

# 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

Tuesday, April 12, 1977

Senate called to order by the President.

Prayer by the Reverend Grayson Schwarz of Cox Memorial Methodist Church in Hallowell.

REV. SCHWARZ: Shall we pray. Heavenly Father, there are two things I would like to lift up to You this morning as we begin. First of all, the need to remain objective in spite of the fact the legislation that is being talked about could very well be the one that You are responsible for.

Father, give to those who are introducing and voting upon legislation the ability to recognize that the legislation offered is for the people and is not their own possession. Father, enable them not to take personally the attacks against legislation or to view it as a personal possession. We pray that You might give to each Legislator such a dimension and concern for what takes place here today that he is able to see it in a far greater dimension.

And, Father, I would also ask that during these times of prayers as we begin in the morning, that there might be something done so that the prayers are given by somebody who knows those who he is praying for and the issues that they are concerned about, that surely even this time could be more effectively spent. For Jesus' sake, Amen.

Reading of the Journal of yesterday.

## (Off Record Remarks)

Papers from the House  
Non-concurrent Matter

Bill, "An Act to Provide for Local Hearings by the Public Employees Labor Relations Board." (S. P. 27) (L. D. 40)

In the Senate April 7, 1977, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-47).

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

On Motion of Mr. Speers of Kennebec, tabled until Tuesday next, pending consideration.

## House Papers

Bills, Resolve and Resolution received from the House requiring reference to Committee were acted upon in concurrence, with the following exceptions:

Bill, "An Act to Exempt Certain Woodburning Appliances from the Sales Tax." (H. P. 1240) (L. D. 1465)

Comes from the House referred to the Committee on Energy and Ordered Printed.

On Motion of Mr. Jackson of Cumberland, referred to the Committee on Taxation, Ordered Printed in non-concurrence.

Sent down for concurrence.

Bill, "An Act Concerning Record Checks on Applicants for Employment with Fire Departments." (H. P. 1214) (L. D. 1451)

Comes from the House referred to the Committee on Judiciary and Ordered Printed.

On Motion of Mr. Hewes of Cumberland, referred to the Committee on Legal Affairs, Ordered Printed in non-concurrence.

Sent down for concurrence.

## Study Report — Election Laws

The Committee on Election Laws to which was referred the study relative to the election laws of the State, pursuant to H. P. 1646 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act Relating to Campaign Reports and Finances" (H. P. 1256) (L. D. 1444) be referred to this Committee for Public Hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and

Accepted and the Bill referred to the Committee on Election Laws.

Which Report was Read and Accepted in concurrence, and the Bill referred to the Committee on Election Laws, in concurrence.

## Senate Papers

Mr. Mangan of Androscoggin presented, Bill, "An Act Recognizing County Charters and Establishing County Charter Commissions." (S. P. 437)

Which was referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

Mr. Pray of Penobscot presented, Bill, "An Act to Regulate Clear Cutting of Timber." (S. P. 433)

Which was referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Mr. Morrell of Cumberland presented, Bill, "An Act to Simplify, Improve and Reduce the Cost of State Agencies Auditing Human Service Contracts and Grants." (S. P. 435)

Which was referred to the Committee on Performance Audit and Ordered Printed.

Sent down for concurrence.

Mr. Morrell of Cumberland presented, Bill, "An Act Relating to Bidding Procedures Involving the Bureau of Public Improvements." (S. P. 429)

Mr. Levine of Kennebec presented, Bill, "An Act to Create an Advisory Board to the Department of Environmental Protection and the State Development Office." (S. P. 434)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Mr. Pray of Penobscot presented, Bill, "An Act to Establish a Tax Credit to Aid Businesses Providing New Jobs in Areas of High Unemployment." (S. P. 436)

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

Sent down for concurrence.

## Orders

An Expression of Legislative Sentiment recognizing that; the Girls' Swimming Team of Bangor High School has won the Maine Interscholastic Girls' Swimming League Title for Academic year 1977. (S. P. 438) (presented by Senator Trotzky of Penobscot)

Which was Read and Passed.

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 to Increase the License fee for Unspayed Female Dogs to \$15." (H. P. 603) (L. D. 740)

Bill, "An Act Concerning Dog License Fees." (H. P. 559) (L. D. 676)

Bill, "An Act to Equalize Dog License Fees." (H. P. 119) (L. D. 152)

Bill, "An Act to Repeal the Annual Dam Registration." (H. P. 651) (L. D. 795)

Bill, "An Act Relating to Overtaking or Passing School Buses." (H. P. 398) (L. D. 506)

## Leave to Withdraw

The Committee on Performance Audit on, Bill, "An Act Relating to the Costs of General Assistance." (H. P. 422) (L. D. 527)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Performance Audit on, Bill, "An Act to Clarify the Powers of the Department of Audit when it is Acting as a

Legislative Staff Agency." (H. P. 211) (L. D. 221)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Performance Audit on, Bill, "An Act to Maintain General Assistance Reimbursements to Municipalities." (H. P. 605) (L. D. 742)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Exempt all Wreckers from the Law Relating to Studded Tires." (H. P. 734) (L. D. 833)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act Appropriating Funds to the Department of Transportation to Provide a Full-time Employee for the Bureau of Aeronautics to Assist with Short and Long Range Airport Development." (H. P. 541) (L. D. 655)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Permit Vehicular Traffic to Turn Right at a Red Light." (H. P. 105) (L. D. 129)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Local and County Government on, Bill, "An Act Pertaining to Town Ways." (H. P. 542) (L. D. 682)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, "An Act Relating to the Definition of Ambulance Personnel." (H. P. 982) (L. D. 1188)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted in concurrence.

## Ought to Pass

The Committee on Legal Affairs on Bill "An Act to Establish Maine Writers Week" (H. P. 826) (L. D. 999) Reported that the same Ought to Pass.

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

The Committee on Education on, Bill, "An Act Relating to the Plans and Specifications Governing School Construction." (H. P. 143) (L. D. 173)

Reported that the same Ought to Pass.

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

Which Reports were Read and Accepted, in concurrence, and the Bills, Read Once and Tomorrow Assigned for Second Reading.

## Ought to Pass — As Amended

The Committee on Health and Institutional Services on, Bill, "An Act to Revise the Laws Relative to the State Military and Naval Children's Home." (H. P. 321) (L. D. 412)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-115).

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

The Committee on Health and Institutional

Services on, Bill, "An Act Relating to Town Hospitals." (H. P. 160) (L. D. 198)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-114).

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 Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on Election Laws on, Bill, "An Act to Repeal Certain Statutory Provisions Concerning Distinguishing Marks on Ballots." (H. P. 31) (L. D. 48)

Reported that the same Ought to Pass in New Draft under New Title, Bill, "An Act to Clarify the Marking of Ballots." (H. P. 1235) (L. D. 1388)

Which Report was Read and Accepted in concurrence, and the Bill, in New Draft, Read.

On Motion of Mr. Conley of Cumberland, tabled until later in today's session, pending assignment to second reading.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for Defense of Indian Claims Litigation." (Emergency) (H. P. 254) (L. D. 323)

Reported that the same Ought to Pass in New Draft under New Title, Bill "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1977, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government." (Emergency) (H. P. 1255) (L. D. 1413).

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

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

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Ensure that the Uniform Property Tax Rate Conforms to Limits on Educational Funding Established by Statute." (Emergency) (H. P. 66) (L. D. 91)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-116).

Signed:

Senator:

MARTIN of Aroostook

Representatives:

COX of Brewer

TEAGUE of Fairfield

MAXWELL of Jay

CHONKO of Topsham

IMMONEN of West Paris

CAREY of Waterville

The Minority of the same Committee on the same subject matter Reported that the same Ought Not to Pass.

Signed:

Sensors:

WYMAN of Washington

JACKSON of Cumberland

Representatives:

MACKEL of Wells

TWITCHELL of Norway

POST of Owls Head

Comes from the House, the Majority Report Read and Accepted, and the Bill, Passed to be Engrossed, as amended by Committee Amendment "A" (H-116).

Which Reports were read.

On Motion of Mr. Martin of Aroostook, Majority Report was Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence,

and the Bill, as amended, Tomorrow Assigned for Second Reading.

#### Senate

##### Leave to Withdraw

Mr. Collins for the Committee on State Government on, Resolve, Authorizing Health Insurance Coverage for Fifteen Retired State Troopers. (Emergency) (S. P. 262) (L. D. 822)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

#### Second Readers

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

##### House

Bill, "An Act Concerning the Purchase of School Books." (H. P. 614) (L. D. 751)

Bill, "An Act Prohibiting the Hiring of Illegal Aliens." (H. P. 126) (L. D. 159)

Bill, "An Act to Make the Lobster Fund a Continuing Account and to Transfer \$10,000 from the Boat Fund to the Lobster Fund." (H. P. 1226) (L. D. 1360)

RESOLVE, Appropriating Funds for Fire Protection Equipment in the vicinity of State-owned Facilities and the Unorganized Territories at Greenville. (H. P. 641) (L. D. 785)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act to Regulate the Circulating of Initiative or Referendum Petitions." (H. P. 223) (L. D. 287)

Which was Read a Second Time and Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

(See action later today.)

#### House — As Amended

Bill, "An Act to Provide Certain Travel Expenses for County Commissioners of all Counties." (H. P. 495) (L. D. 614)

Which was Read a Second Time and Passed to be Engrossed, As Amended, in concurrence.

Bill, "An Act to Ensure that the Powers and Duties of Fire Chiefs are subject to Municipal Collective Bargaining Agreements." (H. P. 230) (L. D. 293)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky in reference to L. D. 293.

Mr. MINKOWSKY: Mr. President and Members of the Senate, I feel rather reluctant this morning in debating this particular Bill, primarily because both the sponsor of the Bill lives in my Senatorial District, and the Majority Leader in the other branch of Legislature, who is a labor attorney during the period of time when we are not in Session represents the Lewiston Fire Department. But I have to look at this objectively from the viewpoint of a municipal official, and I have made some inquiries in reference to this matter, and I would like to quote to the Senate two letters, not in their entirety but to get to the heart of LD 293. The most important point that I want to stress from the City Controller with the City of Lewiston, he states as follows; "I do not like the pre-emption by collective bargaining agreement over general law. In effect this says that any terms encompassed in the collective bargaining agreement which supersede the appropriate duties of Fire Chiefs under Title 30, Maine Revised Statutes Annotated, Section 3773, Subsection 2."

In further made inquiries with our Fire chief in Lewiston and he quotes the following to me: "I called Tierney in reference to LD 293 and what the purpose of the Bill was as an explanation is as follows: 'It seems there are areas in the State where the powers of the Fire Chief are stronger than those of labor contracts, i.e., hir-

ing and firing at pleasure, subject to public hearings, and this would see to it that the Fire Chief's powers are again weakened.

To quote Tierney, this Bill is just a clean-up language in the existing law.

