

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

Wednesday, April 28, 1976

Senate called to order by the President.

Prayer by the Honorable Alton E. Cianchette of Pittsfield:

God, let us resolve to be tender with the young, compassionate with the aged, sympathetic with the striving, and tolerant with the weak and the wrong, for sometime in life we will have been all of these. Amen.

Reading of the Journal of yesterday.

Senate Papers

Mr. O'Leary of Oxford presented the following Joint Resolution and moved its adoption:
STATE OF MAINE

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

Joint Resolution in Support of Relocation of the National Rifle Association Headquarters to Maine

WHEREAS, the National Rifle Association has long promoted the right to keep and bear arms in a spirit and capability important to the national welfare, to the shooting sports and to a person's right to defend that which is lawfully his; and

WHEREAS, it has come to the attention of the Legislature that this nonprofit corporation plans to relocate its headquarters away from Washington, D. C.; and

WHEREAS, the association will be moving \$16,000,000 worth of business annually and an employment capacity of some 400 people to its new location somewhere within the nation; and

WHEREAS, there are countless benefits of mutual interest to the State and the association if this corporation were to establish its headquarters in this State; now, therefore, be it

RESOLVED: That we, the Members of the 107th Legislature while duly assembled in Special Session, do hereby extend to the National Rifle Association this official invitation to relocate and take advantage of the unbounded opportunities we feel are unique in the State of Maine; and be it further

RESOLVED: That the Members of the Maine Congressional Delegation be respectfully designated to forward this message of welcome in person to the association. (S. P. 817)

Which was Read and Adopted.

Sent down for concurrence.

Mr. Reeves of Kennebec was granted unanimous consent to address the Senate:

Mr. REEVES: Mr. President and Members of the Senate: Last night in my zeal to vote on the bill before us, L. D. 2355, I neglected to bring to the Senate's attention my intent to pair my vote with my good friend, the Senator from York, Senator Danton, who, if he had been here, would have voted in favor of the bill. I would like to put that on the record as Senator Danton waited all day to vote on this matter and only left when he had my agreement that we would pair our votes. Thank you, Mr. President.

Reconsidered Matter

The following Bill was held on April 27, 1976 at the request of Senator Huber of Cumberland, pending Consideration:

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

(In the House — Indefinitely Postponed)

(In the Senate — Passed to be Engrossed, as Amended by Committee Amendment "A" (S-455), as Amended by Senate Amendment "B" (S-576) There to and Senate Amendment "A" (S-515) in non-concurrence).

On motion by Mr. Marcotte of York, the Senate then voted to reconsider its action

whereby the Bill was Passed to be Engrossed.

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

On further motion by the same Senator, the Senate voted to reconsider its action whereby Senate Amendment "B" to Committee Amendment "A" was Adopted.

The same Senator then moved that Senate Amendment "B" to Committee Amendment "A" be Indefinitely Postponed.

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

Mr. PRAY: Mr. President, I would like to put a question through the Chair to the Senator from York, Senator Marcotte. I just became aware of his amendment and it is quite lengthy in the statement of fact, so would he basically explain what he is attempting to do?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair to the Senator from York, Senator Marcotte, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. MARCOTTE: Mr. President and Members of the Senate: The purpose of these motions right now is a result of amendments that were adopted yesterday that were in conflict with one another. We now have to repeal these amendments so that we may bring forth the amendment correcting the entire bill.

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

Mr. PRAY: Mr. President, another question through the Chair to the same Senator, if he would explain the conflicts.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed an additional question to the Senator from York, Senator Marcotte, who may answer if he so desires.

The Senator from York, Senator Marcotte, has now moved that the Senate indefinitely postpone Senate Amendment "B" to Committee Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

Whereupon, on motion by Mr. Marcotte of York, Committee Amendment "A" was Indefinitely Postponed.

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

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

Senate Amendment "B", Filing No. S-602, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Reconsidered Matter

The following Joint Resolution was held on April 27, 1976 at the request of Senator Trotzky of Penobscot, pending Consideration.

Joint Resolution — In Opposition to Conversion of Certain Schiller Units to the Burning of Coal Without Adequate Air Emission Control Devices. (H. P. 2361)

(In the House — Read and Adopted)

(In the Senate — Failed of Adoption in non-concurrence)

On motion by Mr. Trotzky of Penobscot, the Senate voted to reconsider its action whereby this Joint Resolution Failed of Adoption.

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

Senate Amendment "A" Filing No. S-601, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. GRAHAM: Mr. President and Members of the Senate: This amendment merely adds the

words, "without adequate air emission control devices", following the words "burning of coal". In other words, we want to make it clear that we do not oppose the conversion of generators to the burning of coal, but rather oppose the use of coal without adequate air emission control devices.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: Yesterday I opposed voting for this measure, and I think this amendment changes this resolution from a negative resolution to a positive resolution, so today I am going to support the resolution.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "A" to H. P. 2361. The Chair will order a division. Will all those Senators in favor of the adoption of Senate Amendment "A" to House Paper 2361 please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 31 having voted in the affirmative, with no one voting in the negative, Senate Amendment "A" was Adopted and the Joint Resolution, as Amended, was Adopted.

Sent down for concurrence.

Orders

On motion by Mr. Speers of Kennebec, ORDERED, the House concurring, that there be prepared after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 600 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required. (S. P. 818)

Which was Read and Passed.

Sent down for concurrence.

ORDERS

On motion by Mr. Speers of Kennebec, ORDERED, the House concurring, that the Joint Rules, as amended, be further amended as follows:

Joint Rule 3, last paragraph, is repealed and the following enacted in place thereof:

If a committee responds to an order directing inquiry upon any matter by presenting a report recommending legislation, such legislation shall, unless otherwise provided, be introduced no later than the time when the report is transmitted to the Legislature. Any legislation so transmitted shall bear the Senate or House Paper number authorizing the study, the designation of the committee reporting and the signature of a member authorized to present legislation on behalf of the committee. (S. P. 819)

Which was Read and Passed.

