

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**January 5, 1977 to May 25, 1977**

KJ PRINTING  
AUGUSTA, MAINE

## SENATE

Wednesday, March 30, 1977

Senate called to order by the President.

Prayer by the Reverend Harvey F. Ammerman of Augusta.

Rev. AMMERMAN: Our Father God, as it is morning, a beautiful morning in our natural world, make it a beautiful morning in our lives. Make us glad with the gladness of being, being alive, alert; being aware of our responsibilities; being grateful for our opportunities. May that gratitude result in a greater creativeness in our planning and more wisdom in our judgments. Give us the wisdom to go through life, rather than trying to get what we think we deserve, or seek to deserve than we have already received. Amen.

Reading of the Journal of yesterday.

**Joint Orders**  
State of Maine  
In House

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

WHEREAS, the 107th Legislature ordered a joint select committee to be established to study the census requirements for reapportionment and redistricting and that committee began that study; and

WHEREAS, that study is presently incomplete and needs to be completed as soon as possible; now, therefore, be it

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

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

ORDERED, that the committee shall complete this study no later than May 15, 1977, and submit to the Legislative Council within the same period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to each member of the committee. (H. P. 1105)

Comes from the House. Read and Passed.

Which was Read.

On Motion of Senator Speers of Kennebec, Tabled until Monday next, pending passage.

**Joint Orders**

Expressions of Legislative Sentiment recognizing that:

Brian Cyr of Hampden, a member of Troop 41 has achieved the honor and distinction of Eagle Scout in the Boy Scouts of America, (H. P. 1103)

Mrs. Ivey Andrews of Dixmont, who at 93 is the town's oldest resident, has been presented the Boston Globe Gold Cane, (H. P. 1104)

Scott Noble, a member of the Bridgton Junior Rifle Club, has won the State Junior Individual Rifle Championship for 1977, (H. P. 1106)

Frank Howell of Lake Region High School, a member of the Pleasant Mountain Ski Team,

has won the 1977 National Freestyle Skiing Championship held at Cable, Wisconsin, (H. P. 1107)

Lee Lee Morrison of Lake Region High School, a member of the Pleasant Mountain Ski Team, has won the 1977 Eastern Regional Girls' Ski Ballet Championship held at Waterville Valley, New Hampshire, (H. P. 1136)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

**Joint Resolution**

A Joint Resolution In Memoriam:

Sidney W. Thaxter, a prominent Portland Attorney, (H. P. 1135)

Comes from the House, Read and Adopted.

Which was read.

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

Mr. CONLEY: Mr. President and Members of the Senate: Many of us will long remember Sid Thaxter. Sid was the type of individual who was liked by a great number of people. He served as a councillor in the City of Portland; he later moved, after serving a couple of years on the Portland City Council, to another community whereupon he was again elected immediately to serve on their council. Many of us got to know him up here on the Legislative scene where he sometimes worked amongst many of the lobbyists.

I have sort of a little affection for Mr. Thaxter because back at the time when I began what I thought was an intensive political career, Sid Thaxter was the type of an individual who taught me what humility was when he cleaned my whistle running for the Portland City Council. But he was a fine, fine man and a great father and I sure not only will the Maine Senate miss him, but the people of Maine as well.

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

Mr. HEWES: Mr. President and Members of the Senate: I also would like to comment on Sid Thaxter. We practiced law on the same floor until about a year ago, when he moved up with Governor Curtis on the floor above us, and he was a considerate and compassionate man. His dad swore me into the Bar, and now his son is practicing in the same building where we are.

But I think our most intimate relationship occurred when he and his former wife and my wife and I were on a trip to Spain one time and we were very close. He was just a gentleman and a credit to the State of Maine.

Also, he did serve on the Cape Elizabeth Council, after having come from some other town in the great Cumberland County area, having been on their council.

Adopted in concurrence.

**House Papers**

Bills received from the House requiring reference to Committee were acted upon in concurrence with the following exception.

Bill, An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office for Children and Families. (H. P. 910) (L. D. 1158)

Comes from the House referred to the Committee on Health and Institutional Services and Ordered Printed.

On Motion of Mr. Collins of Aroostook, Referred to Committee on State Government and ordered printed in non-concurrence. Sent down for concurrence.