Well, Mr. President and Members of the Senate, it does weaken the existing general law in reference to it and, of course, I am a firm believer in labor, and I am a firm believer in management, but I am a firmer believer in the taxpayers who have to foot the Bill on this particular matter. Now yesterday the Committee Amendment was adopted and with the understanding that I spoke to one of the Senators on the Labor Committee that this is supposed to take care of the objections of the Fire Chiefs in the State of Maine. Well, to the contrary, I do not think they fully are cognizant of what materialized on this.

Before I think we go any further on this particular bill, unless there are members of the Committee who would like to give me different input regarding the complexities of this particular matter, I certainly would like to have the item tabled for at least one legislative day.

On motion of Mr. Danton of York, tabled for one legislative day, pending passage to be engrossed.

#### Senate

Bill, "An Act Relating to Reconstruction of Certain Railroad Grade Separation Structures on Non Federal Aid-State Aid Highways." (S. P. 112) (L. D. 271)

Bill, "An Act Pertaining to Funding the Central Licensing Division of the Department of Business Regulation." (S. P. 165) (L. D. 441)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act Relating to Mother's Day, Father's Day and Sons' and Daughters' Day." (S. P. 202) (L. D. 600)

Which was Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

Bill, "An Act Permitting Corporal Punishment in Certain Private Schools." (S. P. 181) (L. D. 495)

Which was Read a Second Time.

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

Mr. KATZ: Mr. President, I offer Senate Amendment "A" to L. D. 495 under filing S-58 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now offers Senate Amendment "A" to L. D. 495 and moves its adoption.

Senate Amendment "A" (S-58) read and adopted.

This Bill Passed to be Engrossed, as Amended.

Sent down for concurrence.

#### Reconsidered Matters

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

Mr. SPEERS: Mr. President, with reference to Bill, "An Act to Regulate the Circulating of Initiative or Referendum Petitions," (H. P. 223) (L. D. 287), I move the Senate reconsider its action whereby this was passed to be engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Speers now moves the Senate reconsider its action whereby L. D. 287 was passed to be engrossed.

Subsequently on Motion of Mr. Speers of Kennebec,

Tabled until later in Today's Session,

Pending the Motion to Reconsider.

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

Mr. KATZ: Mr. President, I move the Senate reconsider its action whereby it accepted the Committee Report on L. D. 323, "An Act Appropriating Funds for Defense of Indian Claims Litigation."

The PRESIDENT: The Chair would advise the good Senator that this matter is not before the Body since it was assigned for Second Reading Tomorrow.

**Enactors**

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

"An Act to Remove Limitations on the Amount of Group Life Insurance Which May be Issued." (S. P. 91) (L. D. 215)

"An Act to Increase the Maximum Authorized Maine Veterans Mortgage Limit to \$30,000." (H. P. 535) (L. D. 650)

"An Act Increasing Compensation of Trustees of Gray Water District." (H. P. 500) (L. D. 618)

"An Act to Increase the Fee Charged for U.C.C. Certificates of Information." (H. P. 403) (L. D. 513)

"An Act Pertaining to Rat Control on Public Dumps." (H. P. 387) (L. D. 477)

"An Act Relating to Inspections and Inspection Fees of Elevators." (H. P. 142) (L. D. 172)

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 Permitting Sunday Operation of Bowling Alleys." (H. P. 639) (L. D. 783)

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens in reference to L. D. 783.

Mr. HICHENS: Mr. President and Members of the Senate: Although I have my own personal convictions on the observance of Sundays, I do realize that a great many of these activities do take part on Sundays and this Bill, 783, permits Sunday operation of bowling alleys. I do not have that strong objection to bowling alleys being open, but I do have the objection that this is taking away local option. We have had a great many issues before our Senate body and in the Legislature regarding the rights of towns to determine, especially on liquor bills, whether they are going to have the sale of liquor in their own communities or not and especially on other Bills relating to the same subject.

It says in the Statement of Fact that this Bill repeals the statutory section which prohibits operation of bowling alleys on Sundays until 2:00 p.m. and after 11:00 p.m., and which requires municipal approval of Sunday operation from 2:00 p.m. to 11:00 p.m.

I think this law, as it now stands, is a good law giving the municipal authorities the right to determine whether they should have these bowling alley operations going on between 2:00 p.m. and 11:00 p.m. in the communities, so I move this Bill be indefinitely postponed.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that L. D. 783 be indefinitely postponed. The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate: I would respectfully oppose and request a Division on the motion to indefinitely postpone. As I understand the good Senator's comments, he is concerned because local option is taken away. I submit that under the law, any municipality can pass laws relating to this. This Bill proposes to repeal 17 M.R.S.A., Section 3206 and as the Statement of Fact says it prohibits bowling whatsoever until 2:00 on Sunday afternoon, and then if the bowling alley wishes to operate between 2:00 and 11:00 p.m. on Sundays, they must receive local approval, as you said.

But I submit that even if this Section 3206, Title 17 is repealed, a municipality may even then set up regulations prohibiting, or allowing, or

requiring applications for bowling on Sunday or any other of the six days of the week. I think as a practical matter, there is so much bowling going on now-a-days by people on the Sabbath, on the seventh day, or Sunday, as you will go to ballgames and perhaps times have changed in the last generation or two, but I submit that this is a good Bill and that we should repeal the prohibition of bowling before 2:00 on Sunday, and the requirement that municipalities must license bowling between 2:00 and 11:00 on Sunday. Thank you.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from York, Senator Hichens that L. D. 783 and all its accompanying papers be indefinitely postponed. Is the Senate ready for the question? A Division has been requested.

Will all those Senators in favor of the Motion to indefinitely postpone, please rise in their places to be counted.

Will all those Senators opposed to the Motion to indefinitely postpone, please rise in their places to be counted.

3 Senators having voted in the affirmative and 25 in the negative, the Motion to indefinitely postpone does not prevail.

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

An Act to Require Periodic Justification of State Government Programs and Independent Agencies. (H. P. 1163) (L. D. 1206)

On Motion of Mr. Huber of Cumberland, placed on the Special Appropriations table, pending passage.

**Emergency**

An Act to Amend the Authorization to the Plantation of Matinicus to Establish an Electric Generating Facility. (H. P. 720) (L. D. 855)

This being an emergency measure and having received the affirmative votes of 28 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.

**Orders of The Day**

The President laid before the Senate: Communication — relating to Legislative Appointment Commission (H. P. 1233)

Tabled — April 7, 1977 by Senator Speers of Kennebec

Pending — Placing on file with accompanying papers

On Motion of Mr. Speers of Kennebec, Retabled for two legislative days.

The President laid before the Senate: Bill, "An Act to Define 'North American Indians residing in Maine' for Purposes of the North American Indian Scholarships." (H. P. 324) (L. D. 415)

Tabled — April 7, 1977 by Senator Lovell of York

Pending — Passage to be Engrossed On Motion of Mr. Speers of Kennebec, retabled for one legislative day.

The President laid before the Senate: Veto Bill, "An Act to Revise the Salaries of County Officers." (H. P. 738) (L. D. 752)

Tabled — April 7, 1977 by Senator Speers of Kennebec

Pending — Consideration The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is Shall this Bill become a law notwithstanding the objections of the Governor?

According to the Constitution, the vote will be taken by the yeas and nays. A vote of yes will be

in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor.

Is the Senate Ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate, I am sure you have all had an opportunity to read the hand-out that I had my Committee assistants prepare last Thursday. It broke down the counties, the salaries of every officer in the Counties, the increases they were getting and on the back page it also gave the percentage increase over-all. Now if you will read that: We also have reason to believe that this percentage is incorrect because we had some counties who did not respond to the questionnaire that we sent out when we were doing the general salary Bill, which was recommended to the Committee, and 752 is the amended version. — Because there were plenty of these counties that didn't respond, especially figuring the Sheriff's salary on their housing, their meals and which are presently paid for in some of the counties. Some of the counties have already responded by giving their Sheriffs the increase in salary to compensate for the loss.

We took away on the 752, we took the fees out of the Register of Probate's office. There is no real way that we could get an exact accounting on what these Registers received for fees. So, over-all the increase that the Governor is discussing of 16 percent, could have been at the maximum of 15.7. When you take into consideration the loss of fees and match that against the salary increase, we come up with about 11.5, and if we had had all the statistics available to us and all the counties had responded, as some of the counties did, we probably would have been much below that.

I would assume right off hand that if we did have all those figures, just a basis, for example, one county, Androscoggin, it would lower that 11.5 considerably if we had the fees on the Register of Probate in that county, and we had had the services that the Sheriff was receiving, the benefits he was receiving. So I think in general this Bill, and I think that the delegations and members of the delegations did a good job of putting together their county's official salaries. Everyone of you had an opportunity to vote on the salary increases, and we do have on file in the Local and County Government Committee on affidavit signed by the Majority of all the delegations approving the budgets and these are where the salaries came from. We lifted the salaries exactly off the completed budgets as they are presented in this little memorandum here.

I would hope today that the members of this Body would join me in overriding the Governor's veto.

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

Mr. KATZ: Mr. President, I have great sympathy for the extraordinary number of hours the Committee have put on the County Budget, and I share a feeling of frustration that we do not have the best possible procedure for dealing with the counties.

May I ask through the Chair to the Chairman of the Committee whether or not he will be coming forth with another procedure that will save future Legislatures from the problems that we have been facing in this Session?

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

Mr. JACKSON: Mr. President and Members of the Senate: Yes, we do. We have many different alternatives changing the procedure from the present one to somewhat completely reforming the procedures. You know, last year we had a general county Bill, a reform Bill which put this all back to your county level. It involved municipal officials as well as your elected county finance board, as that is what we call this under the last proposal we had.

We do have three proposals which are presently in front of us and we have heard two of these proposals, and the next proposal is being heard Thursday morning, if any Members of this Body are interested and they can find out exactly what that one is. That one is a sweeping reform Bill of county government, but the other two are just general Bills. They do put the budgetary process back to the county level, and they do involve the delegation; they do involve municipal officials, and I would assume that would probably be the best alternative to get this out of the Legislature. It does require an enormous amount of time and I would assume, whether or not it was done on Local County Government Committee and Legislature on the whole, the time that was involved in county budgets and the approval of county budgets, that the sum the State would be saving would be considerable.

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

Mr. CARPENTER: Mr. President and Members of the Senate: Not to belabor the point, but I served on the Local and County Government Committee the last Session, and I sympathize with Senator Jackson, and with the problems that perennially exist in that Committee. The Committee worked very hard two years ago to come up with a reform Bill and I guess this is the end result. It really is not much of a reform Bill.

I might just touch on Aroostook County for a second. As far as the salaries, the increases look very healthy, very substantial. I would point out, as it is pointed out in the memo from the Senator from Cumberland, Senator Jackson, that in all cases and it is particularly obvious I think in Aroostook County, we took the housing allowance and we included it in the Sheriff's salary, which makes for a fairly large increase on paper of his salary from approximately \$9,000.00 to \$13,500.00. Prior to this Aroostook County was paying for the housing of the Sheriff. We decided to let him pay for that out of his own pocket.