Sent down for concurrence.

Enactors

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

An Act Appropriating Funds to the Southern Aroostook Community School District. (H. P. 2374) (L. D. 2358)

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

Papers From The House

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

House Paper

Bill, "An Act to Amend the Authorization for York County to Construct a County Jail and to

Increase the Bond Authorization by \$400,000. (H. P. 2375) (L. D. 2360)

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

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:

An Act to Provide for Primary Prevention of Alcohol and Drug Abuse. (H. P. 1800) (L. D. 1959)

An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System. (H. P. 1871) (L. D. 2042)

On further motion by the same Senator, the Bills were Indefinitely Postponed 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:

An Act to Provide Adequate Funds for the Operation of a Bureau of Veterans Services Office in Aroostook County. (H. P. 1847) (L. D. 2016)

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

Mr. GAHAGAN: Mr. President, I would like to pose a question to the Senator from Cumberland, Senator Huber, with reference to L. D. 2016, the Bill to open a Veteran's Office in Caribou. If the Appropriations Act, 2355, is not enacted this afternoon by this legislature, do we have any assurances that the funds will be spent for the opening of this office of Veterans Services?

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: In response to the question, I would say that there is no assurance that this Veterans Service Office would be opened should the appropriations bill pending in the legislature not receive passage, as well as many other things that would not be accomplished, including a substantial pay increase for state employees.

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

Mr. GAHAGAN: Mr. President, I would like to pose a question to the Chair. Would it be appropriate to leave this item on the Special Appropriations Table, and could I make such a motion?

The PRESIDENT: The Chair would advise the Senator that the bill has been removed from the Special Appropriations Table. The Chair would advise the Senator that the Senator may request that this bill be tabled pending the motion to indefinitely postponed.

Mr. GAHAGAN: Mr. President, I so move.

The PRESIDENT: The Senator from Aroostook, Senator Gahagan, now moves that L. D. 2016 be tabled pending the motion by the Senator from Cumberland, Senator Huber, that this bill be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

On motion by Mr. Speers of Kennebec, a division was had. Eight having voted in the affirmative, and 21 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was Indefinitely Postponed 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:

An Act Relating to Location of State Liquor Stores. (H. P. 1805) (L. D. 1964)

An Act Relating to Voting Places in Certain Unorganized Townships. (H. P. 1982) (L. D. 2151)

The same Senator then moved the pending question.

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

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

An Act Appropriating Funds to the Maine Chapter of the Epilepsy Foundation of America. (H. P. 1907) (L. D. 2094)

An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation. (H. P. 2042) (L. D. 2216)

An Act to Provide Funds to the Department of Inland Fisheries and Wildlife. (S. P. 718) (L. D. 2254)

On further motion by the same Senator, the Bills and accompanying papers were Indefinitely Postponed 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:

An Act to Clarify Various Statutes Relating to Superior Court Fees and Costs. (Emergency) (H. P. 1866) (L. D. 2037)

The same Senator then moved the pending question.

Thereupon, this being an emergency measure and having received the affirmative vote of 31 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.

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

Resolve, to Require the Department of Human Services to Reopen the Itinerant Office in Belfast. (Emergency) (H. P. 2269) (L. D. 2336)

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

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

Senate Amendment "A" Filing No. S-549, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed 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:

An Act to Require an Annual Governor's Report on Employment and the Economy. (S. P. 720) (L. D. 2256)

The same Senator then moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

Mr. REEVES: Mr. President and Members of the Senate: This bill originally did not carry any appropriation. If any appropriation is needed, I am sure it would be quite small in terms of reproducing the Governor's report. In view of the importance of the problem to be addressed by the Governor by this bill, I would urge defeat of this motion and passage of this bill, even though it may require a few hundred dollars to do this printing. I would ask for a division when the vote is taken.

The PRESIDENT: A division has requested. The pending question before the Senate is the

motion by the Senator from Cumberland, Senator Huber, that L. D. 2256 and all accompanying papers be indefinitely postponed. Would 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, 25 having voted in the affirmative, and six having voted in the negative, the Bill and accompanying papers were Indefinitely Postponed.

Sent down for concurrence.

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

An Act to Exempt Community Based Retardation Services from the Sales Tax. (H. P. 2070) (L. D. 2240)

An Act to Provide for the Position of Associate Administrative Court Judge and to Revise the Administrative Court Law. (S. P. 783) (L. D. 2338)

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

The same Senator then moved the pending question.

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

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

Joint Order — Relative to Committee on Taxation conducting a study for funding of fire protection within the Maine Forestry District. (S. P. 705)

Tabled — February 19, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Indefinitely Postponed.

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

Joint Order — Relative to Committee on State Government to undertake a study of administrative rules and regulations of state departments and agencies. (S. P. 710)

Tabled February 20, 1976 by Senator Cummings of Penobscot.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Passed.

Sent down for concurrence.

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

Joint Order — Relative to Joint Standing Committee on Performance Audit studying methods used by State departments and agencies in authorizing research projects, surveys and computer analysis. (H. P. 2073)

Tabled — February 25, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Indefinitely Postponed 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:

Study Report — Joint Select Committee on Jobs — study relative to unemployment, pursuant to S. P. 391 and S. P. 555 of the 107th Legislature, have had the same under consideration and a Majority of the Committee asks leave to submit its findings and to report that the accompanying Joint Order (S. P. 724)

amending the Joint Rules by adding a New Joint Rule 12B, receive Passage.

Which report was Read and Accepted.

On motion by Mr. Speers of Kennebec, the Joint Order was Indefinitely Postponed.

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

Joint Order — Relative to the Legislative Finance Officer being authorized to pay allowances for constituent services. (H. P. 2108)

Tabled — March 1, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by Mr. Speers of Kennebec, the Joint Order was Passed in concurrence.

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

JOINT ORDER — Relative to Performance Audit Committee conducting a study of the operations of the Maine State Lottery Commission. (H. P. 2173)

Tabled — March 10, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Passed in concurrence.

