

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

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AUGUSTA, MAINE

SENATE

Wednesday, April 20, 1977

Senate called to order by the President.
Prayer by the Reverend Julian Hall of the Old South Congregational Church in Hallowell.

Rev. HALL: Amazing God, for this day, we give You thanks. We give You thanks for the sunshine. We give You thanks for the springtime that is all around us. We give You thanks for the work at hand and on this day of 'welcome', we also welcome You back into every corner of our world.

We pray in the name of the Risen One, Amen.
Reading of the Journal of yesterday.

(Off record remarks)

**Papers from the House
Non-concurrent Matter**

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

In the Senate, April 12, Passed to be Engrossed as amended by Committee Amendment "B" (S-54).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (S-53), in non-concurrence.

On Motion of Mr. Carpenter of Aroostook, the Senate voted to recede and concur.

Non-concurrent Matter

Bill, "An Act Relating to use of Flashing Red Lights on School Buses when Negotiating Turn Arounds on Public Ways." (H. P. 207) (L. D. 266)

In the House, April 13, 1977, the Minority Report Read and Accepted, and the Bill, Passed to be Engrossed.

In the Senate, April 14, 1977, the Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

On Motion of Mr. Greeley of Waldo, the Senate voted to adhere.

Joint Orders

Expressions of legislative sentiment recognizing that: the Honorable F. Ardine Richardson of Strong has to his credit a lifetime of public service comprised of Town Moderator for 50 years, 24 years as Chairman of the Board of Selectmen and 3 terms as a State Legislator among various other public service jobs, (H. P. 1426)

The Maine Nordiques, Maine's only professional hockey team, have just finished an exciting and very successful season, (H. P. 1427)

Jeannine Trufant of Scarborough has completed her term as State President of the AMVETS Auxiliary, (H. P. 1428)

Ralph L. Winslow, Sr., is retiring from the Sabattus Fire Department after 50 years of service, including 30 years as Fire Chief, (H. P. 1429)

Elizabeth Sullivan of Bath is winner of the Sagadahoc County Spelling Bee, (H. P. 1430)

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

(Off record remarks)

The PRESIDENT: The Chair also recognizes in the rear of the Chamber, among many other distinguished guests today, Waldo and Ruby Clark, who were in this Chamber for a great many years. We are very pleased to have you back today.

House Papers

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

Bill, "An Act to Improve the Marketability of Real Estate." (H. P. 1415) (L. D. 1627)

Comes from the House referred to the Com-

mittee on Business Legislation and Ordered Printed.

On Motion of Mr. Collins of Knox, referred to the Committee on Judiciary and Ordered Printed in non-concurrence.

Sent down for concurrence.
Bill, "An Act to Clarify the Authority of the Board of Registration in Medicine to Conduct Programs of Medical Education." (H. P. 1349) (L. D. 1621)

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

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

Mr. KATZ: Mr. President, I move this be referred to the Committee on Education.

On Motion of Mrs. Snowe of Androscoggin, Tabled until later in today's Session Pending the Motion to refer to the Committee on Education.

Bill, "An Act Relating to Irreconcilable Marital Differences as Grounds for Divorce and Mental Illness as an Impediment to Divorce." (H. P. 1367) (L. D. 1596)

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

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley in reference to LD 1596.

Mr. CONLEY: Mr. President and Members of the Senate, first, I would like to refer this Bill to the Committee on Veterans and Retirement. I think that is probably where it belongs. The Bill continues to pop up Session after Session, and I think we could save the Legislature a great deal of time, knowing that we would like to get out of here within the 100 Legislative Days; therefore, Mr. President, I move this Bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley now moves that LD 1596 be indefinitely postponed. Is that the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: I move this be tabled for one legislative day.

On Motion of Mr. Speers of Kennebec, tabled for one Legislative day.

Pending the Motion of Mr. Conley of Cumberland that the Bill be indefinitely postponed.

Bill, "An Act to Provide Uniformity in the Method of Payment of Fees in Criminal Cases." (H. P. 1364) (L. D. 1599)

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

On Motion of Senator Jackson of Cumberland, referred to the Committee on Local and County Government and Ordered Printed in non-concurrence.

Sent down for concurrence.
Bill, "An Act Relating to the State Bureau of Identification." (H. P. 1360) (L. D. 1601)

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 and Ordered Printed in non-concurrence.

Sent down for concurrence.
Bill, "An Act Regulating the Sale of Handguns." (H. P. 1315) (L. D. 1588)

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 and

Ordered Printed in non-concurrence.
Sent down for concurrence.

Reconsidered Matter

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

Mr. HUBER: Mr. President, with reference to "An Act Relating to General Assistance Payments for Home Heating Fuel," (H. P. 1417) (L. D. 1617), I move the Senate reconsider its action whereby this Bill was referred to the Committee on Health and Institutional Services.

The PRESIDENT: The Senator from Cumberland, Senator Huber now moves the Senate reconsider its action whereby it referred LD 1617 to the Committee on Health and Institutional Services. Is this the pleasure of the Senate? It is a vote.

Mr. HUBER: Mr. President, I now move this Bill be referred to the Committee on Appropriations and Financial Affairs.

The PRESIDENT: The Senator from Cumberland, Senator Huber now moves LD 1617 be referred to the Committee on Appropriations and Financial Affairs.

On Motion of Mr. Conley of Cumberland, Tabled for one legislative day Pending the Motion to refer to the Committee on Appropriations and Financial Affairs.

The PRESIDENT: The Chair will interrupt the proceedings to welcome several distinguished colleagues who are in the rear of the Chamber; I would ask them to stand and accept the greetings of the Senate: Senator George Weeks is with us, I am told; Former Senator Albert Elliot; Former Senator Albert Hoffses, a former Assistant Majority Leader in this Body; Judge David Aldrich, who has gone out and sought honor; Judge William Silsby, I note over here on the other side; former Senator Severin Beliveau, who is in the Chamber; former Governor Burton Cross; Senator Frank Whitehouse Anderson; former Senator George Chick, who was also a Page in this Body in 1917; Nathaniel Haskell, a former Presiding Officer; and Kitty Carswell, former Senator Kitty Carswell.

If I have left out anyone, I am sure that the Sergeant-at-Arms will bring me some names as the proceedings continue.

(Off record remarks.)

