot,
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 Bangor High School Girl's Swimming Team State Champions

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 815)

Which was Read.

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

Mr. KATZ: Mr. President, are we dealing with the Bangor High School Girls' Swimming Team Order sponsored by the Senator from Penobscot, Senator Trotzky?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. KATZ: I would request a division.

The PRESIDENT: A division has been requested. All those in favor of the passage of this order will please rise in their places until counted. Those opposed will rise in their places until counted.

A division was had. 23 having voted in the affirmative, and one having voted in the negative, the Joint Order received Passage.

Sent down for concurrence.

Papers from the House

Joint Order

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Gary Blackwell of Corinth Who Has Earned the Title and Distinction of Eagle Scout

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. 2371)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Enactors

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

Resolve, Authorizing the Commissioner of Public Safety to Convey the State's Interest and Easement in Certain Land Located in Hancock County and in the Pole Line on that Easement

to the Bangor Hydro-Electric Company. (H. P. 2368) (L. D. 2357)

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

Emergency

An Act to Revise Provision for Chairman of the Commission on Governmental Ethics and Election Practices. (H. P. 2358) (L. D. 2356)

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

Mr. SPEERS: Mr. President and Members of the Senate: I am informed by the sponsor of this measure that the Commission on Governmental Ethics and Election Practices has met and has agreed upon a chairman and that this particular bill is no longer needed. I therefore move the indefinite postponement.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that L. D. 2356 be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

Senate Papers

Mrs. Cummings of Penobscot presented, Bill, "An Act to Revise the Emergency Preamble of "An Act to Clarify Certain Provisions of the Newport Water District Charter." (S. P. 816)

(Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Order S. P. 635, as amended.)

The Committee on Reference of Bills suggests that this Bill be referred to the Committee on Public Utilities and Ordered Printed.

Thereupon, under suspension of the rules, the Bill was given its First and Second Readings and Passed to be Engrossed without reference to committee.

Sent down 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 Brian Libby of South Portland Who Has Earned the Title and Distinction of Eagle Scout in Troop 37

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. 2372)

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 George Shutts Of South Portland Who Has Earned The Title And Distinction Of Eagle Scout In Troop 37

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. 2373)

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

House Paper

Bill, "An Act Appropriating Funds to the Southern Aroostook Community School District." (H. P. 2374)

Comes from the House, Passed to be Engrossed without Reference to Committee.

Thereupon, under suspension of the rules, the Bill was given its First and Second Readings and Passed to be Engrossed in concurrence.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

Bill, "An Act Appropriating Funds for the Purchase of Town Histories." (H. P. 1949) (L. D. 2135)

On motion by Mr. Huber of Cumberland, under suspension of the rules, the Senate voted to Reconsider its action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, under further suspension of the rules, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A" (H-1027).

On motion by the same Senator, under further suspension of the rules, the Senate voted to Reconsider its action whereby it Adopted House Amendment "A" to Committee Amendment "A" (H-1061). House Amendment "A" to Committee Amendment "A". Indefinitely Postponed, in non-concurrence.

Committee Amendment "A". Indefinitely Postponed, in non-concurrence.

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

Senate Amendment "A", Filing No. S-597, was Read.

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

Mr. HUBER: Mr. President and Members of the Senate: I would just like to briefly explain that this amendment reduces the appropriation on this legislation from some \$21,000 to \$7,375, and I hope the Senate will adopt this amendment and pass the bill.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A" to L. D. 2135?

The motion prevailed.

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

Sent down for concurrence.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

Bill, "An Act to Assure Resources for the Resolution of Disputes." (S. P. 666) (L. D. 2296)

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

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

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

Senate Amendment "B", Filing No. S-576, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "B" Thereto, was Adopted.

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

Senate Amendment "A", Filing No. S-515, was Read.

