

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

Monday, May 2, 1977

Senate called to Order by the President.
Prayer by the Honorable Theodore S. Curtis, Jr. of Orono.

Mr. CURTIS: Dear Father of mankind, as we commence the second half of the Legislative Session, we ask Your blessing on the Maine Senate. Help us to confer in friendship, deliberate in moderation, and decide with wisdom for the benefit of all. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Establish a Presidential Primary in the State of Maine. (H. P. 187) (L. D. 249)

In the House April 21, 1977, Passed to be Enacted.

In the Senate April 28, Failed of Enactment, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendments "A" (H-223), "B" (H-225), and "D" (H-228), in non-concurrence.

On Motion of Mr. Speers of Kennebec,
Tabled for Two Legislative Days
Pending consideration.

Non-Concurrent Matter

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

In the House April 25, Passed to be Enacted.

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

Comes from the House, that Body having Insisted.

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

Mr. PIERCE: Mr. President and Members of the Senate: I think perhaps at this point the Bill in question here should have a little explanation given to it.

The Title on your calendar is misleading. It has been retitled "An Act Relating to Mother's Day and Father's Day". To give you a very brief history of the Bill, there was a very kind constituent of mine who asked that I put in a Bill to establish a Son's and Daughter's Day, which many of you may not realize has been proclaimed by the Governor for the past two years. In the Committee's wisdom, there was a Divided Report, in which they did think that was a good idea, and also at the same time we ought to make official Mother's Day and Father's Day, which for some reason was never put on the books.

As it went through the process here, my constituent's idea was deleted, and the present Bill deals only with leaving Mother's Day and Father's Day, making that official. Whether or not this Body would like to do that, really is of little consequence to me. I notice that it did come back from the other Body that they do feel, I guess, more strongly about it than I do, so at this point I would merely move that we recede and concur.

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

Mr. KATZ: Mr. President, it is only really once in a life-time that a Member of the Senate gets a chance to speak out against motherhood, and this is such an occasion.

This little gem again amends Title I, which was the source of concern a little earlier with respect to Maine Writer's Week. If there is anybody in the world, at least within our Legislative World, who does not know that next Sunday is Mother's Day, they are not very well informed.

I really, really feel that the people of the State of Maine will survive the trauma of not having this put into State Law, and consequently I, in asking for a Division, ask you to vote against the Motion to recede and concur, and

subsequently to adhere to our outstanding position expressed last week.

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

Mr. PIERCE: Mr. President, just as a point of information, for those of you who would be interested, — there are presently four days officially on our Statutes, National Arbor Day, Poetry Day, Martin Luther King Day and Statehood Day. This would also make a Mother's Day and a Father's Day.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Pierce, that the Senate recede and concur with the House.

A Division has been requested.

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

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

11 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to recede and concur does not prevail.

The Senate voted to adhere.

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

Mr. KATZ: Mr. President, I move the Senate reconsider its action whereby it voted to adhere.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate reconsider its action whereby it voted to adhere.

A viva voce vote being had, the motion to reconsider does not prevail.

Committee on Public Utilities

April 28, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Public Utilities has had under consideration the nomination of Ralph H. Gelder to the position of Commissioner, Public Utilities Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following results:

YEAS:
Senators — 3
Representatives — 10

NAYS:
Senators — 0
Representatives — 0

ABSENT:
0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ralph H. Gelder to the position of Commissioner, Public Utilities Commission be confirmed.

Sincerely,
MINNETTE H. CUMMINGS
Senate Chairman
EDWARD C. KELLEHER
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Public Utilities has recommended that the nomination of Ralph H. Gelder be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Public Utilities be overridden? In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Legislature, the

vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: I think that maybe it would be good for somebody from the Public Utilities Committee to briefly explain our feeling on Mr. Gelder. I think this question was raised before on a confirmation. They seem to be going through here without too much discussion or too much debate.

We had about a two and one-half hour, I think, public hearing on Mr. Gelder's nomination a week ago, and there were no opponents to Mr. Gelder's confirmation. There were several proponents from various departments, including the Governor's office.

If I might, I would just like to put in the record my feelings. When I served on the Committee on State Government three years ago and knew Mr. Gelder in his capacity as Commissioner of Business Regulation, at that time I was very impressed. Then I was very disappointed when Mr. Gelder left the State to go to work for the Federal Reserve System, and then very surprised when he subsequently returned to the State of Maine to fill out the position occupied by Mr. Stanley as Chairman of the Public Utilities Commission.

I think, if you look at the record over the past three months of what Mr. Gelder has done just in terms, for example, of the New England Telephone rate increase hearings and the position that he has taken, and the very knowledgeable, very forceful position that he has advocated during these hearings, and some of the other things that he has talked about, — one of the things he talked about when he was before our Committee the other day was recodification of some of the Public Utility regulations as they now stand. We have some out-dated regulations within the Public Utilities Commission, and Mr. Gelder is very concerned about these, and I think wants to do a lot of work in the next few years to up-date them and to bring them in line with current thinking.

I hope when this vote is taken here this morning, that it will be an overwhelming vote in favor of what I feel to be an outstanding man with just outstanding qualifications to be a Commissioner of the Public Utilities.

Thank you.

The PRESIDENT: Is the Senate ready for the question?

A vote of yes will be in favor of overriding the recommendation of the Committee. A vote of no will be in favor of sustaining the recommendation of the Committee.

The Secretary will call the Roll.

YEA — None.

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

ABSENT — Hewes, Mangan.

No Senators having voted in the affirmative and 31 Senators in the negative, with 2 Senators being absent, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Ralph H. Gelder is confirmed.

Senate Papers

Mr. Jackson of Cumberland presented, Bill, "An Act to Set the Level of State Cost for Teacher's Retirement Benefits. (S. P. 480)

Which was referred to the Committee on Veterans and Retirement and Ordered Printed. Sent down for concurrence.