The Register of Deeds is a fairly healthy increase, both northern and southern districts. I would point out this is the only money-making operation in county government and all this is an attempt to get the Register of Deeds, who has all the responsibilities of the office, at a salary level higher than the Deputy. The Deputy I believe right now is \$8,800.00 and last year the Register of Deeds, both northern and southern Aroostook Districts were \$7,778.00. Also, the Register of Probate fees. This is now going to put a little bit of accountability at least into county government.

As the other members of the Aroostook County delegation can attest, I had a lot of problems with the county budget and fussed and fumed all one night, and came away from the end result somewhat less than satisfied. However, I do think that we must override the Governor's veto on this particular issue to put some sort of standardization into the county salaries. This was gone over, as Senator Jackson has already mentioned, in some detail by all members of the various county delegations and this is the end result of it. I would hope that we would vote to override the Governor's veto.

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

Mr. CONLEY: Mr. President and Members of the Senate, I am sure the good Senator from Cumberland, Senator Jackson, is well aware of the fact that I am one of those who is not a big supporter of county government. However, I do recognize that the only way salary increases are received at the county level are generally through the actions taken by the Legislature.

As I review government employees as a whole, going from the Federal, State, County and Municipal, it appears to me today that

there is one group of individuals in government, county government employees, that I believe as far as working conditions and salaries are concerned are greatly exploited. Now I commend the Committee on County Government because I do think they have seriously tried to address the problems of salaries in county government, the operations of county government as a whole, the fact that in the last Session a Bill was passed to enable business managers to be hired to be able to accept exactly the business at hand for county government. I think it is a forward step. It is a progressive step.

I can not think of a day yet when I have voted to sustain a veto of the Governor and it bothers me to some extent. Some day I would like to be able to stand up here and vote with him. I guess I did on the National Guard last year, so I do have some rapport with the Governor in that respect. But I would hope that the Senate today would vote to override, because I think that the adjustments that are there are needed and I do not think they are that modest.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is shall this Bill become a law notwithstanding the objections of the Governor?

A vote of Yes will be in favor of the Bill. A vote of No will be in favor of sustaining the veto of the Governor.

The secretary will call the roll.

YEA — Carpenter, Chapman, Collins, D.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Martin, McNally, Merrill, Minkowsky Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Collins, S.; Lovell, Mangan.

30 Senators having voted in the affirmative and 0 Senators in the negative and 3 Senators being absent, it is the vote of the Senate that this Bill become a law notwithstanding the objections of the Governor, and the Secretary will present the Bill to the Secretary of State.

The President laid before the Senate:

HOUSE REPORT — from the Committee on State Government — Bill "An Act Concerning Territories Included in Baxter State Park." (H. P. 203) (L. D. 263)

Tabled — April 11, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Committee Report Which Ought to Pass Report was Accepted in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate:

HOUSE REPORTS — from the Committee on Election Laws — Bill "An Act to Provide that the Position on the Primary Election Ballot and on the General Election Ballot of the Names of Candidates for Major Offices shall be Determined by Lot." (H. P. 479) (L. D. 594) MAJORITY REPORT — Ought Not to Pass; MINORITY REPORT — Ought to Pass

Tabled — April 11, 1977 by Senator Conley of Cumberland

Pending — Motion of Senator Trotzky of Penobscot to Accept Minority Report

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

Mr. KATZ: Mr. President, I oppose the motion to accept the Minority Ought to Pass Report and ask for a Division. It is a simple Bill to understand, unlike many of the others we deal with.

Before an election, the Secretary of State is charged with either personally or through his agents in arranging the order on the ballot of the names by lot for President, Vice-President, United States Senator, Congressman, State Senator and House of Representatives, and it ignores the other offices presumably by putting

some equity into the major offices, we do not particularly care about the inequity in the other offices.

So, as I said on the Election Laws Committee, having been a happy volunteer upon the call of the President, I think that our election laws are pretty complicated as they are and this is one Bill that I felt we could do without. Our confusion on election day and our confusion on the electoral process is monumental as it is. I hope the Senate votes against the motion to accept the Ought to Pass Report.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I would like to remind the Senate that "K" is in the first half of the alphabet.

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

Mr. CONLEY: Mr. President and Members of the Senate: I wish to support the Motion of the good Senator from Penobscot, Senator Trotzky. It surprised me as I was sitting here this morning. I was looking down in the first row, and it seems that almost all of the "M's" of the Senate are located down here in the lower level, from Merrill to Martin, Usher, Levine, Minkowsky, Mangan and then we get over here with Morrill, McNally. There is something magic I guess about the letter "M". There are six of them on the roll call sheet. A little bit more popular I guess is the letter "C", there seems to be seven of them. But as we strike the happy medium of the alphabet, we notice that "M" is somewhere dead center. So if those members of this Body whose initials begin with "C" would show some spirit of good faith in the ballot, they would vote along with me to accept the Minority Report and take their chances.

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

Mr. MERRILL: Mr. President and Members of the Senate: I have watched the debate on this in both Bodies with some interest. I happen to share the feeling with Senator Katz that this probably is not crucial, but the thing that amused me the most in watching the debate, and there has been a considerable amount of it here, one place or another in the building, is that time after time people with names that began with low letters of the alphabet, stood up and said two things: One this Bill was not important; and two, to vote against it.

So I applaud the Minority Leader for his profile in courage today in standing up as a "C" and suggesting to lose his priority on the ballot.

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

Mr. PRAY: Mr. President and Members of the Senate: As an individual who is 26th on the roll call list, and having two successful elections under my belt, I would like to point out that even with the letter "P", my name appeared on top of the ballot both times. So I do not think we have to go down the list and divide it, but I am willing to give those individuals who come after "P" an equal chance.

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

Mr. CARPENTER: Mr. President and Members of the Senate: As one whose name is rather high in the alphabet, I think it is a terrible Bill. I probably will vote for it, although I really think after spending two years here in the Maine Senate answering first on that roll call, that I ought to receive some compensation somewhere along the line.

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

Mr. O'LEARY: Mr. President, I have been through seven or eight elections and I have lost one. I think being the last spot on the ticket is a good place to be, and I like it there, so therefore I move the indefinite postponement of this Bill and all its accompanying papers.

The PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, in the midst of all the fun and jollity I want you to realize what this Bill would do. I want you to picture what it is going to involve, drawing lots for every single primary and general election contest for the House of Representatives and the State Senate, to say nothing of the major offices. And I want you to compare this chaos with whatever real or imaginary benefits you might assign to this Bill. It is quite a serious question.

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

Mr. PRAY: Mr. President and Members of the Senate, I have in the last two days, yesterday and today talked with individuals from the Secretary of State's office and if this Bill makes it to the second reading, there will be Amendments offered to help solve some of the problems that Senator Katz talks about.

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

Mr. LEVINE: Mr. President, we have heard a lot of talk about how difficult it is to draw lots, but in actual fact I have had some background in statistics. It is very simple. You can purchase at any bookstore for 95 cents a small booklet that includes within it numbers that are drawn by computer at random. All you have to do is assign each person on the ballot a number from 1 to whatever, right down the ballot. You can do that by alphabetical listing if you care to. The problem of drawing lots seems to be a very moot point to me because you can just pick up that booklet, you can read down the line and pick those numbers that have already been picked at random. You do not have to have any physical drawing by lot in order to perform that function. There may be other problems with this Bill, I do not foresee that as a grave problem.

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

Mr. MERRILL: Mr. President and Members of the Senate, I can not truly believe that the problem of drawing lots is as difficult and overwhelming and foreboding as the Senator from Kennebec suggests. I know there are several cities and towns that use this procedure now. I think including in municipal elections, I think, including the city that is represented by the President of the Senate. So I know it is up to the capacity of the people of Maine to be able to deal with this problem and maybe we can put the person in the Education department who picks out colored paper to work on this problem for the rest of the year when they are not sending these multi-colored epistles to us during the education funding season, which comes at the same time as the mud in Maine.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Oxford, Senator O'Leary that this Bill and all its accompanying papers be indefinitely postponed. The Chair will order a Division.

Will all those Senators in favor of indefinite postponement, please rise in their places to be counted.

Will all those Senators opposed to indefinite postponement please rise in their places to be counted.

13 Senators having voted in the affirmative, and 17 in the negative, the Motion to Indefinitely Postpone does not prevail.

Minority Ought to Pass Report of the Committee Accepted in concurrence, and the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Reconsidered Matters

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

Mr. O'LEARY: I would like to ask if the Chair is in possession of Bill, "An Act to Clarify the Definition of Activities Reportable as Lobbying." (H. P. 1183) (L. D. 1236)

The PRESIDENT: The Chair would answer the Senator in the affirmative, the Bill having been held at the request of the Senator.

Mr. O'LEARY: Mr. President, I would move that we reconsider our action whereby this Bill was passed to be engrossed.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves the Senate reconsider its action whereby this Bill was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would like to submit Senate Amendment "B" (S-57) and move its adoption, and I would like to speak briefly to that.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment "B" to L. D. 1236 and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" (S-57) Read.

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

Mr. PRAY: Mr. President and Members of the Senate: I would like to explain this Amendment briefly, and the reason for it. This allowed the registration of lobbyists to be changed from two days to seven business days. There is a case that several of us are aware of, or that I was made aware of yesterday, of an individual who was hired by an out-of-state firm, and through the process of mailing the form to the firm and getting it back to the Secretary of State, it exceeded the two days, and this would make it a more acceptable time limit. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "B".

Senate Amendment "B" adopted. This Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act to Clarify the Marking of Ballots." (H. P. 1235) (L. D. 1388), which was tabled earlier in the day by the Senator from Cumberland, Senator Conley, pending assignment for second reading.

Mr. CONLEY: Mr. President, it is my understanding that the good Senator from Kennebec, Senator Katz, is going to amend this Bill at its second reading, so I will withhold any objection.

The Bill Tomorrow Assigned for Second Reading.

The President laid before the Senate:

Bill "An Act to Regulate the Circulating of Initiative or Referendum Petitions". (H. P. 223) (L. D. 287), which was tabled earlier in the day by Senator Speers of Kennebec, pending Motion by the same Senator to reconsider passage to be engrossed.

The Senate Reconsiders its action whereby the Bill was Passed to be Engrossed.

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

Mr. FARLEY: Mr. President, I now present Senate Amendment "A" to H. P. 223, L. D. 287, and move its adoption.

The PRESIDENT: The Senator from York, Senator Farley, now offers Senate Amendment "A" to L. D. 287, and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" to H. P. 223, L. D. 287 (S-59) read.

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

Mr. FARLEY: Mr. President and Members of the Senate: I would like to explain what this Amendment does. There was a question brought up by the Senator from Cumberland, Senator Merrill, yesterday on the state of this Bill, the constitutionality of it. There were some problems. This Amendment was suggested by the Attorney General's office to take care of that problem, and the Bill is now constitutionally sound.