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

Mr. HUBER: Mr. President and Members of the Senate: I again would like to briefly explain

that these amendments reduce the appropriation from I believe \$21,800, as contained in the original bill, to a total amount of \$10,800 by changing the position of full-time chairman of the Maine Labor Relations Board to a position entitled Dispute Resolution Specialist. I believe with this reduced appropriation this bill should receive passage.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate adopt Senate Amendment "A" to L. D. 2296. Is this the pleasure of the Senate?

The motion prevailed.

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

Sent down for concurrence.

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

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

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

Pending — Passage to be Engrossed

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (S-507), as Amended by Senate Amendment "A" (S-520) Thereto and House Amendment "B" (H-1296)

(In the Senate — Committee Amendment "A", as Amended by Senate Amendment "A" Adopted.)

(House Amendment "B" Adopted in Concurrence)

On further motion by the same Senator, and, under suspension of the rules, the Senate voted to reconsider its former action whereby it adopted Committee Amendment "A", as amended by Senate Amendment "A" Thereto.

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

Senate Amendment "B", Filing no. S-591, to Committee Amendment "A" was Read.

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

Mr. COLLINS: Mr. President and Members of the Senate: This is the standby bill on the increase in retirement benefits. The Retirement Committee has conferred informally in the light of the pending appropriations bill and has decided to recommend to the Senate that this bill receive passage. I remind you that this bill is written in such a fashion that the retirement benefits will increase as of July 1 by 6 percent. It is also written so that if an increase in the compensation of state employees occurs after that time, as may possibly happen; such as, for example, if on November 1st compensation increases to 6.4 percent as defined in the pending appropriations act, then the 6 percent allowed as of July 1 will be credited on the regular retirement allowance increase, so that on November 1st there would be a further increase of 4/10ths of 1 percent.

The amendment which I have now presented is simply to update the language. The original bill and the committee amendment referred to those persons in the retirement system as of December 31, 1975, but it is now the intent to include everyone receiving retirement benefits as of July 1, 1976, with the exception of those pre-1920 teachers under special act who are particularly excepted.

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

The motion prevailed.

Thereupon, Committee Amendment "A" as Amended by Senate Amendments "A" and "B" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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 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. 813) (L. D. 2355)

In the Senate April 26, 1976, Passed to be Engrossed as Amended by Senate Amendment "A" (S-588), as Amended by Senate Amendment "A" Thereto (S-592).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A", as Amended by Senate Amendment "A" Thereto and House Amendments "A" (H-1304), "B" (H-1307), "C" (H-1308), "G" (H-1313), "M" (H-1321), "N" (H-1322), "Q" (H-1326), "R" (H-1327) and "S" (H-1328), in non-concurrence.

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

On further motion by the same Senator, the Senate voted to Recede from its former action whereby Senate Amendment "A" was Adopted.

House Amendments "A", "B", "C", and "G" to Senate Amendment "A" were Read and Adopted in concurrence. House Amendment "M" was Read.

Mr. Huber of Cumberland then moved that House Amendment "M" to Senate Amendment "A" be Indefinitely Postponed.

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

Mr. CURTIS: Mr. President, House Amendment "M" is an amendment which affects the University of Maine. It would provide for an additional \$100,000 for funds for employee and faculty salary increases, from a total of \$500,000 to \$600,000, and an additional \$100,000 for additional student aid, from a total of \$200,000 to \$300,000 available to the students. It is a matter that has been discussed at great length previously.

I would like to point out that this bill, the way it is now drafted, has a surplus in it, that there is an additional surplus available from what had originally been understood from Report "B" of \$154,000 as a result of a revision in the analysis of the estimates available from the uniform property tax and the shift over to the income tax. Some of that money I think could appropriately be used at the university, and I see an amendment which will come along further perhaps to be offered which would provide half of the amount of money which is proposed under the amendment before us. Whatever we do, I certainly hope it is the will of the Senate and of the legislature to provide some additional money for the University of Maine so that a message can be taken to the employees and the students there that they have indeed not been forgotten but that we are doing everything we can within our means to provide some additional funding for them. I would request a division on the motion.

The PRESIDENT: A division has been requested. The pending question is the motion by the Senator from Cumberland, Senator Huber, that the Senate indefinitely postpone House Amendment "M".