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

JOINT ORDER — Relative to Legislative Council Directing Appropriate Joint Standing Committee to make a review and evaluation of transportation of combustible materials. (S. P. 753)

Tabled — March 15, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Indefinitely Postponed.

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

JOINT ORDER — Relative to Committee on Fisheries and Wildlife Study of Research Division of Department of Inland Fisheries and Wildlife. (H. P. 2237)

Tabled — March 24, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Indefinitely Postponed 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:

JOINT ORDER — Relative to Committee on Appropriations and Financial Affairs study and review the medical care and intermediate care programs in the Department of Human Services. (H. P. 2250)

Tabled — March 25, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Passed in concurrence.

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

JOINT ORDER — Relative to Committee on State Government studying the problem of communications by public officials re projects or cases before sensitive regulatory and loan granting bodies. (H. P. 2262)

Tabled — March 30, 1976 by Senator Speers of Kennebec.

Pending — Passage.

The same Senator then moved that the Joint Order be Indefinitely Postponed.

On motion by Mr. Reeves of Kennebec, a division was had, 28 having voted in the affirmative, and three having voted in the negative, the Joint Order was Indefinitely Postponed 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:

JOINT ORDER — Relative to Committee on Transportation studying the subject of registration of semitrailers. (S. P. 780)

Tabled — March 31, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Indefinitely Postponed.

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

Joint Order — Relative to Creating a Special Commission on the Quality and Availability of Legal Services in the State of Maine. (S. P. 788)

Tabled — April 2, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Indefinitely Postponed.

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

Joint Order — Relative to Committee on Natural Resources studying need for a statewide land use policy. (S. P. 769)

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

Pending — Passage.

On further motion by the same Senator, the Joint Order was Indefinitely Postponed.

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

Joint Order — Relative to a Joint Select Committee be established to assist the Bureau of Census in preparing a 1980 Census Program. (H. P. 2315)

Tabled — April 9, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Passed in concurrence.

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

Joint Order — Relative to Committee on Liquor Control Study State Regulation and Licensing of Bottle Clubs. (S. P. 803)

Tabled — April 12, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Indefinitely Postponed.

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

Joint Order — Relative to the Joint Select Committee to Study the Maine Justice System. (H. P. 2324)

Tabled — April 12, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Passed in concurrence.

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

Joint Order — Relative to Committee on Transportation study of administration of annual motor vehicle registration and registration renewal process. (S. P. 804)

Tabled — April 13, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Indefinitely Postponed.

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

Joint Order — Relative to Committee on Energy studying innovative Building Technology. (H. P. 2328)

Tabled — April 13, 1976 by Senator Speers of Kennebec.

Pending — Passage.

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

Joint Order — Relative to State Government Committee studying the feasibility and desirability of abolishing the State Personnel Board and Personnel System. (H. P. 2323)

Tabled — April 14, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Indefinitely Postponed 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:

Joint Order — Relative to Committee on Public Utilities studying municipal officers approving of utility rates of publicly-owned utility. (S. P. 805)

Tabled — April 14, 1976 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Passed.

Sent down for concurrence.

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

Joint Order — Relative to Committee on Appropriations and Financial Affairs Study State's Degree of fiscal Commitment. (S. P. 811)

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

Pending — Passage.

The same Senator then moved that the Joint Order be Indefinitely Postponed.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: Yesterday when we were debating the public utilities order which was put in by, I believe, the Senator from Kennebec, Senator Reeves, the good Senator from Kennebec, Senator Speers, said that only those orders that were most urgent, I quote, and most necessary would be passed by this legislature for study this summer because of the financial obligations that we have. I would call your attention to Senate Paper 811, which basically is an order directing the Appropriations Committee to do two things this summer: One, to do a priority program review and evaluation to establish the state priority program areas for funding, and two, to establish the state's degree of bonded in-

debtedness to determine exactly where it is in relation to the finances that we have out in bonds and what our state's commitment is over the next ten years. Because of the financial crisis that we are in, I think this order is very timely and very appropriate, and I would request a division.

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

Mr. SPEERS: Mr. President and Members of the Senate: I did indeed state that only those orders which are indeed most necessary would be presented to this body and have them requested to be passed. I would remind this body that there has been passed already earlier in the session orders directing the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Performance Audit to do precisely what the good Senator from Aroostook, Senator Gahagan, has stated, and that is to identify low priority or high priority programs, and to indeed investigate the financial condition of the state and report back to the next session of the legislature thereon. For that reason, it is felt that this particular joint order is not necessary. I would indeed hope that in any future publications that may be made remarks on both sides of this issue might well be presented as well as on the other side.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that Senate Paper 811 be indefinitely postponed. Will all those Senators in favor of the motion to indefinitely postpone please rise in their places until counted.

Those opposed will please rise in their places until counted.

A division was had. 24 having voted in the affirmative, and six having voted in the negative, the Joint Order was Indefinitely Postponed.

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

Joint Order — Relative to Health and Institutional Services Committee studying the administration of medication to various types of persons. (H. P. 2357)

Tabled — April 27, 1976 by Senator Conley of Cumberland.

Pending — Passage.

On further motion by the same Senator, the Joint Order was Passed in concurrence.

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

Joint Order — Relative to the Joint Standing Committee on Public Utilities to conduct a study of the operations of the Public Utilities Commission. (H. P. 2356)

Tabled — April 27, 1976 by Senator Speers of Kennebec.

Pending — Motion of Senator Cummings of Penobscot to Indefinitely Postpone.

(In the House — Passed)

The same Senator then moved the pending question.

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

Mr. REEVES: Mr. President and Members of the Senate: I believe of all the orders that we have talked about today this is the most important one. I believe it is absolutely essential that the legislature begin now to study this problem and to have a plan of action to present to the next session of the legislature. The bill which the Senator from Penobscot, the Chairman of the Public Utilities Committee, talked about earlier, Senator Cummings, which we twice passed and which the Governor twice vetoed, is not going to fly anymore.