(Off Record remarks)

**Communications**  
**Maine-New Hampshire Interstate**  
**Bridge Authority**

Augusta, Maine  
March 28, 1977

To the Honorable Senate and House of Representatives of the One Hundred and Eighth Legislature:

Transmitted herewith is the Nineteenth Biennial Report of the Maine-New Hampshire Interstate Bridge Authority which is being presented in accordance with Chapter 18, Article VI, Private and Special Laws of 1937.

Respectfully submitted,

Roger L. Mallar, Chairman  
Maine-New Hampshire Interstate  
Bridge Authority

Which was Read and with accompanying papers,

Ordered placed on file.

**Senate Papers**

Mrs. CUMMINGS of Penobscot presented, Bill, "An Act to Regulate the Use and Possession of Compressed Air for the Purpose of Scuba Diving." (S. P. 378)

Which was referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Mr. HICHENS of York presented, Bill, "An Act to Prohibit the Use of State Funds for Abortions, Except to Save the Mother's Life." (S. P. 377)

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Mr. HEWES of Cumberland presented, Bill, "An Act to Exclude Sparklers from Prohibition against the Sale of Fireworks." (S. P. 379)

Which was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

(See Action later today)

Mr. PIERCE of Kennebec presented, Bill, "An Act Establishing the Offense of Illegal Transportation of Alcoholic Beverages Onto or Off of the Premises of a Licensee Licensed for On-premise Consumption." (S. P. 380)

Which was referred to the Committee on Liquor Control and Ordered Printed.

Sent down for concurrence.

**Order**

On motion by Mr. SPEERS of Kennebec, Ordered, the House concurring, that "AN ACT Relating to Reapportionment." House Paper 58, Legislative Document 79, be recalled from the legislative files to the Senate. (S. P. 381)

Which was Read and Passed.

Sent down for concurrence.

**Reconsidered Matter**

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

Mr. MORRILL: Mr. President, I move we reconsider the action we took relative to SP 379, Bill, An Act to Exclude Sparklers from Prohibition against the Sale of Fireworks. (S. P. 379) whereby this Bill was referred to Legal Affairs.

The PRESIDENT: The Senator from Cumberland, Senator Morrill now moves the Senate reconsider its action whereby SP 379 was referred to the Committee on Legal Affairs. Is this the pleasure of the Senate? It is a vote.

Mr. MORRILL: Mr. President, I now move this be referred to the Committee on Energy.

The PRESIDENT: The Senator from Cumberland, Senator Morrill, now moves SP 379 be referred to the Committee on Energy.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President, I respectfully request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Morrill.

Mr. MORRILL: I withdraw my motion.

The PRESIDENT: The Senator from Cumberland, Senator Morrill now requests leave of the Senate to withdraw his motion. Is this the pleasure of the Senate? It is a vote.

Which was referred to the Committee on Legal Affairs and Ordered Printed.  
Sent down for concurrence.

#### Committee Reports House

The following Ought Not to Pass reports shall be placed in the Legislative files without further action pursuant to Rule 20 of the Joint Rules:

Bill, "An Act Relating to the Length of Labor Agreements." (H. P. 231) (L. D. 294)

Bill, "An Act Concerning Representation Proceedings under the State Employees Labor Relations Act." (H. P. 197) (L. D. 258)

#### Change of Reference

The Committee on Agriculture on, Bill, "An Act Concerning Unauthorized Possession of Birds and Animals." (H. P. 511) (L. D. 630)

Reported that the same be referred to the Committee on Fisheries and Wildlife.

Comes from the House, the Report Read and Accepted, and the Bill Referred to the Committee on Fisheries and Wildlife.

Which Report was Read and Accepted in concurrence, and the Bill Referred to the Committee on Fisheries and Wildlife in concurrence.

#### Ought to Pass

The Committee on Transportation on, Bill, "An Act Concerning the Required Height of Motorcycle Handlebars." (H. P. 279) (L. D. 344)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read and Accepted in concurrence, and the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass - As Amended

The Committee on Education on, Resolve, Authorizing the Purchase of "University of Maine at Farmington — A Study of Educational Change, 1864 to 1974." (H. P. 384) (L. D. 472)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-85).

Comes from the House, the Resolve Passed To Be Engrossed as amended by Committee Amendment "A".

The Committee on Education on, Bill, "An Act Relating to Representation of Maine Maritime Academy on the Post-secondary Education Commission of Maine." (H. P. 219) (L. D. 283)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-86).