Committee Reports House

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

Bill, "An Act to Grant Retirement Benefits to All Members of the Maine State Retirement System who have Acquired 25 Years of Creditable Service and Attained Age 55. (H. P. 849) (L. D. 1040)

Bill, "An Act to Establish a Minimum \$100 Fine for Shoplifting. (H. P. 1036) (L. D. 1269)

Bill, "An Act Further Defining the Attorney General's Authority Under the Unfair Trade Practices Act." (H. P. 276) (L. D. 340)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Clarify which Violations of Law also Constitute Violations of the Unfair Trade Practices Act. (H. P. 315) (L. D. 406)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Provide for Residual Rights of Artists upon the Sale of Works of Fine Art. (H. P. 963) (L. D. 1160)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Pertaining to Parens Patriae Suits by the Attorney General on Behalf of Consumers. (H. P. 314) (L. D. 405)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Prohibiting the Unlicensed Practice of Funeral Services. (H. P. 350) (L. D. 443)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Pertaining to Suits by the Attorney General on Behalf of Consumers. (H. P. 583) (L. D. 710)

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 Relating to Direct Sentencing of Adult and Juvenile Offenders to Halfway Houses and Group Homes." (H. P. 1079) (L. D. 1303)

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 to Increase the Salaries of Kennebec County Officials." (H. P. 1379) (L. D. 1570)

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, Bill, "An Act to Restore the Formula Provision for Law Enforcement Officers of the Department of Marine Resources." (H. P. 736) (L. D. 835)

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 Education on, Bill, "An Act Relating to the Payment of the Cost of Constructing a Pumping Station, Fire Hydrant and a Water Main for the New Stockton Springs Elementary School." (H. P. 971) (L. D. 1168)

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 Payment of Special Education Tuition and Board for the Fiscal Year 1977." (Emergency) (H. P. 220) (L. D. 284)

Reported that the same Ought to Pass.
Comes from the House, the Bill Passed to be Engrossed.

The Committee on Local and County Government on, Resolve, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1977." (Emergency) (H. P. 1495) (L. D. 1714)

Reported (pursuant to Joint Order, H. P. 138) that the same Ought to Pass.

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

The Committee on Local and County Government on, Resolve, For Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1977. (Emergency) (H. P. 1494) (L. D. 1713)

Reported (pursuant to Joint Order, H. P. 138) that the same Ought to Pass.

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

The Committee on Local and County Government on, Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1977. (Emergency) (H. P. 1497) (L. D. 1715)

Reported (pursuant to Joint Order, H. P. 138) that the same Ought to Pass.

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

The Committee on Local and County Government on, Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1977. (Emergency) (H. P. 1498) (L. D. 1716)

Reported (pursuant to Joint Order, H. P. 138) that the same Ought to Pass.

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

The Committee on Local and County Government on, Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1977. (Emergency) (H. P. 1499) (L. D. 1717)

Reported (pursuant to Joint Order, H. P. 138) that the same Ought to Pass.

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

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

The Committee on Local and County Government on, Resolve, For Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1977. (Emergency) (H. P. 1490) (L. D. 1703)

Reported (pursuant to Joint Order, H. P. 138) that the same Ought to Pass.

Comes from the House, the Resolve Passed to be Engrossed as Amended by House Amendment "A". (H-229)

Which Report was Read and Accepted in concurrence, and the Resolve Read Once. House Amendment "A" was Read and Adopted in concurrence, and the Resolve, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act Relating to the Real Estate Commission's Rule-making Authority. (H. P. 151) (L. D. 181)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-187).

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

Which Report was Read and 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.

Divided Report

The Majority of the Committee on Local and County Government on, Bill, "An Act to Revise Fees Which may be Charged by Towns for Licensing Innkeepers, Victualers or Tavernkeepers. (Emergency) (H. P. 640) (L. D. 784)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JACKSON of Cumberland
O'LEARY of Oxford
HICHENS of York

Representatives:

BERUBE of Lewiston
MARTIN of Brunswick
HICKEY of Augusta
McPHERSON of Eliot
STOVER of West Bath
GRAY of Rockland
DRINKWATER of Belfast
TRUMAN of Biddeford
LaPLANTE of Sabattus

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-176).

Signed:

Representative:

HENDERSON of Bangor

Comes from the House, the Minority Report Read and Accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A", as amended by House Amendment "A" thereto. (H-208)

Which Reports were Read.

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

Mr. JACKSON: Mr. President, I move the Senate accept the Majority Ought Not to Pass Report of the Committee.

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

Mr. CONLEY: Mr. President, I move this Item be tabled for one legislative day.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

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

The PRESIDENT: A Division has been requested on the tabling Motion.

Will all those Senators in favor of tabling this Bill for one Legislative Day, please rise in their places to be counted.

Will all those Senators opposing the tabling of this Bill for one Legislative Day, please rise in their places to be counted.

15 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to table does not prevail.

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

Mr. CONLEY: Mr. President and Members of the Senate, I am a little disappointed at the fact that we could not have tabled this Bill for one day to give them the opportunity of presenting some valid arguments. But it is obvious to me also that there has been a great deal of work that has been done prior to any debate given on the Bill to give it its quick demise.

I think what we have primarily is a Bill that gives back local control to local government. On the Statutes now the State charges \$1.00 for

fees for victualer's licenses, and communities are left somewhere in the dark of being able to have an additional assessment of up to \$10.00 for the sole purpose of inspection and for carrying out the regulations as the local community likes to see fit.

What we have, and I would hope that the Senate this morning would vote against the Motion as made by the good Senator from Cumberland, Senator Jackson, so that I might be afforded the opportunity of submitting to you an Amendment, which I think at least makes the Bill far more acceptable to the communities, I believe. It is just so we will not have to go through the charade of any long debate, Mr. President.

I would pose a question as to whether or not a licensee of a victualer's license would be in conflict of the Joint Rules as we now have them before us.

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

Mr. PRAY: Mr. President, a question to the Chair. Since the issue has been debated, would a Motion to table be in order.

The PRESIDENT: The Chair would answer in the affirmative.

Mr. PRAY: Mr. President, I move this Item lie on the table for One Day.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that this Item, L. D. 784, be tabled for one Legislative Day, pending the Motion of the Senator from Cumberland, Senator Jackson, to accept the Majority Ought Not to Pass Report of the Committee.

The Chair will Order a Division.

Will all those Senators in favor of tabling for One Legislative Day, please rise in their places to be counted.

Will all those Senators opposed to tabling for One Legislative Day, please rise in their places to be counted.

19 Senators having voted in the affirmative, and 10 Senators in the negative, the Motion to table does prevail.

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

Mr. DANTON: Mr. President the Senator from Cumberland, Senator Conley, asked the Chair a question, and I would like to have an answer to that question.

The PRESIDENT: The Chair apologizes. The Chair did not understand the question. Will you re-state the question.

Mr. DANTON: Mr. President, I would hope that the Senator from Cumberland, Senator Conley, would ask the question again of the Chair.

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

Mr. CONLEY: Mr. President, I do not know if the matter we were debating is still before us.

The PRESIDENT: The Chair understands the Senator from Cumberland, Senator Conley, requests unanimous consent to address the Senate on the record. The Chair has no objection. The Senator may proceed.

Mr. CONLEY: Mr. President, I would inquire of the Chair as to whether or not anyone who may possibly be a Member of this Body having a victualer's license, may possibly be in the area of a conflict of interest in voting on this particular matter.