I think we have to look for a new plan, and I think we have to deal with the worn out and

useless rate structures which are used by our electric and telephone companies, and which I believe are enriching our big corporations and our big users at the expense of the working people and the elderly people of the state, so I don't think we can duck this. The Public Utilities Commission is short staffed, many of the bills that we passed in the previous session of this legislature have not been implemented because they don't have the staff, and many people are suffering because of this. They need economists, they need lawyers, they need experts, they need staff.

I think this is an emergency situation, and I might point out that in the southern part of the state many of our constituents are facing rate increases for electricity of up to twenty-five percent. To whom can they turn if we turn our backs merely to cut down on the number of study orders? The Senator from Kennebec, the majority leader, is very worried about the number of study orders, but I say let's worry about how people are going to pay their telephone and electricity bills. This is a matter which we could have worked on a lot more in this session but the leadership refused to; but that is history now, so I think we have got to look to the next session and I think we can start with this study order. I urge you to defeat this motion and pass this study order, and I would ask for a roll call on this vote, Mr. President.

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 less than one-fifth having arisen, a roll call is not ordered. The Chair will order a division. Will all those Senators in favor of the indefinite postponement of this joint order please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 19 having voted in the affirmative, and four having voted in the negative, the Joint Order was Indefinitely Postponed 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:

Enactors

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

Emergency

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)

Comes from the House, Fails of Final Enactment.

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

Mr. SPEERS: Mr. President and Members of the Senate: I will be very brief. I think there is, not a member of this body who did not come into this session without the realization that we would have the responsibility of enacting a pay increase for state employees.

Mr. President, this is the bill. It is before us. We will not be seeing it again. Our vote at this time is a vote either for or against a pay increase for state employees.

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

Mr. O'LEARY: Mr. President and Members of the Senate: When I look at this bill I don't look at the way I am going to vote as a vote against a pay increase for the state employees. I am going to vote against this bill because this bill is the Governor's way of telling the people

of the State of Maine that they will not negotiate a contract with the state employees.

I have heard discussion enough about this bill and when it comes to the University of Maine, I have had a lot of compassion for the employees over there and I would vote for an increase for them. I have a little more compassion for those who are recipients of AFDC and perhaps they are not going to get enough of this bill either. I have a lot more compassion in my heart for those who are state employees and what we are doing to them through this bill.

I honestly believe in my own heart that this bill will very successfully preclude any negotiations between the state and the union. I believe honestly in my own heart that the governor of this state is dealing them a very heavy hand and we here in this legislature are dealing them a final blow. I ask for a roll call on enactment.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I also will try to be brief. Since the last time we had this bill before us and we voted on it in a roll call, my seatmate expressed many of the feelings I think that the small minority of us at that time was for. He spoke and I guess we were all quoted as feeling exactly that same way.

I would just like to express why I am going to vote against this bill at this time, and I also do not want it to be interpreted as a vote against a pay raise or a vote against AFDC or the University of Maine, or what else. It comes down to the Hay Report, to be very blunt. I am bothered with the basis of the formulation of that Hay Report. It causes a number of inequities which I cannot vote for. Not only does it call for the inequity which we have set up an appeals process to handle those individuals who are underpaid, but we have completely overlooked the situation of a number of individuals who I feel become overpaid.

We talk about fiscal responsibility, but we do not address ourselves to the questions of some individuals jumping up five or six pay grades and earning six or seven thousand dollars more than what they are getting right now. I have a constituent in my area who has contacted me and said he is highly in favor of the Hay Report, and I asked him what it does for him, and he said he gets a \$6,000 increase on it. As to that being his only reason why he favors the Hay Report, I wouldn't say.

I am also bothered by the limitations that are placed upon the merit increase. We had the proposal before us the other day through a House amendment to take care of that situation, and I think I knew what the destiny of that was. But I was reminded of my military days when we look at this 60 percent limitation, when I was in the service and we knew that promotions were limited by percentages and by numbers, not only of personnel but also by ethnic group. I can remember a time of receiving my own promotion and having a very good friend who I thought was very qualified not receiving it because the numbers of nationalities to be promoted did not qualify or were not putting him in that situation, thus, somebody had to make a choice of whether or not he should get it or somebody else should get it. And I think that is exactly what we are doing when we take the 60 percent limitation.

We are being asked to pass a report that the majority of us, a large majority of us, have not seen in its entirety. I understand from fragments that I have received of the Hay Report that the Hay Report itself suggests that it needs to change and re-establish some of its own classifications.

I understand that this bill is possibly calling for a future tax increase. We have chastized the 106th Legislature for passing legislation that

put a commitment on the 107th when it came in. We have talked on that event; that was the other large issue that we had before us, that those individuals in the 106th passed a bill knowing that it would call for a future tax increase and put that pressure on the incoming legislature. I feel as if we will be doing the same thing at this time.

I am intrigued over the action that has taken place over the last couple of weeks. Two weeks ago we were told that this was the only bill before us, not this bill here but the one we had on which we failed to override the Governor's veto, that that was the only bill, and the Governor suggested at that time that we could kill that bill and that he had the power of putting another bill before us. All of a sudden that issue is gone and now we are saying this is the only bill, so let's go the other way.

When I leave this legislative session, I am completely positive that I can go home and say that I did the right thing, even though I might be in a minority of one to four people or one to six people that stood firm on this issue. I respect the opinions of other individuals of this body and their feelings and desires to pass this legislation so that we can go home or because they feel it is the right proposal. In all honesty, I hope that the Senate does not enact this, and that we get down at hand and we face the situation that is before us and pass a fair and equitable, positive pay plan that we can all go home and be happy with.

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

Mr. MERRILL: Mr. President and Members of the Senate: This is certainly not the 107th's greatest hour. We find ourselves rushing headlong to put into law a report which has not even been distributed to members of the legislature. I don't know why, with all the money that is spent handing out reports, that the decision was made not to hand this one out. The only conclusion I can come to is that, having read about half of it now, that it was scored with good judgment on the part of anybody that hoped it could be passed.