The PRESIDENT: The Chair is also pleased to recognize some additional former colleagues whose names I did not have at the first reading: Former Senator Margaret Sproul is in the rear of the Chamber; I note former Senator Vinal Good in the rear, former Speaker of the House and Member of this Body; James Cahill from Somerset is also in the Chamber; I did note the former Presiding Officer of this Body who served the longest as the President of the Senate, former Senator Kenneth MacLeod, I do not know if he is still with us or not. He was in the rear in the door-way. I guess he is not here. I will get him later. The Chair now notes in the rear of the Chamber the presence of the former Presiding Officer, who served, as I understand it, the longest as Senate President in the history of the State, former Senator MacLeod. Did I recognize Percy Hanson, is Percy still here; and former Senator Wilmont Dow from Lincoln County.

If I have left out anyone, I hope that they will let the Sergeant-at-Arms know that they are here and we will be delighted to recognize them. We are very pleased to have you all with us today, and hope you enjoy being here as much as we enjoy having you.

The Chair is pleased to welcome some additional former Members of this Body: Senator Paul Slocum from Sebago Lake is with us in the Chamber. I would like to have Senator Slocum rise and accept the greetings of the Senate.

Former Senator Peter Farley from down in York County is in the Senate Chamber. I would like to have Peter rise.

(Off record remarks)

The Chair is pleased to recognize another former Member of this Body, Clair Lewis, who was here in the 99th Legislature, from Somerset County. I would like to have former Senator Lewis rise and accept the greetings of the Senate. I would also like to have former Senator Denny Shute rise and say hello to us this morning. We are glad to see you again, Denny.

Communications

House of Representatives

April 19, 1977

Honorable May M. Ross
Secretary of the Senate
108th Legislature
Augusta, Maine

Dear Madam Secretary:

House Paper 340, Legislative Document 431 having been returned by the Governor together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Thirty-six voted in favor and One Hundred and Eight against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,

Edwin H. Pert
Clerk of the House

Which was Read and Ordered Placed on File.

OFFICE OF THE GOVERNOR

April 15, 1977

To: Members of the House of Representatives and Senate of the 108th Legislature

I am this date returning without my signature or approval H. P. 927, L. D. 1017, "A Resolve, Authorizing the Commissioner of Conservation to Convey Land to Somerset County Formerly Known as the Women's Correctional Center at Skowhegan."

As you are aware, the purpose of this bill is to authorize the sale to Somerset County of nine acres of land which was formerly part of the Skowhegan Women's Correctional Center. This land was to be sold for \$5,000.

I have three reasons for not supporting this particular bill. First, I feel that this piecemeal sale of the land that made up the former Women's Correctional Center will weaken our effort to dispose of this entire property. The acquisition of a portion of the available land by Somerset County and the subsequent use of that land for a jail certainly would have some effect on both future sales effort and the potential uses of the adjacent property.

Secondly, I strongly feel that any disposition of property by the State should be based on a fair appraisal of the value of the property involved. There is no evidence in this particular bill that the fair market value of these nine acres is reflected in the purchase price. I fear that this would be a precedent that would endanger future projects of this nature whereby the State may be attempting to dispose of property no longer necessary for State needs and yet only attractive in part to the local government. The ability of the local government to take for a nominal value part of the property and at the same time make difficult the disposition of the remaining parts of a tract of land is a precedent that I would not like to see established.

Thirdly, the recipient of this land for the small fee of \$5,000 is a County government. I feel that County and local governments are

receiving more than their fair share of State and Federal dollars. The original burden of purchasing and maintaining this State facility was assumed by all Maine taxpayers. The burden of providing property for a County Jail should be placed upon the taxpayers of that particular County and not upon all of the taxpayers of the State of Maine. Somerset County is in a position to bid on the property and the dollars received would go back to the Maine State Treasury. The County should not be seeking a special deal from the State which will result in benefits only to that particular County.

In summary, I feel that this particular bill will make much more difficult Maine's attempt to reach a successful conclusion in the disposition of the Women's Correctional Center at Skowhegan. But more importantly I feel that this bill is an example of a practice that must be seriously questioned. Transfers of this nature should be done on a basis of fair market value and any transfers to County and local governments that are already receiving substantial revenues from both the State and Federal levels should be done on a businesslike basis whenever individual counties or municipalities would receive special benefit at the expense of all other Maine taxpayers.

Sincerely,

James B. Longley
Governor

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered placed on File in concurrence.

The accompanying RESOLVE, Authorizing the Commissioner of Conservation to Convey Land to Somerset County Formerly Known as the Women's Correctional Center at Skowhegan. (H. P. 927) (L. D. 1017)

Comes from the House, with the following endorsement:

In the House, April 19, 1977, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

124 voted in favor and 17 against, and accordingly it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

/s/ Edwin H. Pert
Clerk of the House

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

Mr. COLLINS: Mr. President, I would like to discuss with the Senate briefly the action of the Committee on State Government relative to the item that the Governor has vetoed.

This involves the sale of a small parcel of land at the former Correctional Center in Skowhegan. It does not include any buildings. It is presently a hayfield, and Somerset County is anxious to obtain this parcel of land to use as the site for a jail. The Committee on State Government held two public hearings, one at the State House and one at Skowhegan. It was the unanimous report of that Committee that this land be conveyed to Somerset County.

The Governor has suggested in his veto message that the land is being sold for an insufficient amount of money. I would like to read, if I may, a recommendation from the Maine Management and Cost Survey that says in part: "Sell outlying lands at the Women's Correctional Center. The present facilities at Skowhegan consist of approximately 280 acres of open fields and wooded lands. The area immediately surrounding the buildings amounts to about 10 acres. Retaining an additional 20 acres for security and future growth, would leave some 250 acres of unnecessary land. These out-

lying acres should be sold." And it goes on to suggest that a price for the 250 acres might be in the neighborhood of \$62,500.00. The price of \$5,000.00 that we have suggested would put a per-acre-price of \$555.00. If we divide the 250 acres into \$62,500.00 that is suggested by the report, the per-acre-price comes out to \$250.00. So we feel that it is a reasonable price.

Secondly, we feel that it will not disturb the future sale of the other property. There is sufficient land to protect the existing buildings so that the remaining property may be sold as a parcel. We do not feel the sale of this 9 acres will detract from the future sale of that land.

So I would hope that the Senate today would vote to override the veto and convey the land to Somerset County. Thank you.

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

Mr. PIERCE: Mr. President and Members of the Senate, as I read over the Governor's veto this morning, I noted that he gave us three specific reasons for this particular message. I would like to at least briefly respond to them.

First of all, he mentioned that he was not in favor of piece-meal sale of the property, but I would point out that the Governor's own piece of legislation, LD 180, did exactly that. So I think this is certainly not a valid point.