The PRESIDENT: The Chair would advise the Senate that anyone who feels that he has an interest in any piece of legislation that affects his or her business, I would think would refrain from voting on an issue such as this, and if they do not see fit to do this, then I would suggest that the proper outlet would be to pose a question to the Committee on Ethics.

The Chair recognizes the Senator from Kennebec, Senator Katz.

The PRESIDENT: The Senator from Ken-

nebec, Senator Katz, requests unanimous consent to address the Senate on the Record. The Chair has no objection. The Senator may proceed.

Mr. KATZ: Mr. President and Members of the Senate: I hope that the Senate does not continually broaden the scope of conflict of interest. There surely must be thousands of licensees in the State, and if any one has a business which involves this type of licensing, it is a distinction that is shared very, very broadly with others in the State.

Were the Senate to get into the posture of constantly broadening of conflict of interest, more and more Members of the Senate would escape the responsibility for which they are elected, namely to face up and vote on legislation before them.

On that basis, I would hope that the Senate, if it is faced with a question, would not construe this as being a conflict for any Member of the Body.

Divided Report

The Majority of the Committee on Marine Resources on, Bill, "An Act to Repeal the Ban on Otter or Beam Trawls in Washington County Territorial Waters. (H. P. 626) (L. D. 767)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-224).

Signed:

Senators:

CHAPMAN of Sagadahoc
HEWES of Cumberland
LEVINE of Kennebec

Representatives:

CONNERS of Franklin
MILLS of Eastport
BUNKER of Gouldsboro
TYNDALE of Kennebunkport

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

Signed

Representatives:

FOWLIE of Rockland
GREENLAW of Stonington
POST of Owl's Head
JACKSON of Yarmouth
BLODGETT of Waldoboro
NELSON of Roque Bluffs

Comes from the House, the Minority Report Read and Accepted,

Which Reports were read.

On Motion of Mr. Chapman of Sagadahoc, Majority Ought to Pass Report accepted in non-concurrence.

The Bill read once. Committee Amendment "A" Read and Adopted. The Bill Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Provide for Consideration of the Economic Impact of Decisions made by the Board of Environmental Protection. (H. P. 879) (L. D. 1070)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TROTZKY of Penobscot

Representatives:

BLODGETT of Waldoboro
HUBER of Falmouth
DEXTER of Kingfield
HUNTER of Benton
GREEN of Auburn
WILFONG of Stow
BROWN of Bethel

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-221).

Signed:

Senators:

O'LEARY of Oxford
REDMOND of Somerset

Representatives:

HALL of Sangerville
BENOIT of S. Portland

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

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

Mr. TROTZKY: Mr. President, I move the Senate accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, I would like to just draw the Members of this Body attention to this Bill, and basically what it is asking for.

Lately in the last several years our environmental laws have continuously strengthened. In the State of Maine water qualities and air qualities have greatly improved.

It seems as if there is a large segment of our society which is out to protect the State of Maine, to not let it become a little New York or a big New Jersey, or what have you. A lot of these other States have gone through some environmental stages that pretty well passed them to the point where their air qualities and water qualities are far below ours.

Continuously the State of Maine is being asked to protect and preserve itself as it is, or as it once was. Every time we ask a community or business or somebody to clean up a little bit more, it is costing all of us, all of the taxpayers in the State. It is hurting us on jobs. It is hurting businesses on profits, and it is hurting taxpayers on tax dollars, and laborers on income that they could possibly earn.

I do not want anybody to construe what I am saying to mean that I am opposed to environmental legislation. All this Bill does is ask that an Economic Impact Study be taken into consideration on environmental laws.

Now I am aware of what the Amendment does. The Amendment makes it permissive and you may take it into consideration. I would hope that we would pass this Bill, and possibly kill the Committee Amendment to make it mandatory that the DEP and LURC and other environmental agencies take into consideration the economic impact.

We have an item later on the table today dealing with solid waste. We have discussed that issue before. We have discussed blackflies and a number of other things. All of these issues are coming under fire by the environmental groups in the State. And every time that we address these issues, we always face the cost factor to communities and to businesses. I would like for once for this Chamber to vote for an economic consideration to these businesses and municipalities when they are faced with an environmental rule or regulation. I do not think that it is too much to ask of DEP or this Body.

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

Mr. LEVINE: Mr. President and Members of the Senate, I think that perhaps this Bill may be a vehicle for the State to do something that I have seen a need for a long time, and that is to put some balance into this question. There is not any doubt in any of our minds that we need an environmentally clean and sound State, but we do also need the economic balance there, too. We do not seem to have that.

We seem to have swung with the pendulum from the far right to the far left, without any consideration as to what the middle ground might be and what might be fair and equitable

to all, and it just seems to me that this is a Bill whereby we might be able to do this.

I would vote against acceptance of the Ought Not to Pass Report.

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

Mr. TROTZKY: Mr. President and Members of the Senate, I would like to explain what this bill does. In the beginning, the DEP has at least, I believe, 12 or 13 laws that it administers, Site Location Act, the Great Ponds Laws, Stream Alteration Act, all kinds. And, of course, right in the beginning of the legislation that involved all the laws of DEP that the DEP shall consider economic impact.

Now one of the problems you have in considering economic impact is that you have to consider economic impact in every one of those laws. In other words, the person puts a dock in, you have to have an economic statement or it may be an economic consideration. They want to alter a stream, there has to be an economic consideration. Now economic consideration can work against the development. To give you an example, a single family housing development subdivision sometimes costs the town more than it generates in taxes. So, therefore, all you have to do is put this in and in comes an environmental organization and gives economic testimony showing that the development is going to cost the town more: Then if the DEP has to consider economic testimony, what they do is they reject the single family housing development for the town.

Now the Bill basically was put in by a Representative who comes from some towns in the upper Penobscot Valley, which happens to have a great deal of poverty — I should not say poverty, but they are not high property tax valuations and so on. And many of these towns are complaining. They are complaining because the sewage treatment plants cost a lot of money, because they do not like to have regulations on their dumps. They want complete freedom.

Let me say something about my city which is down-river. My City of Bangor has a sewage treatment plant, and I pay a sewage utility bill every two months or so, I think it is two months, about \$15.00, and everybody in the City of Bangor pays that sewage utility bill, whether they be poor or whether they be rich, to keep the river clean. So, I feel that putting economic consideration here is not going to solve any problems. The DEP's basic function is to determine whether a project when it is put in is going to pollute the environment or not, that is the main consideration here.