I have several objections to this, to say nothing of the whole procedure that we followed here and the fact that I think legislative integrity is just about dead, and they are as follows: First of all, I think that it makes a charade out of the collective bargaining process, I think that what has happened here, through design or accident, is that we have reversed the roles that we thought were going to take place when the Governor would be the negotiator and would negotiate with the state employees in the collective bargaining process over all these things that we have spent these days discussing. Meals are going to be paid for, how much money is going to be spent for travel allowance, what the pay is going to be, who is going to have it, all of these things should be left for the collective bargaining process. The Governor should be the person who bargains for these things, and then they should come to the legislature for their approval. Someone has seen fit that this not be the course that is followed, so be it.

I also have to object because I think that this is an absolute misuse and reckless use of the limited funds we have. Every time I hear someone stand up in any one of these two bodies and talk about the fact that we only have limited funds, it just makes me all the stronger in my resolve that those limited funds should be used for those who need it the most. I have no objection to giving large increases to the best paid state employees because I think many of them are working for much less than they would be paid in the private sector, and I don't think that anybody should have to serve in-state government at great economic disadvantage. But when there are limited funds available, I think that they should be used for those who need them the most, for those who face the

question of not whether to buy a new washing machine this year but face the very real question of whether or not they can put clothes on their children so when they go to school they won't be a laughing stock, so they can put food on the table so that there will be nutrition for their children, and when the level of pay that we are giving our state employees now at the bottom of the ladder isn't sufficient for that, I think it is absolutely irresponsible to take what little money we have and squander it on the people who need it the least.

Finally, I think that the legislature is acting out in its final days the same sort of fiscal irresponsibility we were faced with when we came in here. We have put into effect an appeals process. We have recognized in the law itself that the standards that were used by the Hay Commission were not sufficient, were not adequate, so we have suggested that new standards be used in the appeals process, and anyone who is honest should recognize that the very real result of that, if it is an honest appeals process, will be that several large classifications of state employees will be given major increases. The amount of money that those increases will cost will make the little fat trimming that we have done here today look like chicken feed. And the people that are fortunate enough or unfortunate enough, depending on your point of view, to be back here in the 108th are going to be asked to pay the piper for the fiscal irresponsibility of the 107th.

I don't think that this plan should be implemented until we know what it is going to cost. I haven't heard one compelling reason why it should be implemented until we know what it is going to cost. What is the all-fire hurry about this plan? I haven't even heard anybody stand up on the floor of this Senate and defend it. I hear people stand up and point out the obvious that no plan could be perfect. Well, I suppose no plan could be completely imperfect. But I just ask all my colleagues in this legislature what is the rush? Why are we doing this? Why are we implementing this Hay Plan before we even know what the full effect of it is going to be after this appeals process with the rewritten criteria? I think we all know the answer and I think it doesn't speak very well for the integrity of the legislative process, and I think it suggests that at least in this case the checks and balances that the people wrote into the constitution are not present and operating, and that people ought to be concerned.

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

Mr. KATZ: Mr. President, I am intrigued with the fluency of the words of the Senator from Cumberland, Senator Merrill. I sometimes have a little trouble assigning his words to a conclusion which he reaches from the words.

We have been through an extraordinary experience. In a real sense, we have been involved in a process of bargaining ourselves. And in the process of bargaining ourselves, perhaps we have walked along the same paths of those who involve themselves in collective bargaining. I have had the opportunity to sit on numerous occasions as chairman of fact-finding panels in collective bargaining impasses between municipal or educational employees around the state, and I can't recall any occasion when everybody got exactly what they wanted.

What we have been doing, in the last analysis here, these last weeks is some legislative fact-finding, and I think that it is the sense of this legislature that if indeed this state does have a classification system it is not adequate for our purposes. If indeed this state has a merit pay system which will encourage employees to perform at their optimum, it presently does not meet with our requirements. And if indeed we have a current level of compensation, I think we are all agreed that the level of compensation

that is in place today is completely inadequate for the state employees. So we have begun our bargaining process.

I do not agree with the Senator from Cumberland, Senator Merrill, when he says that we should put all our dollars in the direction he suggests. I don't think that middle class America is without its needs, and I don't think the dollars that go into the pockets of state employees in middle and lower middle ranges are squandered. They have their own set of problems, their own lifestyles, their own set of circumstances that need support.

I guess where we are right now is right at the point where we have done our own collective bargaining, where neither management nor labor is satisfied with our work, but I don't go home with a sense of shame if this is passed. I do comfort myself that we have an honest appeals process. If I am back here again, I stand ready, willing and able to put my vote behind whatever dollars it takes to implement this. I share the frustration of the Senator from Cumberland that the legislative process has not worked particularly well in this case, but then the ballgame is not yet over.

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. Is the Senate ready for the question? The pending question before the Senate is the enactment of L.D. 2355. A "Yes" vote will be in favor of enactment; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators R. Berry, Carboneau, Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, Roberts, Speers, Thomas, Trotzky, Wyman, Sewall.

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

A roll call was had. 27 Senators having voted in the affirmative, and six Senators having voted in the negative, the Bill was Passed to be Enacted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Speers of Kennebec, 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:

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 Miss Nancy Jepson Valedictorian of the 1976 Graduating Class of Caribou 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. 2379)
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 Miss Linda Collins Salutatorian of the 1976 Graduating Class of Caribou 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. 2380)

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 learend of the Outstanding Achievement and Exceptional Accomplishment of Marguerite L. Vail of the S. D. Warren Co. Cited Secretary of the Year 1976 by the Portland Chapter of the National Secretaries Association

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. 2382)

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 Frances S. Lewis of Mechanic Falls for forty-five years of faithful and dedicated service as an elementary school teacher

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. 2381)

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 Anna Wareing of Old Town

who is entering retirement after forty-one 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. 2378)

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 Miss Lori Duncan valedictorian of the 1976 graduating class of Washburn 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. 2377)

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 Miss Vicki Rossignol salutatorian of the 1976 graduating class of Washburn 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. 2376)

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

Papers From The House Enactors

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

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

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

Emergencies

An Act to Revise the Emergency Preamble of "An Act to Clarify Certain Provisions of the Newport Water District Charter" (S. P. 816) (L. D. 2359)

An Act to Amend the Authorization for York County to Construct a County Jail and to Increase the Bond Authorization by \$400,000. (H. P. 2375) (L. D. 2360)

These being emergency measures and having received the affirmative vote of 27 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.