Comes from the House, the Bill Passed To Be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted in concurrence, and the Bill and Resolve Read Once. Committee Amendments "A" were Read and Adopted in concurrence, and the Bill and Resolve, as amended, Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on Public Utilities on, Bill, "An Act to Exempt Small Water Districts from Regulation by the Public Utilities Commission." (Emergency) (H. P. 12) (L. D. 21)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1060) (L. D. 1116)

Comes from the House, the Bill, in New Draft, Passed To Be Engrossed.

Which Report was Read and Accepted, in con-

currence, and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

#### Senate

The following Ought Not to Pass report shall be placed in the Legislative files without further action pursuant to Rule 20 of the Joint Rules:

Bill, "An Act Concerning the Veterans Preference in State Hiring." (S. P. 189) (L. D. 586)

#### Leave to Withdraw

Mr. Lovell for the Committee on Liquor Control on, Bill, "An Act Relating to Signs of License over Alcoholic Beverage Stores." (S. P. 240) (L. D. 738)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

#### Ought to be Adopted

Mr. Collins for the Committee on State Government on, Joint Resolution accepting the Capitol Planning Commission Report and Indicating a Willingness to Utilize the Capitol Complex Plan and Public Improvement Proposals as a Guide for all Future Legislation Pertaining to the Capitol Complex. (S. P. 62)

Reported that the same Ought to be Adopted.

Which Report was Read.

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

Mr. MERRILL: Mr. President and Members of the Senate: I wondered if I might inquire through the Chair as to what the implications of the passage of this Resolution would be, particularly in regards to the future bricks and mortar requirements in the State government here in Augusta.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, poses a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, the Maine Capitol Planning Commission Report is a study that was presented to all of the Senators early in the Session. It was referred to the State Government Committee and the State Government Committee merely reviewed it.

In essence, the first report was published in 1969, and this is an up-date of that report. Essentially it is a guide for future construction in the Capitol Complex. It provides for future land acquisition, it outlines the present inventory of State property, it talks about roads and traffic control and about parking. And since it is in considerable detail, I would suggest that the Senator refer to the Report and draw his own conclusions.

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

Mr. MERRILL: Mr. President, it seems the effect of this Joint Order is to make this Report somewhat more than just a report, and I think it is well and good to prefer to draw our own conclusions, but I think if we are making a commitment here of some kind, that the State government should continue its growth, that we should continue to see the continued pattern of more and more buildings in the City of Augusta occupied by State workers. If that is the long-range implications of this report — or I should say if I cannot be assured by the Chairman of the Committee that it is not the long term implications of this report, then I would think that we ought to vote against it and let each one of these things swim the river by themselves as they come down the pike.

I do not think we need to encourage the trend.

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

Mr. COLLINS: Mr. President, all of the proposed improvements are suggested and are contingent upon the expansion of government services by Legislative action. The master plan serves only as a guide to the location of these services within the complex. The above mentioned changes and improvements are shown in the Report on Pages 4, 7 and 12. It is a guide only and would require further Legislative action for any implementation.

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

Mr. KATZ: Mr. President, my colleagues and my constituents in the City of Augusta needed some notion as to what some long range goals of the State were and that is how the Planning Commission came into being. One of the influences of the Planning Commission can be seen in the beautiful new Casco Bank Building at the rotary. If it had not been for the existence of the Planning Commission in a community that has no planning, we might not have ended up with so beautiful a building. The bank cooperated with the Planning Commission in putting a building in that was unobtrusive and added to the landscape, rather than detract from the Capitol area. I think the Planning Commission has been an unqualified success and really is not much of a threat to anyone.

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

Mr. MORRILL: Mr. President, can I pose a question through the Chair? As a member of the Capitol Planning Commission, it would be inappropriate for me to make some comments?

The PRESIDENT: The Chair would advise the Senator that in the Chair's opinion it would be perfectly appropriate.

Mr. MORRILL: Mr. President, I think the Senator from Cumberland can be reassured that there is nothing in this report that is built-in and concrete. It is merely a guide. It is an effort to bring some order out of a little bit of chaos within the complex and the long range benefits, I think, to the government of Maine and to the people of Augusta will be beneficial. It can be modified and changed and accepted in part or entirely as we go along. So again, I think I would reassure you that it is nothing that is fixed and concrete, but merely a guide.

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

Mr. MERRILL: Mr. President and Members of the Senate, I think it is pretty clear that this does not fix anything in concrete, but it is nonetheless a statement of Legislative intent and, as I said before, without some strong indication that part of the statement is a statement that we want to see the continued growth here in Augusta, I think the Senate would be well advised to say that this is not our intent.