Now by putting this into the beginning of all these laws, not having it tailored to very law, all we do is we invite economic testimony in every hearing, but you cannot force the DEP to consider this testimony because this Committee, by the way, went over these Bills last year. There is no way you can balance economic consideration versus environmental pollution. For example, you have a refinery. Do you say you give the refinery plus five because it is going to create so many jobs and because it potentially can pollute the environment — fishing environment in Washington County and you are going to give it a minus seven, and you add plus five and minus seven and you come up with minus two, therefore you rule some way? How do you work out the consideration? All you are going to do by putting this Bill in, is extend hearings a lot longer but you cannot weigh economic impact versus environmental pollution in any type of formula.

If someone has a formula that they can come up with, I would be glad to listen to it.

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

Mr. LEVINE: Mr. President and Members of the Senate, I hate to get on my feet very often about an issue like this, one that I am not totally

versed in, but one where I see a consideration here that can set great precedence down the road.

However, when it is said by the good Senator from Penobscot, Senator Troitzky, that they cannot weigh economic consideration as opposed to environmental consideration, I might pose a question to Senator Troitzky through the Chair: How do they then weigh environmental considerations? Do they combine them, do they give scores on what might be good or bad for the environment? It seems to me if you cannot include an economic consideration, then you can only have one type of environmental consideration.

Perhaps Senator Troitzky can tell me how they weigh more than one type of environmental consideration, yet they could not weigh an economic consideration.

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

Mr. TROTZKY: Mr. President and Members of the Senate, the way they weigh environmental considerations, they have certain standards: For example, on the air laws, they say you can only have a certain number of milligrams of particulates per cubic meter. In other words, they determine based on what we consider to be air which is good to breathe and healthy to breathe, we set certain limitations, you know, concentrations of sulphuroxide, concentrations of particulate matter; in water we also have certain standards.

So the question is, when an industry comes in, if it is going to put into the air more particulates than the standard, the industry does not get a permit. Now I do not know any other means. If you want to eliminate the environmental laws, fine, go ahead and do it, but I think with this Bill you are not solving any of the problems.

Again, I would like to know, you know, specifically where good industries have come to this State and been turned down because of environmental problems. For example, last year the Senator from Washington, Senator Wyman, brought out on the Senate floor that Georgia Pacific was building a stud mill over in Canada rather than the United States because of the environmental laws. Our laws were too strong. I went in and I checked on that to try and find out what the story was. The reason they were building in Canada was not because of the environmental laws; it was basically because Georgia Pacific has woodlands both in the United States and in Canada. Consequently, they want the wood to be able to cross the border both ways. They felt if they put too much of their capital investment in the United States using the resources of Canada, the Canadians could cut off their wood supply. So it was not the environmental laws.

I think right now the environmental laws are working in the State of Maine, and I feel that the communities that put this Bill in, which are basically Brownville, Milo and communities that Representative Masterman represents, and they are complaining about the dumps, the open-burning dumps, they would like to continue them; they are complaining about sewage treatment plants, they had rather not have them put in. There are many communities, again, down-river that have paid the price — poor communities that have paid the price and closed down burning dumps and also paid the price to put in sewage treatment plants.

Again, as I say in a big City such as Bangor, both high income and low income people pay sewage utility bills, so why should the DEP go ahead and rule because these communities have economic problems, they should be exempt from the law. And that is basically what the intent of this Bill is.

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

Mr. LOVELL: Mr. President and Members of the Senate, just briefly, 10.1 percent of our peo-

ple are out of work, or some 40,000. We are 90 percent forest in Maine and by giving a little leeway to the DEP, I am sure it is really worthwhile.

The Governor and Mr. Atlass are trying to get in new industry but are not very successful. We have gained very few jobs in the last year, and down in York County, particularly in Sanford, we have never gotten back the jobs that we lost when we lost Goodall-Sanford, and I feel the DEP should be allowed a certain leeway on an industry coming into Maine that is going to hire 100 people, which will mean about a million dollar a year payroll. I think we should pass this Bill.

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

Mr. PRAY: Mr. President and Members of the Senate, I hate to prolong this debate, but a few things have been said that I would like to clarify.

First of all, the example of Georgia Pacific going into Canada, I think the Members of this Body should be aware that there is a law in Canada which prevents taking raw materials out of Canada. If Georgia Pacific was going to build a lumber mill in the State of Maine, they could not bring the trees from Canada across the border into United States. It has to be a finished product. It would have to be made into lumber before it can come into Maine. So I think it is definitely more than just a consideration which the good Senator from Penobscot, Senator Troitzky, stated.

I have talked to a number of businesses about coming into an area of high unemployment, in Piscataquis County which I represent, and it always has been, and I think you are all aware, that consideration is over a broad spectrum. And one of those spectrums has to be the environmental laws. It is not always the number one reason that they decide to go elsewhere or come into the State of Maine, but when you add it onto the other areas of consideration, then definitely Maine slowly comes into the minus column and I think it is one reason why we have had a hard time attracting industry into the State of Maine.

Another point that I would like to clarify is that I am very happy to hear that Bangor pays \$15.00 every two months and the Town of Greenville, which has in excess of 20 percent unemployment, they have a sewer treatment plant up there that is in excess of \$200.00 a year. I just figured out \$15.00 for every two months is around \$90.00 for Bangor.

Individuals in an area of economic depression are being required to meet all of the environmental impacts at this time, sanitary landfill which is under fire. I notice in today's paper that there are a number of towns in the State that their landfills are being closed because they do not meet DEP standards. And then we throw in there the solid waste problems of the sewage treatment plant into the small communities of this State. They are slowly being burdened under because of the environmental group in this State who are saying the municipalities have to do this and have to do it at this time. I think a lot of the communities are under a financial burden. They are continuously going back asking for tax increases because of this and other reasons. I think it is about time this State did something to alleviate some of the problems.

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

Mr. REDMOND: Mr. President, with all due respect to the most Honorable Senator from Penobscot, Senator Troitzky, I do agree with him that the proponent of this Bill comes from an area which is almost poverty-stricken, but the reason for that is because they have had woodworking industries in those areas which have moved out.

I have experienced, and continue to ex-

perience, in my District the same problem, the Town of Bingham, and also in the Town of Madison. We are looking for a total of some 500 jobs for those two towns. It seems as if in view of the fact of all of this unemployment, that we are not asking too much of DEP because this Bill does not have very much body, because in the Amendment — I would like to read the Amendment — "Before making decisions authorized by this Section, the Board may receive" — and I repeat — "the Board may receive testimony on the economic effect of any proposed project for which a permit is required, and any proposed regulation." Therefore, this would not affect any of the projects built on our coastal areas or in Bangor or any of the other cities, because it does not state that the Board shall consider it, — it may. It may just hear the testimony.

So I think it is just about time that we should give some hope to those citizens of these towns that are affected by very heavy unemployment and pass this Bill.

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

Mr. MERRILL: Mr. President and Members of the Senate, this is not a new idea to this Legislature. We have discussed it before, but I think maybe a few things ought to be said to make the debate a little more precise.