Senate Amendment "A" adopted.

This Bill, as Amended, passed to be engrossed in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

All matters previously acted upon in today's Session ordered sent forthwith.

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

Mr. HUBER: Mr. President, I move the Senate stand in recess until 5:00 this afternoon.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves the Senate stand in recess until 5:00 this afternoon. Is this the pleasure of the Senate? It is a vote.

(Recess)

#### After Recess

Senate called to order by the President.

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

#### Committee Reports

##### House

##### Divided Report

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) (H. P. 1166) (L. D. 1234)

Reports that the same Ought to Pass in New Draft under same title. (H. P. 1295) (L. D. 1445)

Signed:

Senators:

HUBER of Cumberland  
MERRILL of Cumberland  
MORRELL of Cumberland

Representatives:

HIGGINS of Scarborough  
NAJARIAN of Portland  
GOODWIN of Bath  
McBREAIRTY of Perham  
MORTON of Farmington  
CARTER of Winslow  
LeBLANC of Van Buren

The Minority of the same Committee on the same subject matter Reports that the same Ought Not to Pass.

Signed:

Representatives:

PERKINS of Blue Hill  
GREENLAW of Stonington

Comes from the House, the Majority Report Read and Accepted and the Bill failed of Passage to be Engrossed.

Which Reports were Read.

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

Mr. HUBER: Mr. President and Members of the Senate, I move Indefinite Postponement of LD 1234 and all accompanying papers, and I would like to speak briefly to my Motion.

The PRESIDENT: The Senator has the floor.

Mr. HUBER: Mr. President and Members of the Senate, this Bill from the Appropriations Committee, the provisions of this Bill are repeated in LD 1252. If the other Bill in this Body is amended by House Amendment H-138 and H-150, with only one single difference which I am sure we will discuss when we get the next piece of legislation.

Mr. President, there is really only one major change between these two Bills. I think we should consider it in the second Bill, and I, therefore, make my Motion.

The PRESIDENT: The pending Motion before the Senate is the Motion by the Senator from Cumberland, Senator Huber, that LD 1234 and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members

of the Senate, I would just like to make sure that I understand the effect of affirmative action on this Motion, and that would be that we would be left with one vehicle with which to take care of these problems, the vehicle which also includes the Inventory Tax Reimbursement. Is that correct?

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair to any Senator who may care to answer. The President recognizes the Senator from Cumberland, Mr. Huber.

Mr. HUBER: Mr. President, I believe the Senator from Cumberland, Senator Merrill, is correct. The change between these two Bills is a phase-down reimbursement of the Inventory Tax.

On Motion of Mr. Huber of Cumberland, Bill and accompanying papers Indefinitely postponed.

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

Mr. SPEERS: Mr. President, I move the Senate reconsider its action whereby this Bill was Indefinitely Postponed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate reconsider its action whereby it Indefinitely Postponed LD 1234.

A viva voce vote being had,

The Motion to Reconsider does not prevail.

#### Divided Report

The Majority of the Committee on Taxation on, Bill, An Act Relating to School Funding and Inventory Tax Reimbursement. (Emergency) (H. P. 1160) (L. D. 1252)

Reports that the same Ought Not to Pass. Signed:

Senator:

MARTIN of Aroostook  
Representatives:

CAREY of Waterville  
COX of Brewer  
TEAGUE of Fairfield  
CHONKO of Topsham  
IMMONEN of West Paris

The Minority of the same Committee on the same subject matter Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-118).

Signed:

Senators:

WYMAN of Washington  
JACKSON of Cumberland

Representatives:

POST of Owl's Head  
TWITCHELL of Norway  
MACKEL of Wells

Comes from the House, the Minority Report Read and Accepted and the Bill, Passed to be Engrossed as amended by House Amendment "B" (H-138) as amended by House Amendment "A" thereto (H-150).

Which Reports were Read.

On Motion of Mr. Conley of Cumberland, Minority Ought to Pass, as amended, Report of the Committee Accepted, in concurrence, and the Bill read once.

Committee Amendment "A" Read.

On Motion of Mr. Conley of Cumberland, Committee Amendment "A" Indefinitely postponed, in concurrence.

House Amendment "B" to LD 1252 Read. House Amendment "A" to House Amendment "B" Read.

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

Mr. KATZ: Mr. President, the effect of House Amendment "A" to House Amendment "B", as I read it, rolls the mill rate back from 11.75 to 11.5. The so-called Jalbert Amendment sets it at 11.75, and the so-called Carey Amendment reduces that to 11.5 mills. In the process, revenue to the State is reduced by \$3 million. I am going to move that House Amendment

"A" to House Amendment "B" be Indefinitely postponed for the following reasons. If it is not killed, and if the Bill in its then pristine shape should prevail, after we get done dealing with the issues within this Bill, we will have \$1.8 million left, as I understand it, for the biennium to deal with other State needs.

At the beginning of this Session I heard an awful lot of people say that they were not about to make a move on school funding until they knew what was going to happen to other State needs. That \$1.8 million represents the response of this Legislature to our State employees. It represents the response of this Legislature to the University of Maine, to adult education. I call to your attention that we have in place a moratorium on school construction, which it would be intolerable to extend beyond this year, and all of this has to come out of \$1.8 million.

Now I suspect that the chances of getting it all out of \$1.8 million is not very realistic, so what we are facing is a tax increase. The size of the tax increase will depend upon your vote on the so-called Carey Amendment. If you kill the Carey Amendment, you will have instead of \$1.8 million, \$4.8 million as a starter to addressing yourself to these needs.

If you permit the Carey Amendment to prevail, and do not kill it, you have reduced your options, and are faced with the necessity of raising through some other kind of tax an additional \$3 million.

Perhaps it sounds strange to hear the Chairman of the Education Committee calling for a higher Uniform Property Tax. I think it is justified, and I think that this Senate would be completely on the right track if it said that this extra \$3 million could be used better for other State needs.

I request a roll call on my Motion.

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

Mr. MERRILL: Mr. President and Members of the Senate, I think that only one thing really has to be added to the description of the effect of voting as the Senator from Kennebec, Senator Katz, has asked us to vote; and that is the very real observation that what we are talking about is how much we want to increase the Uniform Property Tax.

This is not a question of tax or not tax. We are talking about when we are setting the mill rate of how much you want to increase the Uniform Property Tax. Now at 11.5, which is what we would be at if we accept the so-called Carey Amendment, we would only be increasing the Uniform Property Tax, and I say only advisedly, by \$18 million. The effect of this vote would be to say lets increase it another \$3 million.

So let us be clear about how we are voting here. The effect of this vote is not — I repeat, is not to reduce or to increase the amount of money that is going to be spent for education, or for anything else. The effect of this vote is to increase the Uniform Property Tax by another \$3 million.

Now if somehow you can convince yourself that that is not a tax increase, and that the \$18 million that we have added on is not a tax increase, then you can go out of here saying that we have prevented a tax. But if you have problems getting over that hurdle, if somehow the semantics are not sufficient for you to hoist yourself up over that little suspension of belief and reason, then I would suggest that we go along with 11.5 and defeat the Motion made by the Senator from Kennebec, Senator Katz.

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

Mr. HEWES: Mr. President and Members of the Senate, I would support the Motion of the good Gentleman from Kennebec to Indefinitely postpone this Amendment that we are voting on now.

As I understand it, the Uniform Property Tax rate has been 13 mills, it has come to 12.5. I per-

sonally prefer it be 12. The 11.75 mill rate would be a compromise between 12 mills and 11.5 mills, which I think it is a fair compromise.

As I understand it, there will be less than \$2 million for other needs if we do adopt the Amendment, and I cannot see it. It was only a year ago, it seems to me, that we voted about \$18.5 million, or the Legislature voted \$18.5 million from the property tax into income tax, and I submit that if we go the route we are going now, there will be great pressure to increase income tax even further.

I hope that you support the Motion to Indefinitely Postpone.

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

Mr. MERRILL: Mr. President and Members of the Senate, isn't it interesting that last time when we voted \$18 million out of the progressive income tax, that it was with such sweat, such political intrepidation, such concern, some of us here in this Body or the other one voted against it. We all went forth pulling our hair and newspapers in certain parts of the State flailed out against \$18 million increase in the income tax, and yet today the \$18 million and the 11.5 is just sort of over-looked. That is as if it was not there, that \$18 million, and we explain that away by forgetting the fact that the evaluations have gone up and talking about what the mill rate was last time.

I just remind the Senate that implicit, even if we accept this Amendment, is exactly the same tax increase on the people of Maine in dollar-terms as we did last time from the income tax increase, the one that was so talked about. But now we do the \$18 million and that is nothing, and we want to add another \$3 million on — \$21 million on the least progressive form of taxation that we have. Somehow that is all acceptable. I guess it is acceptable because it is a wash back through the cities and towns, and hopefully the voters do not realize what we did.

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

Mr. HEWES: Mr. President and Members of the Senate, just briefly, I would point out that the people in the towns are the ones that have increased the spending that is the cause of the \$290.6 million being used this year, rather than being \$28 million less, so I would submit that the people that are concerned with the real estate tax are the ones who in fact did increase the spending, and, hence, I hope that you Indefinitely Postpone this Amendment.

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

Mr. SPEERS: Mr. President and Members of the Senate, I think perhaps for the first time in this Session the question comes right down to the very basic realization that what we do here in Augusta has a very real effect on the towns, the municipalities and the cities in the State of Maine. What we are talking about in this question of lowering the Uniform Property Tax mill rate from 11.75 to 11.5 is a question of taxes. It is not a question of avoiding tax, because the Uniform Property Tax is a State tax. It is State imposed. It is placed upon the property of the State by the Senate and the House of Representatives sitting here in Augusta. It is not a tax which is voted upon by the people in their various municipalities. We are setting that mill rate at this hour.

My very good friend and colleague from Kennebec, Senator Katz, suggests that we are eliminating some \$3 million from consideration for some of the other needs that we have identified. He and others can attest to the fact that I feel very strongly committed to providing for some of those other needs. But the question comes down to a determination of what tax is needed, what tax is preferred, what tax we wish to impose to pay for some of those other needs.

We can provide the \$3 million by freeing that



amount of money, by placing the \$3 million on the property taxpayers of this State, or we can provide for that \$3 million on other taxes, which we have all talked about, which we have all recognized may be available, and for which I am sure we will all have an opportunity to vote, — or I suppose the alternative to that is simply not to provide for these other programs.

But the basic question that we are faced with at the present time is not to tax or not to tax, but simply the question of which tax we wish to raise \$3 million with. If you want to raise \$3 million by putting it on the property taxpayers of the State, then we can lower the mill rate, or keep the mill rate at 11.75. But if you feel that we should not raise that amount of money, from the property taxpayers of the State of Maine, then you should vote against the pending Motion so that the Mill rate may be lowered to 11.5.

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

Mr. KATZ: Mr. President, if I were asked to make an evaluation of the single motivating factor in my Legislative years, I would say that my concerns with the property tax have probably been several. My interest in school funding has been built around my interest in the property tax.