Secondly, he questions whether or not this is a fair appraisal. I would submit to you this is for 9 acres of land without any buildings on it in Skowhegan, Maine, it is not Greenwich, Connecticut. If you know anything about the area at all, I think perhaps you would quickly agree that \$5,000.00 is indeed a fair price for the land.

Lastly he says that the recipient of this benefit is going to be County government, County and local governments who are already receiving too many of our State and Federal Dollars. Well I would submit that that certainly is a question not to be discussed here. It is really neither here nor there as far as this particular instance is concerned.

Since 1916 the City of Skowhegan, Maine has had 183 acres of non-taxable property. Now for a fair market value of \$5,000.00 they ask to purchase 9 acres of it back. I think that is a most reasonable request.

It is for, as Senator Collins mentioned, a jail facility, very badly needed and I would hope that this Body this morning would go along with the unanimous State Government recommendation that we pass this Bill over the objections of the Governor. Thank you.

The PRESIDENT: The Chair will interrupt the debate momentarily to welcome three additional former Members of this Body who I note in the rear of the Chamber: Former Senator Arthur Gordon is here, glad to see you back; Senator Roger Snow from Cumberland County; and the former Senator from Lewiston, Senator Boutin, I am told is in the rear of the Chamber. Glad to have you back.

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

Mr. CONLEY: Mr. President and Members of the Senate, after reviewing the Governor's message that was on the House Calendar yesterday, I was left with some serious doubts as to whether to vote to override this particular measure.

However, after speaking with Members of the State Government Committee, and also with people from the Somerset County area, it is my understanding that there is now available to the Somerset County Commissioners somewhere in the neighborhood of \$900,000.00 EDA funds for construction of this particular facility.

I had reservations yesterday because I was, in my own mind, willing to vote to sustain the veto, because of the fact I was concerned as to the reversionary clause in the event Somerset County took no affirmative action. However,

since learning this morning that there is this appropriation available to them and that they must either renovate the present County Jail structure within a period of two years or close it down, I think rehabing of that building is somewhere in the vicinity of \$600 and some odd thousand, at least it makes sense to me to override this veto this morning and to get things in motion. It is my understanding that the land we are discussing is really somewhat worthless in a sense, and the present structure being in the sad state of affairs that it is in, it is urgent that the County of Somerset be able to build this facility.

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

Mr. LEVINE: Mr. President, there is indeed a reversionary clause in this Bill. If this land is not used for public purposes, it reverts back to the State.

There is another problem existing here, the fact that the County Jail must be renovated at a cost of somewhat over \$600,000.00. This does not give them a new building. It gives them an old building with a new face, and I suspect in a very short period of time thereafter that building will also have to, again, need considerable more work.

As it now stands, the County Jail is only a half block from downtown Skowhegan. It is my understanding that the Department of Transportation is considering changing the main routing if another bridge in Skowhegan should be built, in which case traffic would have to go immediately adjacent to the present County Jail and also the present County Courthouse.

Now this Bill has been spoken for by many Members of this Body this morning, and spoken for quite rightly. We will have to remember something else. This land is not going to be used exclusively for a County Jail. This land is for a public park which will house the County Jail, and it is hoped that Somerset County will eventually also have other County facilities in this area to make it a large County park, as it were.

We must also remember that it is the intention of Somerset County to bid on the other buildings and land there in the open bidding process which the Governor asks for.

The Governor, speaking of piece-meal legislation, that has been spoken here, the LD 180, he himself has asked for piece-meal sale of these properties. He speaks about the recipient of the land being the County government, and he feels that local and County governments are presently receiving excessive State and Federal funding. I would pose a question to the Governor, perhaps all of us might pose this, where in fact do those tax dollars coming from originally in the State of Maine? They come from people who live in localities and counties within the State of Maine. This Bill is not asking a return for outsiders; This Bill is not asking that money that these people raised themselves and sent into the State goes to some outside entity. It comes back to people within the State of Maine.

Therefore, I do not feel that we are copping out or that we are giving State funds to some outside agency. There has been a lot of talk that County and local governments are somehow outside of the State of Maine, and they are not, in fact, that at all. They are entities within the State of Maine. They raise tax dollars and they sent that money into the State. I think perhaps it is time in some respects they get some return on their dollars.

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

Mrs. SNOWE: Mr. President and Members of the Senate: There is a statement made in the veto message that the transfer of this land would weaken our efforts to dispose of the rest of the land.

This question was raised at the public hearing, and the Director of Public Lands said that the transfer of this land would not hurt the

value of the rest of the land in the event the State decided to dispose of this land in the future.

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

Mr. MANGAN: Mr. President, the Governor's message particularly Point 3 bothers me I think probably the most. I have always been kind of a conservative in sheep's clothing, so to speak, and I have always felt that there are only three governments in the State of Maine that are elected by the people, municipal, county and state.

The people are basically the same people that you have in every municipality in the State of Maine. Now these people pay their taxes, be it municipal taxes, county taxes or state taxes. Now it would bother me that the Governor, first of all, would find some sort of hesitation with the reference of selling this to a county government, which is probably the oldest government in the State of Maine in existence today; and secondly, that he would even suggest that a government elected by the people would have to bid and bid against private industry for the reclamation of their own piece of land.

I would strongly urge this Body to override the Governor's veto today.

The PRESIDENT: The Chair would interrupt debate to welcome another former member of this Body, a friend of the Chair from Clifton, Senator R. Leon Williams. Please rise and accept the greetings of the Senate.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President and Members of the Senate: In view of the fact that the Shiretown of Skowhegan has never collected any property taxes, and the County now needs a piece of land to build a jail, I cannot see any reason why the Governor would veto this because I think it is only reasonable when one body of government in an area no longer needs a piece of property, that they turn it over to the other body of government.

I strongly urge the entire Body here to override this veto.

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. The Secretary will call the roll.

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

ABSENT — Minkowsky.
32 Senators having voted in the affirmative and no Senators voting in the negative, with 1 Senator being absent, and 32 being more than two-thirds of the membership present, 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.

Office of the Governor

April 14, 1977

Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature:

I am this date returning without my signature and approval H. P. 212, L. D. 222, An Act to Improve the Performance of the State Lottery.

Since the inception of the Lottery in Maine, the Lottery Commission has taken the brunt of

much unfair criticism for its operations from various sources. Although some of this criticism may have been justified, a preponderance of it has been unwarranted.