First, I think that the DEP has been blamed for some sins that belong to the Legislative Bodies, either this one or the one in Washington and not the Board itself. The trend towards sanitary land fills, which is a troublesome one to some extent because they are so uncertain about that being a solution, has brought about concern about air quality and that concern about air quality is emanated from legislation, but not from the minds of the people who serve on the Board, and they are in effect trying to enforce air quality standards that we have set. And it is this Legislature that provides some exceptions to those laws, but does not back away from it. So by our continual tampering, the limited tampering that we have done, I think, evidences the fact that what they are trying to do here is to follow Legislative mandates, either of our own or Washington's, and they really have nothing to consider except what we have told them to consider in terms of air quality, and what Congress has told them to consider in terms of air quality.

Beyond that I think the debate really here has become a little symbolic of both sides. The Bill is amended so that it makes it up to the DEP whether it may take this consideration and consider it. If it said 'Shall' I think I might vote against the Bill or would be more inclined to vote against the Bill, because if it said 'shall' it seems to me it would create a whole new line of arguments in order for cases to be appealed to the Courts, and it would create a lot of new litigation and a lot of complications, and could result in the Board of Environmental Protection taking a lot longer to make a decision, and I think one of the things that we ought to be most interested in is one of the concerns of the Senator from Oxford, Senator O'Leary, all the time is the decisions be made quick enough so the person who wants to invest his money is not left hanging for two or three years. It is a very difficult position to be in if you are trying to accumulate the capital to do this.

But with the word 'may', I think we have to conclude that the effect of legislation would be none. I know that the Board of Environmental Protection takes testimony about economic consideration, because I have sat and listened to it for hours. It has ever since its beginning, I think. I remember in the hearings that were held in Searsport, there was considerable testimony about the environmental impact, and that runs on both sides, of course, as everybody knows, because the lobstermen were before the Board saying do not let this project go ahead

because of the economic impact. And I know that when the Federal Government does an economic impact statement; such as the one they did for Loring in the first and second editions, of course, the economic impact is taken into consideration, because the economic climate in which we live is part of the human environment, part of our ecology. So I think we can pass this Bill if we want to make a statement. If we feel like saying 'hosanna' we could probably do as much by passing a Legislative Order commending the Board of Environmental Protection for considering economic impact in the past, because they can, in fact, do it and they do it now.

(Off record remarks)

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Troitzky:

Mr. TROTZKY: Mr. President and Members of the Senate, I want to clarify one thing directly. The Bill itself which Senator Pray from Penobscot has been talking about in favor of says: "When making decisions, the Board shall consider economic impact." If you have to consider economic impact, you have to tell us how you want to consider the economic impact.

During the last Session, we put into the Site Location Act — and by the way, folks, environmental lobbyists and industrial lobbyists sat together and agreed on the wording — the DEP may receive economic testimony. And all that was to be polite to the applicant in one of these major projects, because I read about the economic testimony in the newspaper anyway. The Amendment that the Minority of the Committee is for says before making any decisions on any of the laws, all 12 or 13 of the laws, the Board may receive testimony. And that is not going to help any of your projects go through. If you have a project that is violating our air quality standards, or our water standards, and you want to see that project go through, then lower the water standards and lower the air standards.

But let us face it: In the State of Maine, we have had expansion. For example, we have a brand new Scott Paper Company mill in Hinckley right now which is creating quite a few jobs. We have an expansion in International Paper Company. The State of Maine is not stagnated. There are economic problems: But if you want polluting industries to come into the State, then lower the air quality standards and lower the water quality standards.

But this Bill, in its amended form, does absolutely nothing.

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

Mr. PRAY: Mr. President, a question through the Chair, at this time we are considering accepting the Ought Not to Pass Report, is that correct?

The PRESIDENT: The Chair must answer in the affirmative, that is the pending question.

Mr. PRAY: If that motion were defeated, then the consideration would be to accept the Ought to Pass Report and then the Committee Amendment, correct?

The PRESIDENT: The Chair would again answer in the affirmative.

Mr. PRAY: Thank you very much.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Troitzky, that the Senate accept the Majority Ought Not to Pass report of the Committee.

The Chair will order a Division.

Will all those Senators in favor of accepting the Ought Not to Pass Report, please rise in their places to be counted.

Will all those Senators opposed to accepting the Ought Not to Pass Report, please rise in their places to be counted.

6 Senators having voted in the affirmative and 23 in the negative, the Motion to accept the Ma-

majority Ought Not to Pass Report does not prevail.

The Minority Ought to Pass, as amended, Report accepted in non-concurrence.

The Bill Read Once. Committee Amendment "A" Read.

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

Mr. PRAY: Mr. President, I move the indefinite postponement of Committee Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Pray now moves the State indefinitely postpone Committee Amendment "A". The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I would oppose the Motion, and ask for a Division.

The word 'may' makes it permissive. I am afraid that if we put the word 'shall' into the law, that what we are going to do is wind up with more rules and regulations saying what kind of an impact statement is going to have to be made as far as the economics go. I think it would just deter from the intent of this piece of legislation, so, therefore, I would oppose the Motion.

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

Mr. PRAY: Mr. President and Members of the Senate, in reading the Bill, and the Amendment, I find that the Amendment deters the intent of this legislation, thus I am opposing the Amendment and I would hope this Chamber would go along with that.

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

Mr. MERRILL: Mr. President, I am opposed to the Motion to indefinitely postpone this Amendment. I think without this Amendment, this Bill will do more to hamper economic development in this State than it will do to help it. The fact of the matter is, one of the most difficult things to do in an economic endeavor is to accumulate a great deal of capital. If you are not Scott Paper Company or something of that scale and you are trying to accumulate the capital to build an oil refinery in Sanford, for example, it takes a great deal of time and effort to bring all the parties together. One of the things that you need from the State is a fast decision.

An economic impact is as broad and as great a consideration as the environmental impact, and to make a requirement that could be enforced into law and could be grounds for appeal, I think would burden the applicant with hearings at least twice as long as they presently are, and with time being so important to a successful project such as this, I think that we would be going in the direction that we do not want to go if we accepted this Amendment.

I have no objection to allowing the Board to take into consideration the testimony. If we tell them they have to take it into consideration, I think it puts them in a much different legal posture in which they are going to have to see to it that they hear from all the parties that want it presented and they explore the full, broad, ramifications of the economic impact of these projects. I think the hearings will take twice as long, and I think there would be many, many appeals as we try to settle on some standards in which to jell some considerations.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Pray, to indefinitely postpone Committee Amendment "A".

A division has been requested.

Will all those Senators in favor of the Motion to indefinitely postpone Committee Amendment "A", 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.