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I would again like to point out that the university through its own resources in tuition increases can provide funds in the amount of 2.8 million dollars. The bill unamended provides an additional \$500,000 of general fund money for employees and faculty salary increases, as well as \$200,000 for student aid grants. I think the balance left after adoption of the entire appropriations act is in

the neighborhood of \$600,000, which is getting pretty skimpy, and I also understand that a member of the other body was in touch with the chancellor at the university recently, and he said he could live with the \$500,000 and the \$200,000 provided in this bill.

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

Mr. KATZ: Mr. President, I would like to clarify a bit of confusion. It was my understanding that were this amendment to be defeated that another amendment at a lower price would be offered.

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I have prepared another amendment which would provide an additional \$100,000 in student aid grants and will consider presenting this amendment in the near future.

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

Mr. KATZ: Mr. President, my voting on this amendment is contingent upon a clear understanding as to whether the other amendment will be offered. If not, I will vote to oppose the indefinite postponement of this amendment.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that House Amendment "M" be indefinitely postponed. Will all those Senators in favor of indefinite postponement please rise in their places until counted. Those opposed will rise in their places until counted.

A division was had. 15 having voted in the affirmative, and 13 having voted in the negative, the motion prevailed.

House Amendment "N" to Senate Amendment "A" was Read.

Mr. Huber of Cumberland then moved that House Amendment "N" to Senate Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. HUBER: Mr. President and Members of the Senate: House Amendment "N" would remove the merit incentives in this legislation; and would remove the limitation of the merit increases to 60 percent of those eligible for merit increases. I feel that the merit incentive is important for state employees, and am informed that this cannot be performed administratively without this language in the bill. I think merit incentive to combat the problem where you have one state employee trying hard and one state employee trying less hard, and receiving the same increases, the same steps, is a demoralizing factor in state employment, and one of the major attempts in this compensation plan is to provide an incentive for better than average performance.

In addition, there are about \$250,000 which would be required to be added to this legislation if this provision is removed. I would hope that the Senate will indefinitely postpone House Amendment "N".

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

The motion prevailed.

House Amendments "Q", "R", and "S" to Senate Amendment "A" were Read and Adopted in concurrence.

Mr. Wyman of Washington then presented Senate Amendment "C" to Senate Amendment "A" and moved its Adoption.

Senate Amendment "C", Filing No. S-600, to Senate Amendment "A" was Read.

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

Mr. WYMAN: Mr. President, this increases the salaries at the Maine Maritime Academy from \$84,000 to \$100,000.

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

The motion prevailed.

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

Senate Amendment "B", Filing No. S-599, to Senate Amendment "A" was Read and Adopted.

Senate Amendment "A", as amended, Adopted in non-concurrence.

The PRESIDENT: Is it now the pleasure of the Senate that this bill, as amended, be passed to be engrossed and sent down for concurrence?

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I ask for 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.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: In the actions we have taken in the last couple of days, and in listening to the procedures in this body and in the other body down at the other end of the hall, I can't help but get the feeling that we are just a rubber stamp.

The PRESIDENT: The pending question before the Senate is the engrossment of L. D. 2341. A "Yes" vote will be in favor of passage to be engrossed; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators — Berry, R.; Carbonneau, Clanchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Katz, McNally, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators — Berry E., Graham, Merrill, O'Leary, Pray, Reeves.

ABSENT: Senators — Danton, Johnston, Marcotte, Roberts.

A roll call was had. 22 Senators having voted in the affirmative, and six Senators having voted in the negative, with four Senators being absent, the Bill was Passed to be Engrossed, as Amended, in non-concurrence.

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

Mr. SPEERS: Mr. President, having voted with the majority, I move the Senate reconsider its action whereby this bill was passed to be engrossed and urge the Senate to vote against the motion.

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

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

Sent down for concurrence.

On motion by Mrs. Cummings of Penobscot, Adjourned until 11 o'clock tomorrow morning.