When I first came into the Senate, homeownership was in jeopardy. It was a very burning issue in every community in the State. Over the years we have made such extraordinary improvements in the burden on the property tax that the State of Maine, and I say this with a great deal of pride, now has the lowest per capita property tax in New England, and what was of priority to me yesterday has changed today. The City of Augusta has not had a property tax increase in five years, and I cannot say that about those who pay income tax in the State of Maine. Before I got terribly excited about the fact that the storm over the income tax increase last Session has not amounted to very much, I say wait until the full impact is reached later this year.

I am not quite clear what tax you would rather substitute to raise \$3 million. I say that when we assumed a greater share of the burden of education, when we enacted 1994, it was at 50 percent of the total cost. Those of us from the Legislature at that time made a conscious policy decision not to go to 55 percent, not to go to 60 percent, but to hold at 50 percent, and let other Legislatures which followed make their own decision.

My decision tonight is very, very clearly to go to 11.75 mills, and I really do not need any explanation that this is an increase in tax. I am perceptive enough to understand that. But I say that there is an awful lot more equity in going to 11.75 mills and addressing the problems of State employees, the University of Maine, school construction and others, than pursuing in a frenzied manner the beautiful laundry list of pick your favorite tax; A .02 increase on malt liquor — That is a Democratic tax because Republicans drink Scotch, so that sounds awfully attractive to me. A tax on hard liquor — well that gets a little touchy with me because I really feel very tense about doing things for my neighbors in New Hampshire, and that would put a bundle of money right in their pocket.

Lets face up to the fact that we are talking about one kind of tax or another, and I would say that we have done an adequate job at this time in dealing with the question of the jeopardy of homeownership. As I went around to the town meetings in my constituency, and I can say with some pleasure, because these are the first ones that I have ever gone to, there really was not any concern about property taxes in Senate District 19. This Legislature and others preceding it have done a pretty good job in not pushing people off their property in those areas of the State where every single year the taxes went up and up and up.

We have basically faced that problem with a good deal of courage in the past, and it is not my top priority any more. I say the situation has changed. I know that the other party has caucused and is going to maintain a position of 11.5 mills, and I suspect that the most of my caucus is going to support 11.5 mills, but I want you to do so knowing that the situation has changed from three years ago, with the introduction of Federal Revenue Sharing, State Revenue Sharing and State Education Dollars has gone an awful long ways to solving what was a crisis situation, and is no longer a crisis situation at all.

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

Mr. CONLEY: Mr. President and Members of the Senate, I sat in these Chambers some years ago when 1994 came before us. And at that time it was promised to bring tax relief to every community in the State. I supported 1994 then, I support the concept of it today; I supported 1452 when it came down the pike. Shortly thereafter, like some of the loopholes in the original Bill. But year after year after year the property taxes continue to rise.

Last year we under-funded education by \$10 million and the communities on the local level went out and raised that additional money. Today we have the opportunity to bring down the Uniform Property Tax by a half a mill and to bring additional relief to the communities as a whole throughout the State.

The good Senator from Kennebec, Senator Katz, is concerned about other priorities here in Augusta, and I think we should be men and women enough to address those priorities after this problem that we have before us is resolved. To continue to force and mandate an increase on the local property tax for the sole purpose of funding priority projects, pet projects that we might have, is a sin and a disgrace to the local property taxpayer.

I hope that the Senate will vote against the Indefinite Postponement of this Amendment so that we can address ourselves to additional Amendments that will be proposed.

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

Mr. KATZ: Mr. President, I just want to take issue with one of the statements by the good Senator from Kennebec, rather from Cumberland, at this hour of the night I am usually in my 'jammies'.

My concern is not taking property tax money away from the good people of the State of Maine to fund pet State projects. That is not it at all. I am saying that we are taking some State dollars to help fund the local cost of education in excess of 50 percent, and I contend that the opposite is completely true.

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

Mr. HUBER: Mr. President and Members of the Senate, if this Bill is amended by the so-called Carey Amendment, the effect would be that the 9.8 percent increase in the cost of education would be borne by a combination of an increase in the Uniform Property Tax, as has already been discussed, but the amount is \$16.4 million, or a 13.9 percent increase in this tax. Whereas the general fund share would be increased only 6.1 percent, in face of overall general fund increases of about 9.2 percent.

It seems to me that the increasing burden, even at 11.5 mills, is ample, or perhaps overly ample at the 11.5 mill rate. I hope the Senate votes the Carey Amendment and defeats the Indefinite Postponement Motion.

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 present and voting. Will all those Senators in favor of a roll call, please rise in their places to be counted.

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

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that House Amendment "A" be Indefinitely Postponed. A yes vote will be in favor of Indefinite Postponement. A nay vote will be opposed. The Secretary will call the roll.

YEA — Cummings, Curtis, Hewes, Jackson, Katz, Morrell, Pierce, Redmond, Wyman.

NAY — Carpenter, Chapman, Collins, D.; Conley, Danton, Farley, Greeley, Hichens, Huber, Levine, Mangan, Martin, McNally, Merrill, Minkowsky, O'Leary, Pray, Snowe, Speers, Trotzky, Usher.

ABSENT — Collins, S.; Lovell.

9 Senators having voted in the affirmative and 21 in the negative, with 2 Senators being absent, the motion to indefinitely postpone does not prevail.

Is it now the pleasure of the Senate to adopt House Amendment "A" to House Amendment "B"? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I present Senate Amendment "D" and move its adoption, and I would like to speak to the Amendment.

The PRESIDENT: The Senator from Cumberland, Senator Conley now offers Senate Amendment "D"; to House Amendment "B" and moves its adoption. The Secretary will read Senate Amendment "D", (S-64)

Senate Amendment "D" to House Amendment "B" (S-64) Read.

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

Mr. CONLEY: Mr. President and Members of the Senate, my Amendment is simple and straight-forward, but it would have the following effects: It will honor our commitment to local government to reimbursement for the loss of their inventory tax revenue. It will not necessitate a tax increase of a single penny. No additional taxes will have to be imposed by the State. No additional property losses will have to be imposed by local government because of our actions in Augusta.

The Amendment utilizes Federal funds which we will be receiving during the up-coming fiscal year from Title II of the Local Public Works Act. Title II is commonly known as the countercyclical revenue sharing and its author is our Senior Senator, Senator Edmund Muskie. Countercyclical revenue sharing funds are designed to alleviate two problems. First, they are meant to fill the revenue gap in State and local government and, secondly, they are designed to prevent State and local governments from increasing taxes while the Federal government is attempting to stimulate the economy through tax deductions.

Ladies and Gentlemen of the Senate, the Bill that has been sent to us from the other Body will force local governments to substantially increase taxes, actions which the countercyclical revenue sharing program is designed to prevent.

If my Amendment is adopted, not only will we honor our commitment to local government, but we will do so without any increase in either State or local taxes. I know there may be some questions about the reliability of this funding.

Let me emphasize that my amendment only becomes effective if the Federal government extends the countercyclical revenue sharing program. If the Congress does not act, we have not committed a single additional State tax dollar. But I believe this money will be forthcoming. My office has been on the phone with Senator Muskie's office and they are indeed optimistic. President Carter, the House and the Senate leadership, the National Associations of Governors and Mayors are strongly supporting extension of the countercyclical revenue sharing program at an increased level of funding.

I would like to give you a few facts relating to the countercyclical revenue sharing. The State up to date has received approximately \$3 million in countercyclical revenue sharing funds as of April 5th. These funds were allocated through LD 95, which this Senate enacted some time ago. The State can conservatively expect the following additional funding allocations during fiscal year 1978 to the total of \$3.6 million with the break-down in July, October, January and April of \$900,000.00 each. These figures are based upon the money received by the State in the April quarter.

They are conservative for two reasons: one, President Carter has proposed a 50 percent funding increase and Senator Muskie's office is optimistic that these funds will be appropriated. Secondly, the countercyclical formula is based upon unemployment rate. While the national rate has been decreasing, our unemployment rate is over 10 percent. This means we will receive a greater share of the funds appropriated by the Congress.

Mr. President and Members of the Senate, I would like to go back to a few Sessions ago when at the time we talked of the repeal of the inventory tax along with the repeal of sales tax on machinery and also — I do not quite remember what the other item was, there was one — but at that time, and there are still many Members of the Senate who put their vote on the line and the Statutes duly record that today, is that the State will reimburse municipalities, those with inventories, up to 100 percent.

Today there are many towns and cities across this state who have already designed their budgets for this year. Many of them are planning on the \$14.2 million, 1973 figures, to be reimbursed to those communities.

The Bill that we have currently before us honors 70 percent of that commitment. And I would like to very briefly give you a bird's eye view of exactly how that 70 percent affects many of our communities in the State. I like to always be parochial and start off with my great city, the great city of this State, Portland, and under the 70 percent proposal, the City of Portland loses \$640,208.00; Bangor loses \$317,645.00; South Portland loses \$244,782.00; Lewiston loses, with all due respect to my good friend down there, \$224,168.00. Now I would like to put special emphasis on that — \$224,168.00. Jay loses \$69,203.00, and the lovely community of Augusta, beautiful city, \$126,300.00; Presque Isle, \$99,038.00; Waterville, \$124,318.00; Wilton, \$36,918.00; Auburn, \$115,619.00; Biddeford, \$68,470.00; Westbrook, \$121,856.00; Brunswick, \$81,430.00; Caribou, \$58,895.00; Farmington, \$35,464.00; Sanford, \$64,794.00; Rockland, \$53,581.00; Skowhegan, \$36,655.00; Saco, \$47,862.00; Madison, \$18,742.00; Rumford, \$47,925.00; the poor little community of Yarmouth, last but not least, \$8,552.00.

Mr. President that is why the people of our communities send us to Augusta, to represent them to make pledges and promises that we do not want to keep. Again, I say to you, the Amendment that is before you does not cost the State one single penny. It honors the commitment made in 1973 for full reimbursement.

Now if we want to address the phasing out of the inventory tax, I think we should do it, but I think it should be done next year and it should give the community that opportunity to get prepared for whatever may happen. We owe a moral obligation and commitment to the communities around the State for full reimbursement.

Mr. President, when the vote is taken, I request it be taken by the yeas and nays.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I think it is time for me to do penance. Just a moment ago I was

speaking for placing an additional burden on the property taxpayer around the State. Thanks to the clear and very simple explanation I just heard, I now identify an opportunity to remove some of the burden, and I thank the Senator.

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

Mr. SPEERS: Mr. President and Members of the Senate, I have a very real concern with regard to this particular Amendment. I would like to remind the Senate of action that this Body took not more than two months ago in passing an emergency appropriation which was requested by the Chief Executive of this State providing for nearly \$3 million, using the funds from the Title II Federal Bill that is being referred to in this very precise Amendment. I remember the debate on that particular Bill, and the questions that were raised with regard to that particular Bill, because there were a number of programs being provided for, which, although being described as non-continuing programs, were very obviously of a nature which would lend themselves to strong support for continuation in the future.