4 Senators having voted in the affirmative and 24 in the negative, the Motion to indefinitely postpone Committee Amendment "A" does not prevail.

Committee Amendment "A" adopted.

The Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act to Improve the Retirement Benefits for Teachers Under the State Retirement System." (H. P. 668) (L. D. 809)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
LOVELL of York
O'LEARY of Oxford

Representatives:

THERIAULT of Rumford
AUSTIN of Bingham
BUNKER of Gouldsboro
MacEACHERN of Lincoln
NELSON of Roque Bluffs
CLARK of Freeport
HICKEY of Augusta
LOUGEE of Island Falls

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass.

Signed:

Representative:

LAFFIN of Westbrook

Comes from the House, the Majority Report Read and Accepted.

Which reports were read.

Majority Report accepted, in concurrence.

Senate

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 Concerning Single Motor Vehicle Registration Plates and Placement of Motor Vehicle Inspection Stickers." (S. P. 224) (L. D. 704)

Leave to Withdraw

Mr. Trotzky for the Committee on Natural Resources on, Bill, "An Act to Provide that the Board of Environmental Protection Shall Administer the Maine Land Use Regulation Statutes." (S. P. 405) (L. D. 1421)

Reported that the same be granted Leave to Withdraw.

Mr. Trotzky for the Committee on Natural Resources on, Bill, "An Act to Repeal Laws Regulating Floating Timber." (S. P. 244) (L. D. 753)

Reported that the same be granted Leave to Withdraw.

Mr. Curtis for the Committee on Judiciary on, Bill, "An Act to Insure Psychiatric Review of Voluntary and Involuntary Hospitalization of the Mentally Ill." (S. P. 272) (L. D. 830)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Mr. Mangan for the Committee on Judiciary on, Bill, "An Act Relating to Appointment, Duties, Salary and Expenses of Court Reporters." (S. P. 25) (L. D. 38)

Reported that the same Ought to Pass, As Amended by Committee Amendment "A" (S. 104).

Mr. Pray for the Committee on Labor on, Bill, "An Act Relating to Employee Workmen's Compensation Law." (S. P. 94) (L. D. 218)

Reported that the same Ought to Pass, As

Amended by Committee Amendment "A" (S. 105).

Mrs. Snowe for the Committee on Health and Institutional Services on, Bill, "An Act to Permit 17 Year Olds to Donate Blood Without Parental Consent." (S. P. 289) (L. D. 915)

Which Reports were Read and Accepted and the Bill Read Once. Committee Amendments "A" were Read and Adopted and the Bills, As Amended, Tomorrow Assigned For Second Reading.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Reorganize the System of Public Post-secondary Education in Maine." (S. P. 95) (L. D. 219)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec
PIERCE of Kennebec

Representatives:

LYNCH of Livermore Falls
BAGLEY of Winthrop
WYMAN of Pittsfield
FENLASON of Danforth
BIRT of East Millinocket
BEAULIEU of Portland
PLOURDE of Fort Kent
LEWIS of Auburn

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass, as Amended, by Committee Amendment "A" (S-106)

Signed:

Senator:

USHER of Cumberland

Representatives:

CONNOLLY of Portland
MITCHELL of Vassalboro

Which Reports were read.

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

Mr. USHER: Mr. President, I move the Ought to Pass, as Amended, Report.

The PRESIDENT: The Senator from Cumberland, Senator Usher, now moves the Senate accept the Minority Ought to Pass, as Amended, Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the Senate will notice the overwhelming support for the Majority Ought Not to Pass Report. This was the Bill — which was sponsored by my good seatmate, the Senator from Penobscot, Senator Curtis, which would have in effect, dismantled the University system as we know it today.

It would have established multiple Boards of Trustees for every campus in the State. We would have had, I think, a 15-person Board of Trustees for the University of Maine Augusta, — all individual Boards for the University of Maine-Orono; University of Maine-Farmington; University of Maine-Portland-Gorham; University of Maine-Machias; University of Maine-Fort Kent; University of Maine-Presque Isle. It would have created an extraordinary hodge-podge, and in the judgment of Committee moved us back a couple of decades in our advancement towards trying to deal with University concerns on an orderly basis. The Committee was unanimous in saying that this would be a step backwards.

The Amendment, which in effect you are voting on today, I believe, does two minor things. It establishes a more formalized structure for all the University Presidents and gives them certain prerogatives that they do not presently have, and also mandates the establishment of Citizen Advisory Council on every campus.

The issue, the policy question facing you today is to what extent do politicians want to in-

trude in the government of post-secondary education. In many states there is an increasing concern, an increasing desire on the part of politicians to say what is good for the University in their State. Some states will set tuition and some states will specify rigid admission policies that only a certain percent can be from out of state.

The Maine Legislature has consistently said that we have a Board of Trustees, who are presumably responsive to what people are saying, and I have found that this Board of Trustees of the University is probably as responsive and aware as any Board I have worked with.

The question is whether or not by Legislative mandate you want to force the University to do certain things. Now this would seek to force two things: (1) creating another layer of government by giving College Presidents additional input to the Board of Trustees. The Board of Trustees feels that this is unnecessary. In a letter of April 14th the Chairman of the Board, James Page, says about the Presidents, "The Council is an important coordinating and advisory body, and presently at its monthly meetings the Chancellor and Campus Presidents are able to debate any issues that they wish. They have in-put to the Board of Trustees."

With respect to the idea of mandating Advisory Councils on every campus in the state, the Board feels that it a great idea, and presently I have just been appointed to an Advisory Board for the University of Maine in Augusta.

The question I think facing us is not whether these are appropriate concerns, but whether the Legislature in its wisdom ought to increasingly politicize the University process by mandating a whole series of new things which in the perceptions of some are good ideas, and force it on the Trustees.

On that basis I move indefinite postponement of this Bill and all its accompanying papers, and request a Division.

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

Mr. CURTIS: Mr. President, this is a piece of legislation which I started working on nine months ago, last August, and some interesting things have happened in the gestation period.

The result is that we produced here not an elephant but a mouse, and a very, very modest piece of legislation which is recommended by the Minority of the Committee on Education would, I think, help to open up the process by which the University of Maine Board of Trustees makes its decisions.

The Amendment contains the entire language that would be revising the present law. And the Amendment does two things: First, it says that the Board of Trustees shall appoint advisory Committee for each campus. Now that is an interesting change from the law which was enacted by the Legislature in Special Sessions in 1968. Because in 1968 in the Private and Special Laws by which the University was created, the Legislature wrote the following language: "The Board of Trustees shall appoint such Advisory Committees on behalf of the various campuses, and such other Advisory Committees as may appear desirable."