Personally, I did not vote for the Lottery but as elected officials I believe we all have the responsibility to avoid unnecessary interference and to implement the Lottery as the people of Maine have directed. This does not mean transgressing or interfering with management, and yet if the Legislature wants to repeal the Lottery entirely, or go to the people in referendum with this question, I would support such a move. But as long as we have a Lottery, I believe we have the concurrent responsibility to allow the Commission to operate within reasonable limits and to avoid strapping the Commission with unnecessary red tape and interference.

Many of the provisions in L. D. 222 address aspects of the Lottery which I believe are management in nature. The Commission must be able to respond with detailed regulations and with flexibility, and I question the wisdom of legislative action. For example, the provision which would require the Lottery Commission to submit all advertising for review by the Attorney General is unnecessary legislation. An assistant attorney general is already assigned to the Lottery Commission and is present at all Commission meetings. It is that individual's responsibility to review the Lottery Commission's advertising to ascertain whether or not it meets the state consumer protection laws, and I am advised that this task is performed regularly.

Candidly, Lottery revenues may very well have already suffered from unfair criticism and attacks. While constructive criticism is helpful and appropriate, there has been unnecessary and unwarranted criticism. These critics must assume responsibility for any loss in revenues which results from their action.

In summary, while I would join with an effort that goes to the question of the state's involvement in the Lottery business, I cannot accept this kind of unnecessary interference with the management capability of the Lottery Commission.

For these reasons, I respectfully request that this Legislature sustain my veto.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor
(H. P. 1436)

Comes from the House. Read and Ordered Placed on File.

Which was Read and Ordered Placed on File in concurrence.

The accompanying Bill, "An Act to Improve the Performance of the State Lottery. (H. P. 212) (L. D. 222)

Comes from the House with the following endorsement:

In the House, April 19, 1977, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

133 voted in favor and 11 against, and accordingly, it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

Signed:

EDWIN H. PERT
Clerk of the House

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

Mr. MORRELL: I would like to make. Mr. President and Members of the Senate, a couple of comments relative to this Bill and this veto.

The Bill came as a result of a study of the Performance Audit Committee of the last Legislature. It had a public hearing. We had had a previous communication from the Director of the Lottery indicating that he did not feel that this would create a serious impediment on the handling of that Department by himself and his office. Subsequent to that the Commission, I guess, persuaded him that he was in error and he did withdraw that. Later, informally to us, he indicated to us that this would be no problem.

I think the items in this Bill deal with some very critical specific areas and, as you know, the Performance Audit Committee of the last Legislature did make a very thorough study and investigation of the lottery. Just referring to the statement of fact very briefly, it deals in four specific areas, which in the opinion of the Committee, did not seem to interfere unnecessarily in the management of the lottery and did seem to be necessary based on some experience, rather unfortunate experience, we have had in the past year.

As you know, the Director of the Lottery did make some comments relative to expanding into the area of beano, which has been traditionally handled by Churches and other non-profit groups. This would prevent them from doing so without permission from the Legislature.

We now pay to agents selling tickets the highest commission in the country. That commission is now eight percent. It was increased rather precipitously some months ago in what was, in the opinion of some people, rather hasty action and probably unnecessary. It would also require that tickets given as prizes be computed at retail when they figure the total 45 percent that has to be returned in prizes. And then the last item deals with the requirement that the Attorney General review all advertising.

As the Governor notes in his rejection, a Member of that Department does sit in on meetings of that Commission, but there is no requirement that the advertising be formally reviewed and approved by the Department. There have been some very serious allegations relative to some of the advertising and this, again, seems to be an area that needs some rather tight scrutiny.

I would hope this morning that we would vote to override the veto of the Governor.

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

Mr. CONLEY: Mr. President and Members of the Senate, I read the Governor's message and, strange as it may seem, the Governor and I do have a few things in common. One of those things that we have in common was that I, too, voted against the Lottery Bill when it went to referendum.

I agree with his statements today and I think to override this veto today would just further complicate the administration of the lottery system.

Unlike the State of Rhode Island, that just adopted or three years ago adopted a lottery system, we do have the Attorney General's office that sits, sort of keeps a watchful eye, on the administration of our Commission. In Rhode Island they have their own legal counsel. I think there was grave concern of many of us who perhaps supported this Bill initially that this would take care of the beano situation throughout the State. We have an opinion from the Attorney General's office that states quite clearly, I will read the closing paragraph of his opinion. It says: "Consequently it is the opinion of this office that under existing law the State Lottery Commission is without authority to regulate the operation of beano." It is my understanding there is a Bill that has been introduced to make sure that it is quite clear and plain in the Statutes.

However, I have no reservation at all to vote

to sustain the veto here this morning and it would be my hope that the Senate would do likewise.

The PRESIDENT: The Chair will interrupt the debate to welcome some additional former members of the Senate. The Chair notes the presence in the rear of Senator Harley Welch from Aroostook; former Senator Neil Bishop; Senator Donald Bernard is also back there.

Also the Chair would point out at the suggestion of Senator Greeley that the two gentlemen sitting in the rear of the Chamber, former Senator Leon Williams and former Senator Harley Welch, probably are the only two people that had very parallel careers in State government. They both served in the House, they both were in the Senate and they were on the Highway Commission and were also members of the Governor's Council and we are certainly pleased to have you both back together again today.

Also the Chair notes the presence in the rear of the Chamber the brother of the Senator from York, Senator Danton's brother, Judge Nick Danton. I would like to have Judge Danton rise and accept the greetings of the Senate.

The Chair also notes the presence in the rear of the Chamber of former Senator Ralph Hilton from Somerset County. I would like to have former Senator Hilton rise and accept the greetings of the Senate.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, as a Member of the Performance Audit Committee in the last Session of the Legislature which reviewed the State Lottery in accordance with the charge which was given that Committee by the Legislature, I would like to make a couple of statements in support of the legislation.

There is an old saying in Augusta, reportedly attributed to bureaucrats, after the Legislature finally adjourns they delight in saying "thank goodness, they have gone home." We have to be very careful as we enact legislation to write into statutory language exactly what we mean, and if we find that there has been some abuse of what we consider legislative intent, then to try to protect the State of Maine for future months.

I am reminded of the instance of the advertisement that the Lottery Commission had initially played over the Canadian television stations. In this ad, you may remember, if you happened to see it in the northern part of the State or the eastern part of the State, was an ad for the Lottery, and it involved a scantily clad young lady lying suggestively on a red couch and pleading 'come play with me'. I do not know how many lottery tickets that particular advertisement sold, but it certainly did cause some stir among our neighbors in the north in the Canadian provinces.

I think it is very appropriate to have a provision requiring the Attorney General's office to review lottery advertisements, and I think that this Bill is one method to achieve that goal.