The question was raised where the appropriations were going to be coming from at some point in the future, and the good Senator from Cumberland, Senator Merrill, who serves on the Appropriations Committee, replied that there was every reason to believe that the Federal government would be continuing to provide funds under the Title II program, the countercyclical program, which indeed the Minority Leader has suggested that he has reconfirmed as to the continuation of these funds. But the question that I raise is if these funds are now to be used for some other purpose, can we then rely upon their continued existence, for the continued funding of the programs that we passed a few months ago, or not two months ago, with the assurance that the Federal government would continue to be supplying the appropriation. I do not think that we should have memories which are quite that short.

My good friend and colleague, the Senator from Cumberland, Senator Conley, has read a long list of the amounts of money that will have to be addressed by the local communities, should the funding be set at 70 percent, and I would suggest, Mr. President, that he is not explaining the entire story of what has happened to communities in the State of Maine in recent history. And to complete the picture, I think that the record should show that the communities of this State have indeed shared in increased revenue sharing between the State of Maine and the communities, they have shared to varying degrees with increased appropriations from the State General Fund with regard to the burden of education, and indeed those very communities that we are talking about have benefited from the removal of the inventory base from the Uniform Property Tax.

Now I would like to be able to appropriate 100 percent of the funds for reimbursement back to the communities of the State that are losing these funds through the removal of the inventory tax. I would like to do a lot of other things as well. I would like to provide for a higher increase, or a higher percentage of the cost of education for the State. I would like to provide and take into consideration all of the other items that we have been talking about and that we all agree indeed deserve our consideration, — adult education, state employees, the University of Maine, and we all know all of the items that we consider very high priority. And I think that we are all very well aware, as well, that the limited resources that we have to work with dictate, — dictate to us that we cannot do everything that we would like to do for all of the programs that we have under consideration. Education is not receiving everything that I am sure that we would like to be able to do for it. Some of these other programs, I am sure, will

not receive everything that we would like to do for them, and the reimbursement to the municipalities quite obviously is faced with the same fate in that we are unable to afford to do everything that we would like to be able to do for that program as well.

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

Mr. MERRILL: Mr. President and Members of the Senate, I remember very well the debate over LD 95. As I remember very well the vote, to a man, Ladies and Gentlemen of the Senate, to a man, as was voted for by the Members of this Body, and I remember the debate. I think the description has been accurate as far as it went, but let us recall that out of the \$3 million or so appropriated by that Act, it was made very clear that \$2 million of that either was not recurring or they were funded in the budget at the present time. And it was also made clear that we had received testimony from the Commissioner of Human Services, that the rest of those costs, to extend the child abuse moneys which are the ones that are to be funded in the budget, may be forthcoming from other Federal sources, other than Title II.

Lets forget LD 95 for the moment and focus on the one we have before us, because I think it has enough problems in it to keep us busy here tonight.

I was not a Member of the 106th Legislature, the Legislature which probably took the concept of spend now, pay later about as far as you could take any concept. I am a member of the pay later Legislatures, the 107th and 108th. I joked one time to a lobbyist that I would probably survive politically just about long enough to pay for the 106th. He joked back, I hope he joked back, that I was probably overly optimistic.

Now we are facing up to some of those promises some of the people here made. There were two promises in regard to inventory taxation. One was the promise to do nothing to the business community, and yet in this year that tax is small. And at the same time, the second promise, that everyone here that has any knowledge of the politics of this Legislature knows was absolutely necessary in order to pass that Bill back in 1973, the second promise — to say that if we are going to say to our cities and towns you cannot take this money, you cannot raise this money from this inventory tax, we are going to take away that tax base, that we at the State level will reimburse that. Now today we are faced with those two promises.

I have heard no talk about renegeing on one, — the promise to the business man if we take the inventory tax off, and I suppose that is to our benefit. But I do hear a lot of talk and more than talk, I see in this Amendment that is presently being defended in this regard by the leader of the Majority party of this Body, a breaking of our commitment on the second, and lets make no mistake about what the effect of that would be. The effect of that is to say to the cities and towns that depended on the inventory tax base, you take that 30 percent that you sued to collect from those inventory taxpayers, and you shove it down the throat of your other taxpayers. That is the message that is in this Amendment. I think it is unconscionable.

We are talking about some of the poorest people that live in this State. We are talking about people that come from other cities and towns that do not have any inventory tax base, and come into these cities, because they have public transportation and because of other services that they provide. These are the poorest people in the State. Those are the people that we are backing down on the commitment from.

And I ask myself why do I feel stronger about this commitment than the men who made it. We are talking about a lot of money for some of these cities and towns to come up with. Lets look back on the record a little bit more as far as this Inventory Taxation issue is concerned.

At the time that it was passed, the spend now-pay later 106th Legislature increased the corporate tax three percentage points. That has netted us about \$28 million. They did one other thing at the same time. Of some of you, I can say you did one other thing at the same time. You provided for a tax exemption on machinery purchased for industry. Over that same period of time, that cost us about \$28 million. So now we are the pay later, and this Bill as it presently sits before us, without the Amendment offered by my colleague from Portland, makes it pretty clear who pays later.

When the addition is done for the two-thirds to pass any proposal which includes this sort of backing out of a commitment to the people who put me here, count the Senator from Portland, Senator Merrill, no.

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

Mr. SPEERS: Mr. President, I would make the comment that there have been many representations as to promises that were made and commitments that were made by the 106th Legislature. — Some of these representations coming from individuals who were Members of the 106th Legislature and who were here, and others of these representations coming from those who were not Members of the 106th Legislature, and who were not here.

And I would point out, Mr. President, that as far as actual promises, that we are here to write statutory law, and that the repeal of the Inventory Tax is part of the statutes of the State of Maine. As for the comments of shoving it down the throats of the municipalities and the people of the municipalities of this State, I would point out that I know of no one in this Body who takes the position that the State of Maine should be reimbursing ad infinitum, forever, the communities of this State for the funds lost through the repeal of the Inventory Tax. The discussion has always been to include a phase-out, a gradual phase-out of the reimbursement of that tax, and I think that all of the Members, or certainly a vast majority of the Legislature, agrees that there must be a gradual phase-out of the reimbursement feature.

If we accept the argument that by refusing to reimburse, we are shoving it down the throats of the people of these municipalities, that argument must be applied to the idea that the reimbursement would be phased out just as well as it must be applied to this particular Amendment. I suppose that the comment could be made or the argument could be made that it would be better to shove it down their throats at some later date than it is at the present time.

But I would like to reiterate that we are not shoving it down the throats of the people of these municipalities. They are sharing, and they have shared in the economic growth of the State of Maine. And this Legislature has affirmed our commitment to removing a great amount of the burden on the local property tax. The last Legislature reaffirmed the commitment to removing a great amount of the burden of the local property tax, and the previous Legislature, the 106th Legislature, was the Legislature which provided for a removal of a great amount of burden of the local property tax.

We would like to be able to do everything for all of these programs. It is quite obvious that we cannot, and it is quite obvious that there must be a sharing of the reductions that we are faced with.

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

Mr. HUBER: Mr. President and Members of the Senate, I believe the good Senator from Cumberland, Senator Conley, in his presentation of this Amendment, Senate Amendment "B", mentioned that his anticipation of in-

creased level of funds under the Anti-Recession Title II Funds. If my memory serves me, I believe that two-thirds of these funds have been going directly to the municipalities, and one-third to the State. So if, in fact, they are going to be continued at an increased level, the municipalities, if the practice is continued, presumably will receive two-thirds. This Bill comes in for the remaining one-third.

The Amendment essentially would place funds in our budget which would absorb any available funds from this source, which we greatly need for other real needs that we will consider in the remainder of this Session.

Finally, I believe there is a technical problem. Any Amendment which states that any funds which are received after April 1st, 1977, shall be appropriated in this manner, and I refer to a memo from the State Budget Officer dated April 11th, which reads, "we have today received a check for the fourth quarter payment of the subject funds in the amount of \$916,761.00. This brings the total received to date to \$3,086,280.00.

Chapter 42 of Public Laws, 1977, which is LD 95, allocated \$2,930,000.00, so if this Bill removes the \$916,000.00, this would essentially under-fund LD 95 by approximately \$800,000.00, so there is a problem that the funds would not be available for the Mental Health and Corrections programs, and Human Service programs and LD 95.

I would hope that the Senate would not adopt this Amendment.

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

Mr. KATZ: May I pose a question through the Chair to the Senator from Cumberland, Senator Conley? It is my understanding that you had intended your Amendment to refer to the fifth quarter that was not appropriated, and if this is your intention, are we going to have to amend the Amendment that you have in front of you?

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

Mr. CONLEY: Mr. President, the Senator from Kennebec, Senator Katz, is correct, that the fifth quarter has not been received, and has not been dealt with. It is my understanding in just talking with Mr. Lord of the Finance Office, the problem is that the April 1st date on there would have to be amended, and I suggest we do that through the Errors and Inconsistency Bill to straighten that out, but we have not at all dealt with any funds that had been appropriated by the Appropriations Committee.

If I can clarify that — let me state that in 1976, in October, we received two payments of \$1.8 million. In January of 1977 we received one payment of \$900,000.00. The most recent payment we received in April was \$900,000.00, for a total of \$3.6 million.

What we are talking about is a payment in July of \$900,000.00, again in October of \$900,000.00, January 1978 \$900,000.00 and April 1978 of \$900,000.00. And it does not conflict at all with anything that the Appropriations Committee has done to date.

While I am on my feet, Mr. President, I would like to remind those of us who attended leadership meetings, some of us were a little upset at the fact some of the programs we were funding, should be funded out of current service revenue, and knowing that it could not be done, most of us recognized the fact that those monies were a one-shot appropriation. And I do not think that anybody is looking into the future.

Again I will get back to my Amendment, — what it does. It does give us an opportunity to honor our commitment to all of those communities for the first year, and allow them an opportunity then to deal with the problems of the Inventory Reimbursement Tax from there on in.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, I think that maybe two small points might be added to put this into, just one more facet of this problem, into focus.

First of all, the effect of what the Legislature did in 1973 was to essentially freeze one source of tax revenue at that level, and so already the cities and towns have lost revenue that they would have had, and the effect of inflation and growth, of course, has been lost on these revenue sources because of what the Legislature did in 1973, and I think that that in almost every case more than off-sets any advantages that comes about as a result of the change in the formula for the Uniform Property Tax computation.

The other thing is that I think that it is good for everybody to keep in mind, because somehow it is a point that is lost — is that the inventory that is in these cities and towns, whether it is automobiles sitting on a lot, or whether it is televisions sitting in a warehouse, require expenditures to be made by those cities and towns. That is not pure gravy. That inventory requires police protection, and a lot of it. If you look at the traffic, if you look at the Court docket, the District Court and the Superior Court, you see the most active sort of cases. You see the biggest theft problems that our society faces, you will see that the theft problems that we face are people breaking into these warehouses and stealing these television sets, these stereos, these hi-fis or whatever. And it is because of this that there is a very high burden put onto the cities, the major cities that have these inventories, for police protection, much, much higher per capita than it is if they do not have this inventory attracting the criminal element.