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

Mr. MORRELL: I think if the Senator from Cumberland has not read it in its entirety, perhaps he ought to do so to reassure himself. There is nothing in this Report that would encourage State government to further centralize itself in Augusta. I think the gist of the Report is that, if growth is going to occur, and it is necessary to locate somewhere, it should be done on an orderly and precise basis within certain boundaries in this City. And I think that is all this is trying to do, it is nothing that can not be modified as the Commission or the Legislature or some Branch of government may wish to do down the road.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to be Adopted Report of the Committee?

The Chair will order a Division.

All those Senators in favor of accepting the Ought to be Adopted Report of the Committee, please rise in their places to be counted.

All those Senators opposed to Accepting the Ought to be Adopted Report of the Committee,

please rise in their places to be counted.

28 Senators having voted in the affirmative and 2 in the negative, the Motion to Accept the Ought to be Adopted Report does prevail and the Resolution adopted.

Sent down for concurrence.

#### Second Readers

The Committee on Bills in the Second Reading reported the following:

#### House

Bill, An Act to Transfer to Central Maine General Hospital School of Nursing, a Corporation, the Authorization Heretofore Granted to Central Maine General Hospital, a Corporation with a School of Nursing, to confer Associate in Applied Science Degrees in Nursing. (Emergency) (H. P. 353) (L. D. 446)

Bill, An Act to Revise the Method of Funding Water Pollution Abatement Planning. (H. P. 289) (L. D. 370)

Bill, An Act to Authorize General Fund Bond Issue in the Amount of \$30,000,000 for Planning, Construction and Equipment of Pollution Abatement Facilities. (H. P. 496) (L. D. 615)

Which were Read a Second Time and Passed To Be Engrossed, in concurrence.

#### Senate

Bill, An Act Relating to the Display of Live Animals. (S. P. 142) (L. D. 383)

Bill, An Act Relating to Adoption of Regulations for Maine Meat Inspection Act. (S. P. 143) (L. D. 384)

Which were Read a Second Time and Passed To Be Engrossed.

Sent down for concurrence.

#### Enactors

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

An Act Providing Legal Definition of Hunter Orange. (S. P. 100) (L. D. 229)

An Act Relating to Maintaining Records on Premises under the Laws Relating to Alcoholic Beverages. (S. P. 133) (L. D. 308)

An Act to Clarify Authorization for Payment of Witness Fees for State Witnesses in Criminal Prosecutions. (H. P. 326) (L. D. 417)

An Act to Amend the School Lunch and Milk Program. (H. P. 467) (L. D. 484)

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

An Act to Clarify the Responsibility for Payment of Expenses on Rendition of Prisoners. (S. P. 155) (L. D. 395)

On Motion of Mr. Huber of Cumberland, Tabled for One Legislative Day pending enactment.

#### Emergency

An Act to Correct Errors and Inconsistencies in Laws of Maine. (S. P. 186) (L. D. 531)

On Motion of Mr. Speers of Kennebec, Tabled until Monday next pending enactment.

#### Orders of The Day

The President laid before the Senate:

Bill, "An Act to Prohibit Producers, Refiners and Distributors of Motor Fuels from Engaging in the Retail Sales of Gasoline." (H. P. 680) (L. D. 972)

Tabled — March 28, 1977 by Senator Speers of Kennebec.

Pending — Motion of Senator Pierce of Kennebec that the Senate Adhere.

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

Mr. TROTZKY: Mr. President, I move the Senate recede and concur, and I would like to speak to my Motion.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate, I would just like to remind you that this Bill before us came out of an Energy

Committee Report: It is the exact same Bill at the end of the Energy Committee Report. If the Senate moves to adhere, what happens is the Bill dies before a public hearing. I feel that all Bills coming in deserve a public hearing.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate recede and concur with the House. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: I would ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to recede and concur please rise in their places to be counted.

Will all those Senators opposing the Motion to recede and concur please rise in their places to be counted.

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

Mr. PIERCE: Mr. President, I would 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 on this question please rise in their places to be counted.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate, I agree with the remarks made by the good Senator from Penobscot, Senator Trotzky, and as I stated at previous times, this Bill came before the Senate and it would be unfortunate for this Bill to reach its demise without being assigned to a particular Committee.