The final thing I would like to say is to add my comments, too, that I also voted against creating the lottery in the referendum which was held — I wonder where the overwhelming vote for it came from — and I note that in the third from the last paragraph in his message, the Governor states, "Candidly, Lottery revenues may very well have already suffered from unfair criticism and attacks. While constructive criticism is helpful and appropriate, there has been unnecessary and unwarranted criticism. These critics must assume responsibility for any loss in revenues which results from their action." Mr. President, that is a very interesting point of view for the Governor to take. I think if the Lottery is unsuccessful, we will know, of course, that the people who voted against creating it in the first place and the Legislators who tried to enact strict laws to

govern it were responsible for its lack of success.

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

Mr. COLLINS: Mr. President, I am not in favor of lotteries on the part of the State, but I am going to vote to sustain the veto for one reason. It seems to me that the essence of a lottery is its advertising program. The advertising may be in good taste or in poor taste, but it does not seem to me that there is any guarantee that the Attorney General's office will have any better taste than those who run the lottery operation. I think it is a mistake to impose upon the Attorney General's Department the duty of regulating the advertising, because I just do not see that they have any better qualifications in the matter of public taste than anyone else. For that reason I will sustain the Governor's veto.

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

Mr. MANGAN: Mr. President, it is interesting to me to note that it was the people of the State of Maine who voted for the lottery. Obviously of the Senators who did speak today, the majority of them that I have heard voted against it at that time. They apparently did not have the feeling of the people.

It would be my impression if you are going to amend the lottery in any way, shape, form or manner, you should go back to the people of the State of Maine, and I would at this time suggest that the veto of the Governor be sustained.

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.

The Secretary will call the roll.

YEA — Chapman, Collins, D.; Curtis, Hichens, Lovell, McNally, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe.

NAY — Carpenter, Collins, S.; Conley, Cummings, Danton, Farley, Greeley, Hewes, Huber, Jackson, Katz, Levine, Mangan, Martin, Merrill, Pray, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Minkowsky.

11 Senators having voted in the affirmative and 21 Senators in the negative, with 1 Senator being absent, and 11 being less than two-thirds of the membership present, the veto of the Governor is sustained.

Office of the Governor

April 19, 1977

Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine 04333
Dear Joe:

In accordance with the joint Rules governing legislative confirmation hearings, I am withdrawing the nomination of Asa Richardson to the State Personnel Board with the intention of reposting his name next week.

I understand that there has been some misunderstanding regarding Mr. Richardson's appearance before the Joint Standing Committee on Labor, and in order to avoid any unnecessary difficulties, I will withdraw and renominate Mr. Richardson so that an appropriate confirmation hearing can be rescheduled.

Sincerely,

JAMES B. LONGLEY

Which was Read and Ordered Placed on File.

Post-Secondary Education
Commission of Maine

April 19, 1977

To: Governor James B. Longley and
Members of the 108th Legislature

From: Leonard M. Dansky, Ph.D., Chairman
Post-Secondary Education Commission

We are pleased to transmit to you and members of the 108th Legislature the attached position of the Post-Secondary Education Commission of Maine regarding a comprehensive student aid program. The State Commission voted unanimously on April 12th, 1977 to support the attached document.

(S. P. 467)

Which was Read and with accompanying papers, Ordered Placed on File.
Sent down for concurrence.

Committee Reports

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 Authorize the Board of Trustees of the Maine Criminal Justice Academy to Enforce Certain Provisions." (H. P. 533) (L. D. 648)

Leave to Withdraw

The Committee on Education on, Bill, "An Act Relating to Optional Local Appropriations with State Participation" (Emergency) (H. P. 974) (L. D. 1171)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was read and accepted, in concurrence.

The PRESIDENT: The Chair is very pleased to welcome three additional former members of this Body, Robert Moore, Richard Dunn and Norman Ferguson, all of whom served together in this Senate several years ago. Very pleased to have you.

The Committee on Health and Institutional Services on, Bill, "An Act Appropriating Funds for Emergency Medical Training and Extrication Programs." (Emergency) (H. P. 983) (L. D. 1189)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Amending the Procedure for Charging Prior Offenses." (H. P. 375) (L. D. 464)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Pay for Out-of-Pocket Medical Costs of Victims of Criminal Assaults." (H. P. 759) (L. D. 1011)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act to Increase the Membership of the Gardiner Water District to Six." (Emergency) (H. P. 834) (L. D. 1007)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Veterans and Retirement on, RESOLVE, to Grant Creditable Service under the Maine State Retirement System to A. Edward Langlois, Jr. of South Portland. (H. P. 1020) (L. D. 1074)

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.

Senate

Leave to Withdraw

Mr. Collins for the Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives to 99 Members and Establishing the Size of the Senate at 33 Members. (S. P. 8) (L. D. 13)

Reported that the same be granted Leave to Withdraw.

Mr. Jackson for the Committee on Local and County Government on, Bill, "An Act to Increase Salaries of the York County Judge of Probate and Register of Deeds." (S. P. 235) (L. D. 737)

Reported that the same be granted Leave to Withdraw.

Which Report were Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mrs. Cummings for the Committee on Public Utilities on, Bill, "An Act to Require Telephone Companies to List the Name of a Customer's Spouse in the Telephone Directory if the Spouse so Chooses." (S. P. 344) (L. D. 1128)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Mr. Curtis for the Committee on Judiciary on, Bill, "An Act Revising the Maine Business Corporation Act." (S. P. 229) (L. D. 707)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-77).

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Liquor Control on,

Bill, "An Act Equalizing the Retail Price of Alcoholic Beverages Throughout the State." (S. P. 201) (L. D. 599)

Reported that the same Ought Not to Pass.

Signed:

Senators:

LOVELL of York
LEVINE of Kennebec
DANTON of York

Representatives:

LIZOTTE of Biddeford
MAXWELL of Jay
RAYMOND of Lewiston
CONNERS of Franklin
TWITCHELL of Norway
IMMONEN of West Paris
GRAY of Rockland
JACQUES of Lewiston

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under New Title; Bill, "An Act to Lower the Retail Price of Alcoholic Beverages Throughout the State to Equal the Price at Kittery." (S. P. 466) (L. D. 1638)

Signed:

Representatives:

MARSHALL of Millinocket
NADEAU of Sanford

Which Reports were Read.

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

Mr. LOVELL: Mr. President, I move that the Senate accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from York, Senator Lovell now moves the Senate accept the

Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, because of the hour, the day and the Committee Report, I shall be brief. But I cannot let this Bill go without at least some comment.