This inventory requires fire protection, and that Fire Protection is provided from local property tax dollars. If you take away Inventory Tax, it all has to come out of Property Tax dollars, and none of it comes from that Inventory Tax. And the other services of the city, of course, have to be provided for these buildings that house this inventory.

I think it is important to keep in mind that we are talking about an element here, and that whatever we do here, the cities and towns that have this inventory are going to have to make great expenditures for it in the future. And we are saying to the cities and towns you cannot touch any revenue from that, you cannot raise any revenue from that source. So that is what we are talking about.

My feelings would not be changed much if we were talking about phase-out or if we were talking about what to do the first year. I think it is only fair for the cities and towns who have such a limited tax source as it is, that they cannot raise taxes to pay for what creates a very great expense to them, that we give them something in return. And, of course, you know I was not here in the 106th, and I am not privy to the private conversations that went on, any more than I am in the 108th. But I know what the law says, and everybody else does, because what we are trying to do here tonight is change it. So I do not think it takes a crystal ball to figure out what the commitment was. If we have any question, lets not just change the language at all, and we will see what the commitment was.

The PRESIDENT: Is the Senate Ready for the question? The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate adopt Senate Amendment "D".

A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a

roll call please rise in their places until counted.

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

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate adopt Senate Amendment "D" to House Amendment "B". A yes vote will be in favor of adoption. A nay vote will be opposed. The secretary will call the roll.

YEA — Carpenter, Chapman, Collins, D.; Conley, Danton, Farley, Hewes, Katz, Levine, Mangan, Martin, Merrill, Minkowsky, Morrell, O'Leary, Pray, Snowe, Trozky, Usher.

NAY — Cummings, Curtis, Greeley, Hichens, Huber, Jackson, McNally, Pierce, Redmond, Speers, Wyman.

ABSENT — Collins, S.; Lovell.

19 Senators having voted in the affirmative, and 11 in the negative, and 2 Senators being absent, Senate Amendment "D" to House Amendment "B" is adopted.

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

Mr. TROTZKY: Mr. President, I present Senate Amendment "E" to House Amendment "B", (S-68), and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Trozky, now offers Senate Amendment "E" to House Amendment "B", and moves its adoption. The Secretary will read Senate Amendment "E".

Senate Amendment "E" to House Amendment "B", (S-68) Read.

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

Mr. TROTZKY: Mr. President and Members of the Senate, I have introduced Senate Amendment "E" to House Amendment "B" for basically one major purpose. I believe that the tax burden, the total tax burden on the people of the State of Maine is great enough, and I feel this way basically after a long and hard campaign and speaking with many people in the streets of my city.

I think that we have to attempt to live within our projected revenues, and I do not see that as such a great problem, especially when we project a 9 percent increase in our revenue this year, which is approximately a \$43 million increase.

Now the City of Bangor, my city, has high property taxes, and the City Council asked the Finance Committee for a no-growth education budget. Our budget in the City of Bangor is \$8 million and the increase that they came up with was \$52,000.00, which is less than one percent.

The Bills that we have before us all put education for this year at \$290.6 million, which is approximately a 10 percent increase in educational spending.

Now if we vote for a \$290.6 million budget, and we reimburse the Inventory Tax at the level asked for in this Amendment, we leave approximately \$1.7 million to fund many other worthwhile programs, such as have been indicated before, the University of Maine which needs dollars right now, Adult Education which needs money, State employees which have needs. What this Amendment does is fund education at \$283 million, — a total budget of \$283 million, which, by the way, is a \$21 million increase over this past year's funding for education. It sets the mill rate at 11.5 mills, which by the way is a \$16 million tax increase for the people of the State of Maine based on a \$2 million evaluation increase. It increases the allocation from \$200,000.00 to \$210,000.00, which is a 5 percent increase, which is approximately the rate of inflation. It increases the lee-way from \$90.00 to \$125.00, which helps those property tax poor communities. And it frees up \$7 million from the general fund for these other worthwhile purposes.

The argument will be brought that this \$283 million puts an additional property tax burden

on the local communities. I believe that the local communities will react the way the City of Bangor did, and cut educational funding to get some efficiency.

I hope the Senate will adopt this Amendment.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate, I rise to support the Motion of the good Senator from Penobscot, Senator Trozky.

This Amendment does increase the funding of education from the last year rate of about \$262 million to \$283 million, it does increase the allocation on supplemental appropriation, which was known as local lee-way from the \$90.00 to \$125.00, which assists the low valuation communities in the State, and it does increase the basic allocation to per pupil operating costs.

I think that the meat of the whole situation is that we are faced with a dilemma of what are we going to do when we pass an educational finance act, \$290.6 million, we reimburse municipalities for approximately \$10,010,000.00, and it leaves us \$1.7 million for additional programs, much needed programs. Well, I say it is going to put us in a very compromising position, because some of these programs need to be funded. The only way that they can be funded is by an additional tax. Now whether it be a new tax or whether it be an expansion on an existing tax is unknown at the present time.

This Bill does loosen money up for those programs, and I would say that the \$7 million is going to be an additional burden to the local property taxpayer. Well, if that is the case, we are going to give that fellow, or those individuals, the opportunity to make some responsible decisions at the local level. We are going to give him the opportunity to scrutinize his district budget, or his municipal budget, school funding budget, and make those decisions. If those decisions are made to expand the services or to fund the current programs that they are funding presently, they are going to make that decision 100 percent. I think this is a must, and I think it is time that this Legislature took the initiative to say no. And I think with a \$283 million spending package for education, as we have seen in the past, the three years that I have been here, we have seen the cost of education go up by approximately between \$20 and \$30 million per year. Now if we continue to let this go and with the growth rate of 9 percent in revenue, and an expenditure rate of 10 percent or 11 percent or 12 percent, whatever the case may be, for education, we will continuously be searching for new tax, and new ways to fund.

So I say we ought to put a little responsibility back to the communities, so that they will react in a responsible manner by the possibility of looking at some of these programs, and make that decision. If they want to fund them, they can fund them from the local level at 100 percent, or delete the program, or cut it back. It is as simple as that. We have had steak and potatoes for many years, and it is time, I think, that we start eating a little hamburger and potatoes before we start having pea soup and corn bread.

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

Mr. WYMAN: Mr. President and Members of the Senate, this is an old story with me, and I do not expect to influence very many votes on it. But I do think that we could tighten up a little, if we wanted to, and I want to support the good Senator from Penobscot, Senator Trozky, and Senator Jackson from Cumberland.

Now where some of this \$290 million is going,

is going for things that I think we could get along without. I checked into this some. I know in my own school district that they take the children to Ellsworth to the greenhouse to see the flowers grow, so there is one day gone; and there are several more. The Superintendent or one of the school board members told me that they had taken 13 trips so far this year to go see the flowers grow, or some similar program. And then a short time afterwards, there was so many buses that went up to Ellsworth to the creamery that they had the streets crowded, because they wanted to find out how they made butter out of cream. Then, finally, the real pay-off was, again they crowded the streets of Ellsworth. They had three or four buses and they were there at an old movie house to see a movie that was so old that they were not even talkies, and all of the children went up to see those old movie shows that were shown 30 years ago.

Now it just seems to me that if we have this kind of extra pleasure, if that is what you call it, in our own families, that we would learn to cut back a little. And I want to agree with the good Senators who have spoken in favor of this Amendment; and I think that we could well afford to cut back on this school expenditure \$7 million.

The PRESIDENT: Is the Senate ready for the question? The pending Motion before the Senate is the adoption of Senate Amendment "E" to House Amendment "B".

A Division has been requested.

Will all of those Senators in favor of the adoption of Senate Amendment "E" please rise in their places to be counted.

Will all of those Senators opposed to the adoption of Senate Amendment "E" please rise in their places to be counted.

6 Senators having voted in the affirmative, and 21 Senators in the negative, Senate Amendment "E" to House Amendment "B" fails adoption.

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

Mr. COLLINS: Mr. President, I offer Senate Amendment "C" under filing S-66, and move its adoption, and I will speak to my Motion.

The PRESIDENT: The Senator from Aroostook, Senator Collins, now offers Senate Amendment "C" to House Amendment "B" and moves its adoption. The Secretary will read Senate Amendment "C".

Senate Amendment "C" to House Amendment "B" (S-66) Read.

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

Mr. COLLINS: Mr. President and Members of the Senate, This Amendment is a very simple one, and will permit those of us who live in Aroostook County to at least continue to eat potatoes. We threw the steak out sometime ago.

It ends up with a total school allocation of \$290.6 million, except that it changes the per pupil basic allocation slightly, and it increases the lee-way funds to \$125.00. Without this, the low value communities of the State will have an extremely difficult time, and I am sure that all of you are aware that the total cost of education is going to be somewhere in the neighborhood of \$315 to \$320 million. This will permit the lower value communities to at least have the advantage of the lee-way funds.

The PRESIDENT: The pending question before the Senate is the Adoption of Senate Amendment "C".

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, I would just like to make an inquiry through the Chair to the Senator from Aroostook, Senator Collins, how much money

does this move out of the basic allocation and into the funding of lee-way?

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair to the Senator from Aroostook, The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the difference is \$220.155 Million on the one hand, and with the Collins Amendment it is \$217.824.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "C" to House Amendment "B".

The Chair will order a Division.

Will all of those Senators in favor of adopting Senate Amendment "C" please rise in their places to be counted.

Will all of those Senators opposed to adopting Senate Amendment "C" please rise in their places to be counted.

7 Senators having voted in the affirmative, and 22 in the negative, Senate Amendment "C" to House Amendment fails adoption.

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

Mr. COLLINS: Mr. President, having fared so well on my last Amendment, I would like to propose Senate Amendment "B" under filing S-62, and speak to my Motion.

The PRESIDENT: The Senator from Aroostook, Senator Collins, now offers Senate Amendment "B" to House Amendment "B", and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" to House Amendment "B" (S-62) Read.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate, the Amendment I am offering will amend the provisions in the Bill relating to the Inventory Tax Reimbursement. While I do not agree with the 70 percent reimbursement level, the Amendment I propose will reimburse communities for 70 percent of the 1973 inventories for calendar 1977.

The Amendment, however, proposes that for fiscal year 1978 the local government fund would be increased 4 to 7 percent of sales, personal and corporate income taxes. This will increase the dollars available in the local government fund by \$9.5 million for fiscal year 1978.

The method for distributing this money will be on a combination of a declining percentage of the 1973 inventory tax amount, and the municipal revenue sharing formula. For example, in 1978, \$8.4 million would be distributed based upon 60 percent of 1973 inventory and the balance of \$1.1 million on the existing revenue sharing formula.