It was my hope that the Presiding Officer of this Branch and the Speaker at the other end would have been able to resolve this problem.

I think the question today, seeing that did not come about — and I know the Presiding Officer and the Speaker have met from time to time on matters such as this, and have successfully been able to straighten out any difficulties such as the one we have this morning.

The question today, I think, has gone beyond that point of compromise, and it is a point as to whether or not, I think, the Third Branch of the Legislature is going to have the power to successfully defeat this Bill without it being referred to a Committee for a public hearing.

I do not want in any way to polarize any individual member in this Senate against his seat mate or his party or anything else, but I ask you, in common decency, should this Bill have the opportunity to be given a public hearing.

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

Mr. PIERCE: Mr. President and Members of the Senate, I think the other day the Minority Leader, my friend, Mr. Conley, said that we were spending a lot of time, probably needlessly, on this, and I guess I agree with him. I do think now there are a couple of things that have to be addressed here.

First of all, there are three Bills that we are talking about. Probably the primary difference between the three is that the sponsors, Mr. Conley, Mr. Carey, Mr. Kelleher and Mr. Davies, have rotated the prime sponsorship to the co-sponsorship. Other than that, they are all very similar. Any one of the Bills would be a proper vehicle for public hearing to be held on any of the other two. The first Bill, LD 560, is already in the Business Legislation Committee. The other two Bills, I feel very strongly, should be there, too. They do address the same subject.

If we refer them to another Committee, that means you are going to have the same people coming down on different days to testify on different subjects before different committees, and really I do not think it makes much sense.

I would just ask you to look at L. D. 560, which is already there, L. D. 972 and L. D. 1052, and I would quote from the statement of facts: L. D. 560, "To prevent a few firms from gaining control of both the distribution and retail sale of gasoline"; L. D. 972, "To prevent a few firms from gaining control of both the distribution and retail sale of gasoline"; L. D. 1052, "To prevent a few firms from gaining control of all phases of motor vehicle fuel industry."

I think there has been an obvious attempt for the other Branch to play games with us on this Bill. We have heard references to no public hearing, several lobbying efforts, but we have not heard much reference as to where this Bill really belongs. If we are going to reference Bills in that manner, I think it is poor judgment on our part.

At one time I think all four Chairmen involved, the two House Chairmen and the two Senate Chairmen of the Committees involved, have agreed that it should be in Business Legislation, and I think the issue is really as simple as that. If we want to let the other Body reference our Bills, then it is up to us to let them do that.

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

Mr. CONLEY: Mr. President, I can only respond to the good Senator from Kennebec, Senator Pierce, by saying that if we do not recede and concur with the other Body, there is no Bill, there is no public hearing, and I think the Bill should be given a public hearing.

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

Mr. PRAY: Mr. President and Members of the Senate, I think the points which the good Senator from Kennebec, Senator Pierce, brought out clarifies the situation we are in. And as to the comments of the last speaker, there definitely is going to be a public hearing on the subject matter.

The question is which vehicle is going to be used and since all 3 deal with the same matter, I think at this time we perhaps could shorten this Legislature by 2 or 3 minutes or a half an hour on a hearing day and get rid of this Bill at this time.

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

Mr. TROTZKY: Mr. President, the Bill which is now in the Business Legislation Committee is not the same as the two Bills which are tabled right now. The two Bills that are tabled right now have to do with investiture, which is basically stating that companies in the distribution business shouldn't be in the retail business with the understanding that there may be monopolistic practices going on. Both of these Bills that are tabled have been referred to the Committee on Energy.

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

Mr. CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I think it is a bit ludicrous to stand here this morning and discuss which Committee should hear this Bill because, I am sure you are all aware that if we do not vote to recede and concur, there will be no public hearing on this Bill. And I can remember instances two years ago in the other branch where an attempt was made to kill a Bill straight on, head on prior to referencing for a public hearing, and this is just not an acceptable practice. Maybe it is more acceptable to do the parliamentary shuffle and end up both Branches adhering. But I would suggest that we have had many, many Bills, similar Bills on similar subjects, that we always allow the courtesy to have a public hearing.

I would remind you that we just finished dealing with an issue on the legal drinking age in the State of Maine. I believe there were 5 different versions of the same Bill. All 5 versions did have a public hearing, or were discussed in public hearing.