This is not a new Bill; I think there has been one similar to it in every single Session since we opened up that Kittery Liquor Store, and I have an idea that there always will be until we do something about it, and I can promise you as long as I am here there always will be one.

Since we did open that store, and I guess the main purpose I put this Bill, and other people have put it in, is because we feel that it is clearly unfair and clearly discriminatory to most of the people of the State of Maine. The proponents will tell you, well, that is for competition and we are going to let those few people in the southern part of Maine, because of the competition in New Hampshire, go over there to prevent them from going to New Hampshire to buy their liquor.

Well, New Hampshire does not have a sales tax either. So I would think it would make sense to create an area in southern Maine where we do not charge any sales tax so that the people then would not go to New Hampshire to shop. It would certainly prevent a great deal of competition on that basis, too. I think one is as fair as the other.

I would ask, when you come up through, how many Members of this Body, if you are predisposed to stop and buy any liquor, how many stop at the Kittery store and how many stop at the New Hampshire store? I will submit that most people who do stop, stop at the New Hampshire store because not only did we compound our sin by having one in the first place, we put it in one God-awful location so that it is miserable to get to.

About the only opposition we heard at the hearing to this was that there may be a loss of revenue, and the sole opponent, the Commissioner of Alcoholic Beverages came in and waved the red flag and said there is going to be a \$9 million revenue loss on this. Well, when he was backed into a corner a little bit, he lowered it to \$4 million. And before we were through, I think, that what I said originally was probably on the minds of many people. We don't know if there would be any revenue loss on this. And I never said that there would not be. There may be. I don't know if it would be \$9 million or \$4 million or \$1 million or anything but I know that having that store there is wrong. I know that it is discriminatory and I know that we passed a Bill through here earlier this year to up the drinking age to 20 years old. It is going to be an economic hardship, we are going to lose money because of it and that had to be secondary. Fine, I agree with that.

I would say I hope you vote on this Bill today under the same basis. Vote on what is right and what you believe is right, not on whether or not there may be a possible loss of revenue, because I think there is a huge volume of liquor being bought in New Hampshire, not only by people such as you and I, but by licensees in direct disregard of the law. They are doing it day after day, and licensees are not allowed to buy at the Kittery store. But have they ever marked those bottles in the Kittery store to tell us if licensees buy there or not? No, they have not, and they probably will not. We are losing a great deal of business right now to New Hampshire. Certainly if we did equalize the prices all lower throughout the State, the out-of-State shopping by both licensees and citizens, I think everyone would agree, would be down to just about zero. So certainly your losses are going to be cut considerably.

Again, I would say whether or not there is a

loss or not has to be secondary. I think it is a question of what is right and when the vote is taken, I would ask for yeas and nays. Thank you.

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

Mr. LOVELL: Mr. President, might I inquire if the President would like this Bill tabled because of the lateness of the Session, or does he want it continued to be debated?

The PRESIDENT: The Chair would advise the good Senator the Chair has no opinion on the matter.

Mr. LOVELL: Mr. President and Members of the Senate, this bill is just about as absurd a Bill to be put in this session of the Legislature in particular, because, in the first place, in the Kittery store they are doing \$4 million gross business and making a net for the State Liquor Commission of \$1.5 million.

Now if it was taken all over the State and given the same price as Kittery, the State would lose \$4 million. Now we make \$24 million a year on liquor, and can we afford to lose \$4 million with the LD's that are setting on the table now? Now there are 20 some states that the state handles the liquor. In the other states they meet competition wherever they can and they are, many states. Down here in Kittery, and I have been down there many times, they are doing a \$4 million business and showing a net of \$1.5 million a year, and if they were to lose and have a lease on that for 20 years, on that store that they are in, at \$24,000.00 a year that they have to pay anyway, and if it was given the prices all over the State, why consequently the Kittery store would be doing \$150-\$200,000.00 a year business. Now they are getting most of their business from out-of-state people, New Hampshire or people coming down across the line. I come in there very often and I see many, many New Hampshire and out-of-state cars even in the wintertime.

But I think the biggest thing that we cannot afford to lose is the \$4 million and I think, I have been in business before I retired for 40 years, and I found out that if you did not meet competition, you did not do the business. Now I do not care if it is discriminatory or not for the people up in Bangor or in other parts of the State, but they still would have to pay more taxes up there if we lost this \$4 million down here by equalizing the prices throughout the State. We cannot really afford to lose that \$4 million, not this year. We have too many LD's, we have too many expenses. So I certainly hope that you will vote Ought Not to Pass on this Bill.

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

Mr. MERRILL: Mr. President, I would remind the Senate that if there is a price tag on this Bill that when it gets to final enactment, it will be put on the Senate Appropriations Table and compete with everything else. I think at least at this point as a statement of legislative sentiment that we should support the Senator from Kennebec, Senator Pierce, and indicate our desire to end what is a discriminatory practice in the selling of alcoholic beverages in the State.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from York, Senator Lovell, that the Senate accept the Ought Not to Pass Report of the Committee. 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 an 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.

A vote of Yes will be in favor of accepting the Majority Ought not to Pass Report. A vote of No will be opposed.

The Secretary will call the roll.

YEA — Chapman, Cummings, Danton, Greeley, Hichens, Huber, Katz, Levine, Lovell, Trotzky.

NAY — Carpenter, Collins, D.; Collins, S.; Conley, Curtis, Hewes, Jackson, Mangan, Martin, McNally, Merrill, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Usher, Wyman.

ABSENT — Farley, Minkowsky.

10 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators being absent, the Motion to accept the Majority Ought Not to Pass Report does not prevail.

Is it now the pleasure of the Senate to accept the Minority Ought to Pass in New Draft Report of the Committee? It is a vote.

Bill in New Draft read once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Permit the Taking of Halibut under Certain Conditions without a Commercial License." (H. P. 461) (L. D. 566)

Bill, "An Act amending the Great Ponds Alteration Statute." (H. P. 1334) (L. D. 1504)

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

House — As Amended

Bill, "An Act to Transfer Regulations Regarding the Security of Certain Parks, Grounds, Buildings and Appurtenances Maintained by the State from the Department of Finance and Administration to the Department of Public Safety." (H. P. 204) (L. D. 264)

Which was Read a Second Time.

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

Mr. SPEERS: Mr. President, I offer Senate Amendment "A" under filing number S-80 and move its adoption.

Senate Amendment "A" (S-80) Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SPEERS: Mr. President, I offer this Amendment as Chairman of the prestigious Committee on Bills in the Second Reading, and this Amendment would correct a printing error in the Bill by renumbering certain Sections of the Bill.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"? It is a vote.