Non-concurrent Matter

Bill, "An Act to Require an Annual Governor's Report on Employment and the Economy." (S. P. 720) (L. D. 2256)

In the House March 24, 1976, Passed to be Enacted.

In the Senate April 28, 1976, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Speers of Kennebec moved that the Senate Adhere.

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

Mr. REEVES: Mr. President, I moved that the Senate recede and concur, and I wish to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. REEVES: Mr. President, we mentioned this earlier in the day regarding the possible costs in this report. I think it will be quite minimal compared to the value of having the Governor report on employment and the economy. A severe problem of unemployment and underemployment exists in Maine and it is expected to remain for at least the next five years. During the past year unemployment has ranged between 9 and 12 percent, representing over 40,000 of Maine's 450,000 person labor force. Another 80,000 persons are underemployed, working part-time because full-time employment is unavailable. This level of unemployment and underemployment is likely to continue for the rest of the decade, and it is unlikely that private employers alone can reduce this level of unemployment to even the high 7 percent level. So I think it is important that the legislature continue to investigate this problem, and this is one step in requiring the Governor to have an annual report, as is done in other states. I hope the Senate would go along with the other body in this matter and recede and concur.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: I would like to pose a question through the Chair in regard to this particular item. Are we not getting now a monthly report from the manpower people here in the state that tells us where we are with employment and unemployment? Can somebody answer that question for me?

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

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I would like to answer that question in the affirmative. We do get a report on where we stand on unemployment each month. This is required by the federal government of the employment service. This bill, however, takes a different slant, and that is to focus on unemployment in the state to encourage the Governor to develop the facts on unemployment and underemployment and to seek solutions to these problems. In other words, what is the Governor planning to do about this problem, not just the extent and breadth of the problem. So I think this is a whole new concept and I think it is quite needed during these times.

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

Mrs. CURTIS: Mr. President, this is a bill which was heard before the State Government Committee. We gave it a considerable amount of attention and reported it out and thought that it should be enacted. I haven't heard any specific

examples of exactly how much this is going to cost and it is not a matter that we looked into. However, it seems to me that on a weekly basis these days the chief executive is putting out a report on what the progress is of the Maine Legislature, our report card, and I think perhaps this might be the sort of report which would enable him to give something a little more productive.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Reeves, that the Senate recede and concur with the House. The Chair will order a division. Will all those Senators in favor of the motion to recede and concur 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. Seven having voted in the affirmative, and 19 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.
(See action later in today's session.)

Non-concurrent Matter

Bill, "An Act Appropriating Funds to the Maine Chapter of the Epilepsy Foundation of America." (H. P. 1907) (L. D. 2094)

In the House March 2, 1976, Passed to be Enacted.

In the Senate April 28, 1976, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Speers of Kennebec moved that the Senate Adhere, and Mr. Graham of Cumberland subsequently moved that the Senate Recede and Concur.

A division was had. Eight having voted in the affirmative, and 18 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.
(See action later in today's session.)

Reconsidered Matter

Mr. Speers of Kennebec moved that the Senate reconsider its former action whereby it voted to Adhere on Bill, "An Act to Require an Annual Governor's Report on Employment and the Economy." (S. P. 720) (L. D. 2256)

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

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to the Chairman of the Appropriations Committee as to the figure that I have on this table which was passed to me earlier today of the \$5,000 that was attached to this bill, whether he could explain it.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: Although this bill carries no appropriation nor a fiscal note, there is a fiscal note in the possession of the Legislative Finance Office from the Governor's Office estimating the cost at \$5,000 per year.

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

Mr. PRAY: Mr. President and Members of the Senate: I would just like to point out, as a member of the Labor Committee, we this summer had a study order of the condition of the unemployment fund in the State of Maine, and we are looking at a possible 30 to 60 million dollar deficit because of the economic situation in this state. I think that we have slight signs that perhaps the economy is turning around a little bit and things are going to be getting a little better. I know in Piscataquis County, one of the counties I represent, unemployment has drop-

ped basically in half, and that seems like very good statistics when you look at it, but when you look at the labor force, I notice that the same number of people are employed; it is just that the unemployed people have left that area of the state. As to whether or not they have moved into another area of the state where employment may have increased is something I cannot answer. Perhaps they have even left the State of Maine.

I think that this bill and the \$5,000 that has been attached to it is a meager amount when we look at the entire economic situation of this state, and I think that perhaps if the Governor annually put out a report on what he has planned that the legislature might have some direction to go in the future as to helping Maine keep its young people and keep its labor force and possibly cure this deficit that we are going to incur in the unemployment fund.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to thank the majority leader for giving us a chance to debate this some more. I am sure the members of his party join with me.

I would just like to say that this \$5,000 is so amusing that I can't help but comment on it. We have what is the fastest growing governor's office in the history of the state. I had some statistics put together earlier for me by the Legislative Finance Office which proved that this is the fastest growing office in terms of how much money is spent, how many people there are there, and how much space they take. And yet when it comes to reporting on what is probably one of the governor's most important tasks, we are told it takes \$5,000. It is reminiscent of the bill that Senator Johnston had in the last session which asked the Commissioner of Agriculture to make a report saying what he was doing to help out, and we had some price tag that they wanted to put on that. I am more and more convinced every day that I serve here that if we passed a bill saying that some member of the executive branch had to do his job that the member of the executive branch would come back and put a price tag on it.