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

Mr. PIERCE: Mr. President, just two brief points. To respond to the good Senator from Penobscot, Senator Trotzky, yes, the two Bills before us are referred to the Committee on Energy in the other Body. They were originally referred by the Clerk and Secretary and originally referred in this Body to the Committee on Business Legislation; and, secondly, the other Body is changing the reference did not have to adhere finally. They could have insisted and asked for a Committee of Conference, but in private talks with them, they do not want a conference, they do not want to compromise, they want it to go where they insist upon and that is their choice, evidently. Therefore, I think obviously this is going to have a public hearing no matter what we do today. The whole issue is going to be before either one of the Committees, or it is going to be before two separate Committees, and I just do not think it makes much sense for us to send them to two separate committees.

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

Mr. MORRELL: Mr. President, a question to the Chair, please. I am in the oil business, and although not at the present time in the motor fuel business, and I would ask the President for a ruling as to my possible conflict in this issue.

The PRESIDENT: In the opinion of the Chair, if he were the Senator from Cumberland, he would not be in the Chamber at this time.

Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate recede and concur with the House. A yes vote will be in favor of receding and concurring; a nay vote will be opposed. The Secretary will call the roll.

YEA — Carpenter, Collins, S.; Conley, Curtis, Danton, Farley, Greeley, Hichens, Levine, Martin, McNally, Merrill, Minkowsky, Speers, Trotzky, Usher.

NAY — Chapman, Collins, D.; Cummings, Hewes, Huber, Katz, Lovell, Mangan, Pierce, Pray, Snowe, Wyman.

ABSENT — Jackson, Morrell, O'Leary, Redmond.

16 Senators having voted in the affirmative, and 12 in the negative, with 4 senators being absent, the Motion to Recede and Concur does prevail.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I now move the Senate reconsider its action and hope the Senate votes against it.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate reconsider its action whereby it voted to recede and concur with the House.

A viva voce vote being had, The Motion to Reconsider does not prevail.

The President laid before the Senate:

Bill, "An Act to Restrict Oil Firms to one Phase of the Oil Industry," (H. P. 808) (L. D. 1052)

Tabled — March 28, 1977 by Senator Speers of Kennebec

Pending — Reference

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

Mr. PIERCE: Mr. President, I would move that LD 1052 be referred to the Committee on Energy.

Mr. PRESIDENT: The Senator from Ken-

nebec, Senator Pierce, now moves that LD 1052 be referred to the Committee on Energy, and Ordered Printed in Concurrence.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would like to commend the good Senator from Kennebec, Senator Pierce, I think he has demonstrated to this Senate the fairness of the gentleman that he is.

On Motion of Senator Pierce of Kennebec, Referred to the Committee on Energy and Ordered Printed in concurrence.

Sent down for concurrence.

The President laid before the Senate:  
Bill, "An Act Providing for the Revocation and Nonrenewal of Liquor Licenses for Nonpayment of State Taxes." (H. P. 383) (L. D. 474)  
Tabled — March 29, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

Passed to be Engrossed in Concurrence.

(Recess)

Senate called to order by the President.

The PRESIDENT: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney, and the gentleman from Nobleboro, Mr. Palmer.

Mr. TIERNEY: Mr. President, I request to approach the rostrum to deliver LD 1235, the only Bill which I submitted to the Legislature this Session, for purposes of dealing with school funding.

The PRESIDENT: The Chair hears the message and will ask the Senate sergeant-at-arms to escort the two gentlemen from the other Body to the rostrum so that they may deliver the message with which they are charged.

Mr. Tierney and Mr. Palmer escorted to the rostrum by the Sergeant-at-Arms.

Subsequently Mr. Tierney and Mr. Palmer escorted from Senate Chamber by Sergeant-at-Arms amid applause of the Senate.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

#### Paper from the House House Paper

Bill, "An Act Extending the Time for Apportionment of County Taxes from April to May in the Year 1977." (Emergency) (H. P. 1146)

Comes from the House, Passed To Be Engrossed without reference to Committee and Ordered Printed.

The PRESIDENT: Is it the pleasure of the Senate that this Bill without reference to Committee be given its first reading at this time? It is a vote.

Under Suspension of the Rules, Read Twice and Passed to be Engrossed without reference to Committee, and Ordered Printed in concurrence.

#### Committee Report Senate

The Majority of the Committee on Appropriations and Financial Affairs on,

Bill, "An Act to Establish Total Educational Cost and the Uniform Property Tax Rate and Appropriating Funds for the Fiscal Year Ending June 30, 1978." (Emergency) (S. P. 382) (L. D. 1213)

Reported (pursuant to Joint Order S. P. 350) that the same Ought to Pass.