What has happened is that the Board of Trustees have not appointed any Advisory Committees for any campuses. As a matter of fact, the only Advisory Committees which have been provided and the only opportunity for direct input have been at the instigation of the Presidents of the various campuses to provide advice directly to the President, but not to the Board of Trustees.

You will be interested, I think, in the gist of a letter which I received from Professor Kenneth W. Allen, Interim President of the University of Maine at Augusta, when I asked him what Advisory Committees presently exist. And he said

that the University of Maine in Augusta has a Citizen's Advisory Council appointed by the President. And I would like to point out that my very distinguished seatmate, the senior Senator from Kennebec, Senator Katz, was recently appointed to that Advisory Committee for the University of Maine in Augusta.

I would think that is a good thing, but how much better if Senator Katz had an opportunity with his colleagues on the Advisory Committee for the University of Maine at Augusta not only to make their views known to the Interim President of the University of Maine, Professor Allen, but directly to the Board of Trustees, if they were indeed appointed and given the extra status that an appointment by the full Board of Trustees would provide. Other campuses have a variety of situations. The University of Maine at Farmington has Advisory Committees, but they are not standing committees. President Olsen will appoint an Advisory Committee for a specific task, and when that task is complete, the Advisory Committee is dismissed. The University of Maine at Fort Kent and at Machias have no Advisory Committees at all. The Bangor Community College has an Advisory Committee, and the University of Maine at Orono has a Development Council which is involved primarily and I think almost entirely with fund raising. The University of Maine at Portland-Gorham does not have a general Advisory Committee, but does have three very active Citizen Advisory Committees appointed by the President according to him, on Business Administration, Athletics and Nursing.

The University of Maine at Presque Isle has what I consider, I think, to be probably the most active and best Advisory Committee, and that is perhaps because a sub-committee of the Performance Audit Committee of the Legislature, when visiting the University of Maine at Presque Isle last fall, had an opportunity to sit with them at one of their luncheon meetings on the campus at UMPI. I was very impressed by the status and the interest of the people from that community who were involved in advising the President of the University of Maine at Presque Isle.

I think that the piece of legislation that is before you now is a very modest step forward to requiring the full Board of Trustees to establish Advisory Committees for each campus, and thereby open up the input a little bit more. If that is not what was intended by the Legislature in 1968, and I was not here, I would be very surprised. I think all we are doing is clarifying the law what was created in 1968.

The second thing that the Amendment does, is say the Administrative Council shall elect annually one of its Members to serve as Chairman. Now the Administrative Council is that group comprised of the Presidents of each of the campuses. The legislation would continue to say "The chairman shall present to the Chancellor all recommendations from the heads of the campuses. The Chancellor shall transmit all such recommendations to the Board of Trustees."

I would submit to you that that is not so very much different than the present law, or should not be so much different from the present law, which provides that this Administrative Council shall exist. The language right now in the present law says "The Administrative Council shall exercise the following responsibilities: to make to the Board of Trustees through the Chancellor recommendations which require Board action or pertain to policy development, serve as a clearing house for matters referred to it by appropriate officers of the individual institutions, and act on matters referred to the Council by the Chancellor or the Board of Trustees."

There is something lacking there, and I think it is significant. It has turned out to be signifi-

cant, and I do not think it was intended by the Legislature in 1968. What is lacking is the ability of one campus to have its point of view made known directly without affirmative action by majority of the Administrative Council or to have its point of view made known directly to the full Board of Trustees. I think that this is modest language in the Amendment, and I think it would be good language.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like to pose a question through the Chair to the previous speaker. As I understand the Amendment as he describes it, it would allow the Administrative Council to appoint one of their Members who would go to the Board of Trustees. How does that accomplish the final goal put forth by the previous speaker, and that is if a minority member of the Administrative Council wants to make his views specifically known, assuming that he is in the minority of the Administrative Council, how does he accomplish that?

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

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, the primary thing that having an elected chairman of the Administrative Council would do would be to require that the group actually meet on a regular basis and perform some business.

I would point out that the language in the Amendment says that the chairman, that is the chairman of the Administrative Council "shall present to the Chancellor all recommendations from the heads of the campuses, and the Chancellor shall transmit all such recommendations to the Board of Trustees. It would be my understanding, Mr. President, that the President of one campus would have an opportunity to have his point of view made through this particular Chairman of the Administrative Council to the Chancellor of the University directly to the Board of Trustees, even if for example, and this happens sometimes, he might be in the minority of one.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I certainly did not think at the beginning of the Session that I would be standing here speaking in favor of L. D. 219, which originally would have broken up the super University, but that has gone by the Board, and now we have Committee Amendment "A" to the Bill (S-106)

I would just like to point out a couple of things in support of the Senator from Penobscot, Senator Curtis. I was, I think, the only other Member of this Body that attended that sub-committee meeting of the Performance Audit Committee at Presque Isle last summer, and I also was very impressed with the high caliber of this Advisory Committee, their involvement not only in the community and in the University, but in both of the organizations, and I think it is very important that when we have localized campuses of the University of Maine, such as we do have in the State of Maine, that the local people have an input, not only with the people working at the particular campus of the University, but also with the Board of Trustees.

If I have learned nothing else this Session of the Legislature, I have learned what the Administrative Council is, never having heard that term before the Bill that came before Legal Affairs to open the Administrative Council to public scrutiny and to the press. Consequently, we debated that here, I think it was a week ago today.

I would just point out to you that what we did last week was we took the Administrative Council, which does make some pretty important, pretty heavy decisions, on the University system, and we opened them up. And now what the Senator from Penobscot is asking us to do is to say that if the President of the University of Maine at Presque Isle has a particular point that he wants to make, that a Chairman of the Administrative Council will make this recommendation or will make this point to the Board of Trustees. Now the argument has been put forth that the President can go before the Board of Trustees and he can make his pitch.

Let me pose this hypothetical situation to you. I, as the President of the University of Maine at Fort Kent, have an idea, and I put it before the Administrative Council and it receives virtually no support, and the Chancellor is opposed to it. Am I then going to go flying in the face of the Chancellor and the rest of the members of the Administrative Council and go before the Board of Trustees. You know, I just do not think in reality this will happen. But if we put this language in the law books, as the Senator from Penobscot, Senator Curtis, points out it is not that much different than what is there now, we will make uniform these various Advisory Committees, many of which are established at the campuses, but right now they are a mish-mash. I think we would make them uniform as well as make the Administrative Council a little bit more responsive to the recommendations and to the thoughts of the various campus heads.

I would hope that you would support the Senator from Cumberland, Senator Usher, in his Motion.

Thank you.

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

Mr. KATZ: Mr. President, at very best I would say this debate is very confused. Presently the Members of the Administrative Council attend every public meeting of the Board of Trustees. They frequently participate in discussions as they choose. This is a fact.