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

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

The PRESIDENT: A roll call has been requested on the motion by the Senator from Kennebec, Senator Speers, that the Senate reconsider its action whereby it voted to adhere in reference to L. D. 2256. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will those Senators in favor of a roll call please rise in their places until counted.

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

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I would like to point out that when this bill originally came before this body it received unanimous approval.

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

Mr. BERRY: Mr. President, I make the observation that our patience then is not what it is now.

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

Mr. PRAY: Mr. President and Members of the Senate: I hope we all don't consider every act we take in this body by the time that the clock shows.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate reconsider its action whereby it adhered in reference

to L. D. 2256. A "Yes" vote will be in favor of reconsideration; a "Nay" vote will be opposed. The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Cianchette, Clifford, Conley, Curtis, Graham, Johnston, Merrill, Pray, Reeves.

NAYS: Senators Berry, R.; Carbonneau, Collins, Corson, Cummings, Gahagan, Greeley, Huber, Jackson, Katz, Marcotte, McNally, Roberts, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senators Cyr, Danton, Graffam, Hichens, O'Leary.

A roll call was had. 10 Senators having voted in the affirmative, and 17 Senators having voted in the negative, with five Senators being absent, the motion did not prevail.

Non-concurrent Matter

Bill, "An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation." (H. P. 2042) (L. D. 2216)

In the House February 23, 1976, Passed to be Enacted.

In the Senate April 28, 1976, Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Speers of Kennebec, the Senate voted to Adhere.

(See action later in today's session.)

Non-concurrent Matter

Bill, "An Act Providing for a Comprehensive State-wide Program of Primary Prevention of Alcohol and Drug Abuse and other Forms of Socially Disruptive and Potentially Self-destructive Human Behavior." (H. P. 1800) (L. D. 1959)

In the House March 29, 1976, Passed to be Enacted.

In the Senate April 28, 1976, Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Speers of Kennebec, the Senate voted to Adhere.

(See action later in today's session)

Reconsidered Matter

Mr. Speers of Kennebec moved that the Senate reconsider its former action whereby it voted to Adhere on Bill, "An Act Appropriating Funds of the Maine Chapter of the Epilepsy Foundation of America." (H. P. 1907) (L. D. 2094)

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

Mr. SPEERS: Mr. President, I urge the Senate to vote against the motion.

The PRESIDENT: Will all those Senators in favor of reconsideration in reference to L. D. 2094 please say "Yes"; those opposed please say "No".

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

Reconsidered Matter

Mr. Speers of Kennebec moved that the Senate reconsider its former action whereby it voted to Adhere on Bill, "An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation." (H. P. 2042) (L. D. 2216)

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

Mr. SPEERS: Mr. President, I urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate reconsider its action whereby it voted to adhere on L. D. 2216. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will please say "No".

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

Reconsidered Matter

Mr. Speers of Kennebec moved that the Senate reconsider its former action whereby it voted to Adhere on Bill, "An Act Providing for a Comprehensive State-wide Program of Primary Prevention of Alcohol and Drug Abuse and other Forms of Socially Disruptive and Potentially Self-destructive Human Behavior." (H.P. 1800) (L.D. 1959)

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

Mr. SPEERS: Mr. President, I urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate reconsider its action whereby it voted to adhere in reference to L.D. 1959. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will please say "No".

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

Non-concurrent Matter

Joint Order (S.P. 819) relative to amending of Joint Rule 3.

In the Senate April 28, 1976, Read and Passed. Comes from the House, Indefinitely Postponed in non-concurrence.

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

Non-concurrent Matter

Joint Order (S.P. 805) relative to Committee on Public Utilities studying municipal officers approving of utility rates of publicly-owned utility.

In the Senate April 28, 1976, Read and Passed. Comes from the House, Indefinitely Postponed in non-concurrence.

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

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

AN ACT to Promote Efficiency in Maine State Government (Emergency) (S.P. 699) (L.D. 2223)

On motion by Mr. Curtis of Penobscot, 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, the Senate voted to reconsider its former action whereby Committee Amendment "A" was Adopted.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CURTIS: Mr. President, I have three amendments and other people have other amendments to offer to this committee amendment, and I think that people will find as we move along that this seems to be turning into a latter day errors and inconsistencies bill.

The first amendment I would like to offer is Senate Amendment "E" to Committee Amendment "A", under Filing No. S-596, and I move its adoption. I would like to speak to my motion, Mr. President.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now offers Senate Amendment "E" to Committee Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "E".

Senate Amendment "E", Filing No. S-596, to Committee Amendment "A" was Read.

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

Mr. CURTIS: Mr. President, this is an amendment which will authorize the executive branch of state government, subject to the approval of the governor and council, to sell the so-called Vickery Hill property in Augusta, if it so fits into the plans this coming year, as various departments of state government are shifted in their locations.

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

Mr. HUBER: Mr. President, although I really don't oppose the attempt to make more precise the authorization to dispose of the Vickery Hill building, I would like to point out that in Senate Amendment "F", which I intend to present, this is authorized. I am sure the restrictions on this sale will be utilized by the Bureau of Public Improvements. Senate Amendment "F" that will be presented does authorize this disposition, and I would like to raise the question through the Chair to the Senator from Penobscot, Senator Curtis, whether Senate Amendment "E" would be in conflict with Section 11 in Senate Amendment "F", if this does pass.

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

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, in preparing Senate Amendment "E", which was initiated by the part of the amendment that the previous speaker has mentioned, I did seek advice from a representative of the Attorney General's Office to be sure that the description of the property was proper, to be sure that the Bureau of Public Improvements was authorized to sell and not in any other way to convey the interest of the state, and to be sure that there will be a notice published prior to the sale of said property so that everybody in the state would be aware of the availability of the property. If this amendment and the other two amendments which I offer are adopted, I would suggest that there would not be any need for the amendment which has previously been mentioned.

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

The motion prevailed.
Mr. Curtis of Penobscot then presented Senate Amendment "G" to Committee Amendment "A" and moved its adoption.