Signed:

Senators:

HUBER of Cumberland  
MERRILL of Cumberland  
MORRELL of Cumberland

Representatives:

MORTON of Farmington  
NAJARIAN of Portland  
GOODWIN of Bath  
LeBLANC of Van Buren

CARTER of Winslow

The Minority of the same Committee on the same subject matter Reported (pursuant to Joint Order S.P. 350) that the same Ought Not to Pass.

Signed:

Representatives:

PERKINS of Blue Hill  
GREENLAW of Stonington  
JALBERT of Lewiston  
McBREAIRTY of Caribou  
HIGGINS of Scarborough

Which Reports were read.

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

Mr. HUBER: Mr. President, I would like to move the indefinite postponement of the Bill and speak briefly to my motion.

The PRESIDENT: Senator has the floor.

Mr. HUBER: Mr. President and Members of the Senate: This Bill was referred to the Senate as the Order originated in this Body and although the Bill actually decreases the tax rate in respect to school funding from existing law, it can be questioned as raising the revenue. Therefore, we are going to introduce an identical measure, as this Bill presumably would have been amended in this Body and in the other Body, and this matter will hopefully be before the House shortly and again, hopefully, before this Body.

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

Mr. CONLEY: Mr. President, I want to thank the good Senator from Cumberland, Senator Huber for his explanation and once again he restores confidence in me that the Appropriations Committee is not infallible.

On Motion of Mr. Huber of Cumberland, Bill and all its accompanying papers indefinitely postponed.

Sent down for Concurrence.

(Recess)

Senate called to Order by the President.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following additional Bill:

#### Paper from The House House Paper

Bill, An Act to Extend to April 14th the Time Limit for Decision on State Funding Levels for Education and on the State Property Tax Rate, to Delay any Municipal Tax Commitments until April 28th and to Extend the School Budget Adoption Date until May 15th. (Emergency) (H. P. 1165) (L. D. 1235)

Comes from the House, Passed To Be Engrossed without reference to Committee and Ordered Printed.

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

Mr. SPEERS: Mr. President and Members of the Senate, as I am sure you are all aware, this Bill is a Bill to extend certain deadlines which we have been working under for the past couple of days. I think there is no secret that the leadership earnestly desired to meet the deadlines that currently exist in State statute, but it is also no secret that to do so would be to act on matters which are very confusing, very weighty, and to do so in a rather hurried period of time.

The desire on the part of many members to have some additional time to look into these matters has been acceded to, and this Bill that we have before us now would extend three deadlines — the one extending from April 1st to April 14th the time in which we have to enact appropriation for school funding; to extend from April 1st to April 14th as well the time in which we have to enact a uniform property tax mill rate; secondly, it would extend from April 1st to April 28th the time in which the municipalities have to commit taxes; and then,

finally, extending from May 1st to May 15th the time in which municipalities have to set their school budgets.

The only point I would like to make in regard to this Bill is that although it is an extension of time of approximately two weeks, I would hope that it would not be taken by the general membership as indicative of any kind of desire that we expend that total amount of time in dealing with this problem that we have before us. I would hope that we would take this as a relaxation of some tensions, relaxation of the gun under which we have been working, but nevertheless continue to work very hard, very diligently in attempting to pass a school finance bill as quickly as possible.

Mr. President, I move that the rules be suspended and that this Bill be given its first and second reading, and be passed to be engrossed without reference to committee.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate suspend its rules in order to give this Bill its first and second reading at this time. Is this the pleasure of the Senate? It is a vote.

On Motion of Mr. Speers of Kennebec, Under Suspension of the Rules, Read Twice and Passed to be Engrossed without reference to Committee, and Ordered Printed in concurrence.

#### **Committee Appointments**

The PRESIDENT: The Chair will announce the following Members of the Senate to serve on the Welcome Back Day Committee pursuant to H. P. 852:

Senator Greeley of Waldo  
Senator Wyman of Washington  
Senator Usher of Cumberland

The PRESIDENT: The Chair would also like to call the Senate's attention to the fact that there are several Bills ready for signature in the research office, and in the interest of expediting the Session, it would be appreciated if those Bills could be signed.

#### **(Off Record Remarks)**

On Motion of Mr. Huber of Cumberland,  
Adjourned to 2:00 tomorrow afternoon.