The Bill, as amended, was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Provide Voluntary Teacher Certification." (H. P. 745) (L. D. 950)

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

Sent down for concurrence.

Senate

Bill, "An Act Relating to the Fair Trade Act." (H. P. 188) (L. D. 585)

Bill, "An Act to Correct the County Officers Salary Act." (S. P. 459) (L. D. 1582)

Bill, "An Act to Provide Civil Immunity for Persons Participating in Administering Immunizing Agents." (S. P. 460) (L. D. 1583)

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

Sent down for concurrence.

Bill, "An Act in Support of Regional Library Systems." (S. P. 462) (L. D. 1585)

Which was Read a second time.

On Motion of Mr. Merrill of Cumberland, tabled for one legislative day.

Pending — passage to be engrossed.

The PRESIDENT: The Chair is pleased to

recognize another former member of this Body from Waterville, former Senator Cyril Joly. I would like to have Cy rise and accept the greetings of the Senate.

Enactors

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

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

"An Act Concerning Territories Included in Baxter State Park." (H. P. 203) (L. D. 263)

"An Act to Revise the Laws Relative to the State Military and Naval Children's Home." (H. P. 321) (L. D. 412)

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

"An Act to Clarify the Definition of Activities Reportable as Lobbying." (H. P. 1183) (L. D. 1236)

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

Resolve

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)

On Motion of Mr. Huber of Cumberland, placed on Special Appropriations Table Pending — Passage.

Emergency

"An Act to Ensure that the Uniform Property Tax Rate Conforms to Limits on Educational Funding Established by Statute." (H. P. 66) (L. D. 91)

Emergency

"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)

Emergency

"An Act to Incorporate the Eastport Utilities District." (H. P. 498) (L. D. 627)

Emergency

"An Act to Amend the Laws Relating to Payments for Care of Children." (H. P. 124) (L. D. 157)

Emergency

"An Act Providing for a Program of Support for Destitute Persons on Indian Reservations and Appropriating Additional Funds for the Department of Indian Affairs." (S. P. 187) (L. D. 573)

These being emergency measures and having received the affirmative votes of 27 Members of the Senate, with 1 Member of the Senate voting in the negative, were passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate:

House Reports — from the Committee on Education — Bill, "An Act Relating to Corporal Punishment." (H. P. 517) (L. D. 635) — Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-121)

Tabled — April 19, 1977 by Senator Pierce of Kennebec

Pending — Motion to Recede and Concur.

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

Mr. PIERCE: Mr. President and Members of the Senate: I tabled this Bill the other day after one of my colleagues wished to present an Amendment to it.

I now find that there are at least two, and perhaps three Amendments, which people want to offer and in that interest, no matter how you feel on this Bill, pro or con, I would hope you

would allow those people to offer those Amendments so we can vote on them and then take a final vote on this very important issue.

At this time I would withdraw my Motion to recede and concur, and would move that we recede.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now requests leave of the Senate to withdraw his motion to recede and concur. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, I would at this time move the acceptance of the Minority Report.

The PRESIDENT: The Chair would advise the Senator from Androscoggin, Senator Mangan, that there is a pending Motion before the Senate. The Chair overlooked the Motion. The Motion was made by the Senator from Kennebec, Senator Pierce, that the Senate Recede. This Motion would have to be acted upon first.

Is it the pleasure of the Senate to recede?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I have one or two Amendments in front of me. I hope that having given the courtesy to permit the Motion to recede to prevail, that the Senate strike down the Amendments and adhere to our position whereby we said that we wanted no part of this whole deal.

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

Mr. CONLEY: Mr. President and Members of the Senate, I wish to join the good Senator from Kennebec, Senator Katz, and would hope that the Senate would vote against the motion to recede. I can assure you that the two amendments I have, the good Senator from Kennebec, Senator Pierce, will forget about.

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

Mr. MERRILL: Mr. President, the hour is late and I think that we can save ourselves a lot of time by voting against the Motion to recede.

I would remind the Senate that already in our Statute books is the power for any parent to give permission to any teacher to use corporal punishment on the students that he has in the classroom. It is already in the law as we debated yesterday. I think that is a sufficient place for the law to go. I do not think you have to go on to this other status of having the teachers have the power to delegate it to other people that they know, and I think that the fastest way to handle this is not to vote to recede, and then vote to adhere.

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

Mr. CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I would hope that we would extend the courtesy to the gentleman from Kennebec, Senator Pierce, to recede. I am not really concerned with saving time. I have seen a lot more frivolous Bills debated at much greater length, and I think that the Amendment that the Senator from Kennebec, Senator Pierce, has to offer will further clarify this Bill and take some of the problems out of it for some of the persons. I would hope you would give him the courtesy to recede so that he may offer his Amendments and we can debate and go on the Amendment.

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

Mr. MANGAN: Mr. President, I think that yesterday was a very interesting day as the Supreme Court of this country did come down very favorably on this concept. I would suggest that the general courtesy of receding, at least being given the opportunity of offering an Amendment to this thing, and that the Senate at that point can at least offer their opinions to the Amendments to this Bill.

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

Mr. CONLEY: Mr. President and Members of the Senate, it is shocking to me that the good Senator from Androscoggin, Senator Mangan, would even dare mention the Supreme Court's decision of yesterday, when 14 years ago on June 17, 1963 the Supreme Court outlawed public prayer in schools. In other words, the court has said we cannot pray but we can inflict physical punishment upon our children.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Pierce, that the Senate recede. The Chair will order a Division.

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

Will all those Senators opposed to the Motion to recede please rise in their places to be counted?

20 Senators having voted in the affirmative and 8 Senators having voted in the negative, the Motion to recede does prevail.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, I would now move the acceptance of the Minority Report.

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, now moves the Senate accept the Minority Ought to Pass as amended Report of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I guess Senatorial courtesy extends just up so far. As the man said, nothing that is going to be said is going to change my mind on this issue. I have an open mind that my position is correct. I oppose the motion to accept the Minority Report, which has the effect of accepting an Ought to Pass Report. I move this Bill and accompanying papers be indefinitely postponed. I request a roll call.

The PRESIDENT: A roll call has been requested. The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate, I think this is an important issue and there are two Amendments which those of us who believe one way would like to add onto this Bill before we take a final vote.

I would hope that we would consider those Amendments, vote on them, however we each one feel, and then take a final vote on the whole issue, so that everyone can vote his conscience on the Bill in that form and not through parliamentary proceduring defeat it at this point.