Senate Amendment "G", Filing No. S-603, to Committee Amendment "A" was Read.

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: In reference to Senate Amendment "G", I would like to point out that this amendment does almost all of the things presented in Senate Amendment "F", which again I hope to present shortly, with the exception that it does not allow various state agencies to sell publications and documents. This provision in the original bill, L.D. 2223, would create through the Department of Finance and Administration the ability to adopt reasonable fees, appropriate and reasonable fees, for the many reports issued by the state government. I think we have all seen the proliferation of reports, some of them fairly substantial, and I think in many cases these reports could successfully gain a fee, thus saving some money in state government. This provision is not included in Senate Amendment "G"; it is included in Senate Amendment "F", and I believe this is the primary difference between the two amendments. I would oppose adoption of Senate Amendment "G" in favor of Senate Amendment "F", which I hope to present shortly.

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

Mr. CURTIS: Mr. President, I hope that the Senate will adopt Senate Amendment "G", which is the pending motion before us and does not refer to publication and sale of state

reports, which is a topic I would be pleased to debate later when it is before us.

I would like to point out that one of the very important parts of Senate Amendment "G", the one that we are now considering, is a provision which clarifies a mistake in a previously enacted law, which mistake would cost the treasury of the State of Maine about \$200,000, as every time a state police officer were to write a traffic ticket the treasurer of the state would be required to send \$4 to the Department of Transportation. That is estimated to be approximately a \$200,000 cost a year rather than the \$700,000, which appears in error in the statement of fact. That same protection, by the way, is provided in the other amendment. And I think that adoption of the amendment that is pending before us would be a very sensible approach and indeed necessary.

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

Mr. CARBONNEAU: Mr. President, I am big on questions tonight. I would like to ask the good Senator from Penobscot, Senator Curtis, where that \$4 is going now that he wants to send to transportation.

The PRESIDENT: The Senator from Androscoggin, Senator Carbonneau, has posed a question through the Chair to the Senator from Penobscot, Senator Curtis, who may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Curtis.

Mr. CURTIS: Mr. President, to answer the question, the \$4 right now, without adoption of this amendment, would go to the Department of Transportation from the State Treasurer's Office. With the adoption of this amendment, there would be no transfer of \$4 per traffic ticket, unless somebody who were in violation of the laws and had a traffic ticket written by the state police were to fail to show up in district court, in which case a bench warrant were to be issued to him, and then the Department of Transportation, or primarily the State Police, would be reimbursed the cost of \$4.

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

The motion prevailed.
Mr. Curtis of Penobscot then presented Senate Amendment "I" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "I", Filing No. S-605, to Committee Amendment "A" was Read.

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

Mr. CURTIS: Mr. President, I would just like to explain briefly, as stated in the statement of fact, that this is a clarification amendment that provides for the appointment of the director of one of the offices in the Department of Mental Health and Corrections. There are some very serious conflicts in the existing law and this is a very necessary amendment.

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

The motion prevailed.
Mr. Huber of Cumberland then presented Senate Amendment "H" to Committee Amendment "A" and moved its adoption.

Senate Amendment "H", Filing No. S-604, to Committee Amendment "A" was Read.

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

Mr. HUBER: Mr. President and Members of the Senate: Senate Amendment "H" would establish a classification appeals fund in the amount of \$500,000 which, assuming that the passage of the appropriations bill is successful, would provide this fund from balances that do exist should savings from existing personal services appropriations in various departments not be adequate to fund successful appeals by the

temporary compensation review board under the appropriations act.

There has been expressed some concern, although the decisions of the appeals board are final and binding, and therefore are an obligation of the state, there has been some concern that adequate funds were not available. This will provide an additional half million dollars, should existing appropriation savings not be adequate for this purpose. Should this appeals fund not be used and not be required, it would lapse to the general fund on January 31, 1977. I hope the Senate will go along with this in further hopes that the appropriations bill will be passed in the near future.

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

The motion prevailed.

Thereupon, Committee Amendment "A", as Amended, was Adopted.

Mr. Berry of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-589, was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: As we will recall, several years ago there was a movement started to change the effort of the state in the area of economic and recreational development. As a result of efforts by the Governor, there were steps made to consolidate and reconstitute these efforts. The regular session of the legislature passed legislation in this direction and they locked in members of the staff in the classified service and in the professionals area. The purpose of this amendment is to give a certain amount of leeway to the reconstitution of the office, and I think this is a very worthwhile effort. We certainly in this area must have people who are able, resonant with the purpose of economic development, and responsive to the direction of the department, and I believe that this would be a very good measure to adopt.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A" to L.D. 2223?

The motion prevailed.

Mr. Cianchette of Somerset then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-606, was Read.

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

Mr. CIANCHETTE: Mr. President, this amendment is necessary to change the language in the appropriations bill that says, in effect, that there are a few people who might fit a category where they would not be allowed a transitional allowance under that act, that I think is wrong, and I think many people think is wrong. This amendment straightens out that problem with the transitional allowance.

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

Mr. KATZ: Mr. President, because the fate of the other piece of legislation is very uncertain, would the sponsor intend to reconsider in the event that it is no longer applicable?

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

Mr. SPEERS: Mr. President, if Senate Amendment "B" is adopted, there will be two amendments on this bill which would refer to the appropriations bill which is in the other body and which would be amending that law should it become law. Should that bill not become law, these two amendments presumably would be peeled off of this particular bill. And if this amendment is adopted, this bill would go back on the table in the Senate

awaiting the fate of that other piece of legislation.

The PRESIDENT: Is the Senate ready for the question? Is it now the pleasure of the Senate to adopt Senate Amendment "B" to L.D. 2223?

The motion prevailed.

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

Mr. KATZ: A parliamentary inquiry, Mr. President: I have been noticing the nature of the amendments going on. Would this be a proper vehicle for me to offer an amendment creating a Kennebec green belt?

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, as sponsor of the bill, I would answer in the negative.

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

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

(Off Record Remarks)

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