The Amendment has two strong arguments in its favor. It assures that \$9.5 million will be available in fiscal year 1978, and cannot be deleted in any budget recommendation; and, secondly, it does fulfill to a greater extent than the existing proposal the commitment made by a previous Legislature to Maine communities. It distributes on a permanent basis \$9.5 million of the \$14.3 million in revenue lost by the communities. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, one brief word of explanation in regards to this Amendment. The purpose of this Amendment, unlike the Amendment offered by the Senator from Cumberland, Senator Conley, earlier, is that this looks to the future and sets the direction in the future year and thereafter as to what we are going to do about the problem. It dovetails the Amendment that is already adopted, and it is perfectly consistent with it.

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

Mr. HUBER: Mr. President and Members of the Senate, I am not sure I follow the mechanism that is proposed in this Amendment exactly, but it seems to me that in adopting Senate Amendment "B", the Amendment presented by the Senator from Cumberland, Senator Conley, the municipalities which already receive two-thirds of the Title II amounts, under that Amendment the municipalities ran off with the third third.

It seems to me that increasing revenue sharing to 7 percent forever, they are going for the fourth third. I hope that we will resist this pattern.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "B" to House Amendment "B". The Chair will order a Division.

Will all those Senators in favor of adopting Senate Amendment "B" please rise in their places to be counted.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: I request a roll call.

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

Mr. SPEERS: Mr. President, I pose a question through the Chair to make certain that I understand the consequences of the Amendment that is before the Senate at this time, and I am posing this question because I do not wish to be incorrect. I would request any member of the Senate to correct my understanding of this matter if I am not correct.

As I understand the present allocation of the revenue sharing formula for the State of Maine at the present time, between State government and municipal governments of this State, is that it stands at 4 percent of those funds collected by the Income Tax, and perhaps by the Sales Tax, but by the Income Tax at any rate. Is it correct that this Amendment which is before us at the present time increases that revenue sharing percentage from 4 percent to 7 percent, and if that is correct, this would be quite obviously a major change in State policy, a major change in taxation policy, a major change in the revenue sharing formula of this State, which has not had a public hearing, which has not been aired, other than here in the few short minutes of debate that we have had this evening.

I would pose that question through the Chair, Mr. President.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair. The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, the Senator is correct. It does change the 4 percent to 7 percent, and it is based on the Income Tax and the Sales Tax, and it would provide in effect a dedicated fund of \$9.5 million, which would be used to reimburse on a sliding scale from 70 to 60 to 50 to 40 to 20 percent for reimbursement of inventory, and the difference between the reimbursement as it goes down the scale would then go into the Revenue Sharing Fund and be distributed to all of the communities.

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

Mr. CURTIS: Mr. President, I would like to pose a question through the Chair to any Member of the Senate who might care to answer it, and that is whether or not there is a

provision in this Amendment that would authorize the municipalities to respond to pleas from the University of Maine and State employees for additional assistance?

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

Mr. MERRILL: Mr. President and Members of the Senate, I think that we have a fairly good description of where we are as far as this Amendment is concerned, and what it really does. What it really does is that it says that a certain level here, say roughly 70 percent of the total amount of dollars that we are talking about, that we are going to phase from an inventory tax reimbursement base formula into a revenue sharing base formula. In other words, the total amount of dollars will remain as we are talking about them in this Bill roughly, but will phase out of the inventory formula into a revenue sharing formula, which will spread the benefits of this away from, to a certain extent, the inventory rich towns, and give it a more general base appeal and help to all of the cities and towns.

Now this idea is not a new one. It has received a lot of discussion at public hearing. I draw the attention of the Senate to a report which was put on your desk earlier, entitled Progress Report on Maine's State and Local Tax Structure from the Joint Select Committee on State Tax Policy, and would draw the Senate's attention also to the Members of that Commission, which was represented by Members of the Legislature and members of the public, including such esteemed Members of this Body as Senator Samuel Collins from Knox, and Senator Jerrold Speers of Kennebec.

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

Mr. CONLEY: Mr. President, do not let it ever be said that I have never supported a County boy, and I congratulate the good Senator from Aroostook, because I think it puts this problem that we have in its proper place, and it does gradually take care of the whole problem that we have been discussing tonight.

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

Mr. HUBER: Mr. President and Members of the Senate, at the risk of having the usual results, I would just like to point out that this is an \$8 million per year change roughly, and I would like somebody to explain to me how this is funded. I believe the revenues anticipated are already consumed in our Part I budget.

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

Mr. MERRILL: Mr. President and Members of the Senate, as the Chairman of the Appropriations Committee, the Senator from Cumberland, Senator Huber, full well knows that Part I and the Part II budget as presented to us by the Chief Executive, both for this year and next, make absolutely no provision for inventory tax reimbursement of any kind.

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

Mr. KATZ: Mr. President, a little earlier we had some conversation about the perhaps unwise and intemperate postures of the previous Legislature. To put this in the simplest terms right now, what this Amendment asks you to do is increase the State revenue sharing by 75 percent, — no public hearing. I did not know about this Amendment until I arrived here earlier this evening — 75 percent increase. Maybe it is the best idea since Hector was a pup, but it is a heck of a step to take by the presentation of a piece of paper at 9:15 in the evening when we are all fatigued, have not had dinner, and I would warn the Senate that this is a major

reallocation of State resources, and to move very slowly on it.

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

Mr. MERRILL: Mr. President and Members of the Senate, what this does really is — and it should not be such a surprise, because what we are talking about now is trying to look into the future and say what are we going to do about a commitment that was made in 1973. And what the Amendment that is offered by the Senator from Aroostook, Senator Collins, does is it sets that policy. It in essence backs off from the 1973 commitment, both in regards to the formula and in regards to the amount, so this is not like a new straw that has been put on the back of the camel. As a matter of fact, if you compare it where we are now in the present law as passed in 1973, it is a straw taken off the back.

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

Mr. SPEERS: Mr. President, I would point out to the Senate that the Amendment that we have before us represents a permanent increase in the revenue sharing formula from 4 percent to 7 percent. There is no phase-out of that increase. It is a permanent increase to be written into law, increasing the revenue sharing formula from 4 percent to 7 percent, and I would echo the caution that was requested of this Senate by the good Senator from Kennebec, Senator Katz, in realizing very carefully what we have before us at this time.

I think it is a dangerous precedent, that the Amendment is being proposed without the usual careful scrutiny that is given major changes in policy of this type.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: I withdraw my request for a roll call, and ask for a Division.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Aroostook, Senator Collins, that the Senate adopt Senate Amendment "B" to House Amendment "B". A Division has been requested.

Will all of those Senators in favor of the adoption of Senate Amendment "B" please rise in their places to be counted.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I now request a roll call.

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

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, to reiterate, what we are talking about here is how much of the commitment that was made in 1973 is going to be honored in the future. It is a back off from that commitment. It is not as much as was committed in 1973. It is less. It moves it to a more broad base formula over a period of time. It has been discussed in the past. It was recommended by the Governor's Tax Policy Committee. It was recommended by the Legislative Tax Policy Committee, and what it allows our cities and towns to do is to see what we are going to do in the future so that they can plan, and I think, just in the interest of giving the cities and towns the ability to plan, to give us an idea of how much we are going to back off from that 1973 commitment, we should enact it at this time.

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

Mr. KATZ: Mr. President, the effect of this action, if we adopt this Amendment, is to flow about \$156 million of State money to fund education, to which I subscribe, to fund 70 percent of the inventory, plus whatever we generate from the Conley Bill, to which I subscribe, and then to fund a further 7 percent of all future State revenues in two of our most important tax sources to the towns and cities automatically as a built-in, locked-in obligation, just as debt retirement and debt service, and I would say that if you have any feeling of responsibility for the future meeting of State needs, that you will move carefully.

If I were a representative of the State Employees Association listening to this debate, I would get very, very nervous indeed. We have given them collective bargaining with one hand, and we are taking away potential dollars with the other.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Aroostook, Senator Collins, that the Senate adopt Senate Amendment "B". A yes vote will be in favor of adoption. A nay vote will be opposed. The Secretary will call the roll.

YEA — Carpenter, Collins, D.; Conley, Danton, Farley, Hewes, Hichens, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Usher.

NAY — Chapman, Cummings, Curtis, Greeley, Huber, Jackson, Katz, McNally, Morrell, Pierce, Redmond, Snowe, Speers, Trotzky, Wyman, Sewall.

ABSENT — Collins, S.; Lovell.

15 Senators having voted in the affirmative, and 16 Senators in the negative, with 2 Senators being absent, Senate Amendment "B" to House Amendment "B" fails adoption.

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

Mr. MERRILL: Mr. President, I now would like to offer Senate Amendment "A" to House Amendment "B" under filing S-63. That is in the books. It was printed this morning, and I would speak briefly to the motion.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now offers Senate Amendment "A" to House Amendment "B", and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" to House Amendment "B" (S-63) Read.

The PRESIDENT: The Senator has the floor.

Mr. MERRILL: Mr. President and Members of the Senate, the purpose of this Amendment is to make clear a question which is now in controversy, that the Commissioner of Education does have the responsibility of seeing to it that the Federal laws and regulations against discrimination by any reason, including sex, are enforced in the allocation of these monies. The primary purpose of this Amendment is to see to it that we do not risk several millions of dollars that now flow to us from the Federal government by not enforcing the laws against discrimination which are tied to those.

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

Mr. TROTZKY: Mr. President, I would like to pose a question through the Chair to the sponsor of this Amendment. In Section 5, what does it mean by affirmative action.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, has posed a question through the Chair. The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, to address the question, the Federal rules and regulations that are referenced here are the same Federal rules and regulations that have been referenced in previous Bills that allocate the \$14 million that comes to us from revenue sharing and flows to the cities and towns. As a matter of fact, you

will see not in exactly the same language, but exactly the same effect, these rules and regulations referenced in the Bill sponsored by the Chairman of the Appropriations Committee, Senator Huber, which would appropriate the \$14 million that flows into revenue sharing. So the reference is to the same rules and regulations that we have always referenced to in allocating those \$14 million.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "A" to House Amendment "B". Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of adopting Senate Amendment "A" please rise in their places to be counted.

Will all those Senators opposed to the adoption of Senate Amendment "A" please rise in their places to be counted.

26 Senators having voted in the affirmative, and 2 Senators in the negative Senate Amendment "A" to House Amendment "B" is adopted.

House Amendment "B", as amended by House Amendment "A" and Senate Amendments "A" and "D" thereto, adopted in non-concurrence.

Under suspension of the rules, the Bill, as amended, read a second time and Passed to be Engrossed as amended in non-concurrence.

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

Mr. CONLEY: Mr. President and Members of the Senate, having voted on the prevailing side, I now move the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate reconsider its action whereby this Bill was passed to be engrossed. Will all those Senators in favor of reconsideration, please say yes.

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

Sent down for concurrence.

On Motion of Mr. Huber of Cumberland, Adjourned to 10:00 tomorrow morning.