The PRESIDENT: The Chair will interrupt debate to welcome in the rear of the Chamber three other recent former members of this Body. I see Richard and Sylvia Berry in the rear of the Chamber. I would like to have them rise and accept the greetings of the Senate. I note Jim Stanley, accompanied by his wife, Anna, in the rear of the Chamber. I would like to have Jim rise and accept the greetings of the Senate. Also, former Senator Dick Olfene is in the rear. We would like to have him rise and accept the greetings of the Senate.

We are very pleased to have you all with us today.

The PRESIDENT: The pending Motion before the Senate is the Motion by the Senator from Kennebec, Senator Katz that LD 635 and all its accompanying papers be indefinitely postponed. 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 pending question is the motion by the Senator from Kennebec, Senator Katz that the Senate indefinitely postpone this Bill and all its accompanying papers. A Yes vote will be in favor of indefinite postponement; A Nay vote will be opposed.

The Secretary will call the roll.

YEA — Conley, Cummings, Curtis, Danton, Hewes, Huber, Katz, Levine, Merrill, Morrell, O'Leary, Pray, Redmond, Trotzky, Usher.

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Greeley, Hichens, Jackson, Lovell, Mangan, Martin, McNally, Pierce, Snowe, Speers, Wyman.

ABSENT — Farley, Minkowsky.

15 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, the motion to indefinitely postpone does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Minority Ought to Pass, as amended Report of the Committee? The Chair will order a Division.

Will all those Senators in favor of accepting the Minority Ought to Pass Report of the Committee, please rise in their places to be counted?

Will all those Senators opposed to accepting the Minority Ought to Pass Report of the Committee, please rise in their places to be counted?

9 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion to accept the Minority Ought to Pass Report of the Committee does not prevail.

On Motion of Mr. Katz of Kennebec,
Tabled for one legislative day,
Pending Acceptance of the Majority Report.

The President laid before the Senate:
House Report — from the Committee on Education — Bill, "An Act Relating to the Spending Ceiling for Education Purposes." (Emergency) (H. P. 968) (L. D. 1165) Leave to Withdraw

Tabled — April 19, 1977 by Senator Katz of Kennebec

Pending — Acceptance of Report
On Motion of Mr. Katz of Kennebec,
Recommitted to Committee on Education in concurrence.

The President laid before the Senate:
Bill, "An Act to Extend the Effective Date of Sections of the School Finance Act of 1976 Allowing Local Administration Units to Raise and Expend Additional Funds and to Exclude Such Funds From Computation made pursuant to That Act." (Emergency) (S. P. 204) (L. D. 602)

Tabled — April 19, 1977 by Senator Katz of Kennebec

Pending — Passage to be Engrossed
On Motion of Mr. Katz, of Kennebec,
Recommitted to Committee on Education.
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)

Tabled — April 19, 1977 by Senator Katz of Kennebec

Pending — Passage to be Engrossed.
On Motion of Mr. Speers of Kennebec,
Retabled until Monday next.

The President laid before the Senate:
Bill, "An Act Relating to Representation of State Employees under the State Employees Labor Relations Act." (S. P. 149) (L. D. 391)

Tabled — April 19, 1977 by Senator Redmond of Somerset

Pending — Passage to be Engrossed

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

Mr. TROTZKY: Mr. President, I move the Senate Suspend the Rules to reconsider adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves that the Rules be Suspended in order that the Senate may reconsider its action whereby it adopted Committee Amendment "A". Is this the Pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. TROTZKY: Mr. President, I move the Senate reconsider its adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves the Senate reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. TROTZKY: Mr. President, I offer Senate Amendment "A" to Committee Amendment "A" (S-81) and move its adoption.

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

Senate Amendment "A" (S-81) Read and Adopted. Committee Amendment "A" as amended Read and Adopted.

This Bill, as amended, passed to be Engrossed.

Sent down for concurrence.

The PRESIDENT: The Chair would call the Senate's attention to Bill, "An Act to Clarify the Authority of the Board of Registration in Medicine to Conduct Programs of Medical Education." (H. P. 1349) (L. D. 1621)

Which was tabled until later in today's Session by the Senator from Androscoggin, Senator Snowe, pending the Motion to refer to the Committee on Education.

The Chair recognizes the Senator from Androscoggin, Senator Snowe.

On Motion of Mrs. Snowe of Androscoggin, Retabled for one legislative day.

Senator Speers of Kennebec was granted unanimous consent to address the Senate on the record.

Mr. SPEERS: Mr. President and Members of the Senate, I will be brief because the hour is late, but I do think that the Senate should recognize some of the other problems that are cropping up around this Country, and particularly recognizing that we have dealt with, just very recently, the State education funding problem, and as we all know, for example, in the State of New Jersey, there have recently been Supreme Court decisions which have actually closed the School systems throughout the entire state, because the system of funding the schools in that State was found to be unconstitutional; and just yesterday there was reported a Supreme Court decision from the State of Connecticut wherein the reported article states that the Supreme Court struck down the present system because it does not do enough to equalize school funding, school spending between rich and poor towns. The Court said pupils in poor rural areas and inner city schools are being deprived of their rights under the State Constitution to an education equal to what is offered in more affluent towns.

Mr. President and Members of the Senate, we certainly know probably better than anyone else in the State of Maine that the educational funding system that we have adopted in this State is not perfect, but I think that it is important to recognize that the State of Maine has taken some very forward looking steps, and did so three Sessions ago, and while we have been

faced with a number of problems concerning the funding methods for schools in this State, they certainly have not been as monumental as the problems which other states now are faced with as a result of Supreme Court decisions in those States.

I think that the Members of the Legislature, and Members of this Body who served in those previous Legislatures which dealt with this specific problem, those Members of both this Body at this present time and those who are visiting us here today, should be commended for facing that problem at that time and for coming up with some very forward looking legislation for the State of Maine.

The PRESIDENT: The Chair is very pleased to welcome three other gentlemen in the rear of the Chamber, two of whom were former Members of this Body: Senator Emile Jacques and former Senator Roger Dube. I would like to have these two gentlemen rise and accept the greetings of the Senate.

I also welcome a former member of the Executive Council from Auburn, I would like to have Stanley Snowe rise and accept the greetings of the Senate. We are very pleased to see you here this morning, Mr. Snowe.

And the Chair would be remiss if it did not welcome its former Secretary, most efficient Secretary, and a friend of everyone in here, Jane Perkins. I would like to have Jane rise and accept the greetings of the Senate.

The Chair would also like to welcome former Senator John Roberts who is in the rear of the Chamber. John.

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