The second fact is that in all this debate, all this concern, not one President, and I have had access to all of them on a social basis at least once or twice this session, not one President has expressed any need for this Legislation. No community as the Education Committee travelled the State a couple of years ago expressed any overwhelming need for mandating local Councils, and if you believe, as I do, that there has to be some broad demand for legislation before it is passed by this Legislature, I say that there has been no demonstrable proof except in the minds of the sponsor, who appeared before this Committee, that there was any problem that could be best served by this legislation.

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

Mr. CURTIS: Mr. President, there is demonstrable proof as to what kind of problems the University is in now. I have spoken about them many times in the past to this Senate, and I think that this is an opportunity to make one small step forward to providing a chance for those people who are most directly affected by the University's policy decisions as made by the Board of Trustees to have their views made known directly.

Now my seatmate, the Senior Senator from Kennebec, Senator Katz, made a point in his first statement today that we should deal in University demands in an orderly basis. I would suggest that if we had done that, then the orderly basis with which we have dealt with University demands in the last two years, is an orderly retreat.

The University of Maine, as I pointed out before, is the only organization in the State of Maine of great substance, relying to a large extent for State dollars for its support, that has received an actual reduction in financing from the State of Maine for the past two years.

Now that is a significant problem, and as the Performance Audit Committee visited the campuses of the University of Maine last summer and last fall, we found people on the campuses who were very frustrated about the existing situation, and they found that they did not have a good line of communication directly to the Board of Trustees. Some of them, indeed, long time employees of the University, expressed to me and other members of the Committee the point of view that they had never met a Trustee in their lives, and never had an opportunity to make their point of view known.

Now all this little Amendment does is provide for Advisory Committees of people in the areas of the campuses who would be most interested in the concerns and the problems to make their recommendations directly to the Board of Trustees, and, secondly, to provide an opportunity for the Presidents to make their point of views known directly to the Board of Trustees.

If this is already being done, then I wonder why there are so many concerns and objections about slightly rewriting the language to be sure that it may be done.

The PRESIDENT: Is the Senate ready for the question. The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, 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 of this Bill, please rise in their places to be counted.

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

9 Senators having voted in the affirmative, and 20 Senators in the negative, the Motion to indefinitely postpone does not prevail.

Minority Ought to Pass, as amended, Report accepted.

The Bill Read Once. Committee Amendment "A" Read and Adopted. The Bill Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Relating to Political Fundraising by State Employees." (H. P. 453) (L. D. 558)

Bill, "An Act to Eliminate the Requirement That Persons Over 70 Submit to an Eye Test in Order to be Issued a Complimentary Hunting License." (H. P. 562) (L. D. 679)

Bill, "An Act Reinstating the Malt Liquor License Application Filing Fee." (Emergency) (H. P. 991) (L. D. 1193)

Bill, "An Act Relating to Location of State Liquor Stores." (H. P. 1123) (L. D. 1341)

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

House — As Amended

Bill, "An Act Concerning Cruelty to Animals." (H. P. 581) (L. D. 708)

Which was Read a Second Time and Passed To Be Engrossed, as amended, in concurrence.

Enactors

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

An Act Amending the Law Relating to Load Binding. (H. P. 846) (L. D. 1037)

An Act Repealing the Lucerne-in-Maine Village Corporation. (H. P. 1445) (L. D. 1669)

An Act Requiring the Marking of Ice Fishing Shacks on Frozen Tidal Waters. (H. P. 525) (L. D. 643)

An Act to Require a Mandatory Transition Period for Certain County Officials. (H. P. 644) (L. D. 788)

An Act Providing for the Revocation and Nonrenewal of Motor Vehicle Dealer Licenses

for Nonpayment of State Taxes. (H. P. 399) (L. D. 519)

An Act to Require Minimum Standards for Automotive Fire Apparatus. (S. P. 212) (L. D. 661)

An Act to Establish a Sign on the Maine Turnpike Announcing the Moosehead Lake Region. (S. P. 278) (L. D. 891)

An Act to Establish Registration for Governmental Vehicles. (H. P. 465) (L. D. 570)

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 in Support of Regional Library Systems. (S. P. 462) (L. D. 1585)

On Motion of Mr. Huber of Cumberland, Placed on Special Appropriations Table, Pending enactment.

Emergency

"An Act Concerning Board of Directors of Transit Districts." (H. P. 556) (L. D. 673)

Emergency

"An Act to Increase Certain Fees of the Registries of Deeds." (H. P. 591) (L. D. 718)

These being emergency measures and having received the affirmative votes of 29 members of the Senate were Passed to be Enacted, and having been signed by the President were by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, Allowing Cumberland County the Authority to Appropriate Funds from the Fiscal Year 1976 Surplus to Pay the Deficit from the 1976 Fiscal Year. (H. P. 643) (L. D. 787)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate was Finally Passed, 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:

Bill, "An Act to Redesignate the Boundary Line Between the City of Brewer and the Towns of Orrington and Holden." (H. P. 770) (L. D. 977)

Tabled — April 28, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

On Motion of Mr. Speers of Kennebec, Retabled for One Legislative Day.

The President laid before the Senate:

Bill, "An Act to Clarify the Marking of Ballots." (H. P. 1235) (L. D. 1388)

Tabled — April 28, 1977 by Senator Collins of Knox

Pending — Passage to be Engrossed.

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

Mr. PIERCE: Mr. President, I present an Amendment under Filing No. S-103, and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now presents Senate Amendment "A" to L. D. 1388, and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read and Adopted. This Bill, as amended, Passed to be engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (Emergency) (H. P. 266) (L. D. 334)

Tabled — April 29, 1977 by Senator Redmond of Somerset

Pending — Consideration

On Motion of Mr. Speers of Kennebec, Retabled for Two Legislative Days.

The President laid before the Senate:

Bill, "An Act to Amend the Vocational Education Laws." (Emergency) (H. P. 1209) (L. D. 1329)

Tabled — April 29, 1977 by Senator O'Leary of Oxford

Pending — Adoption of House Amendment "C" (H-190)

On Motion of Mr. Katz of Kennebec, Retabled for One Legislative Day.

The President laid before the Senate:

Senate Reports — from the Committee on Natural Resources — Bill, "An Act Relating to Solid Waste Disposal." (Emergency) (S. P. 248) (L. D. 756) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — April 29, 1977 by Senator Conley of Cumberland

Pending — Acceptance of Either Report.

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

Mr. PRAY: Mr. President and Members of the Senate: I would like to move the acceptance of the minority Ought to Pass Report, and perhaps ask for a stay of execution until this Bill at least gets to its Second Reading, and hopefully something can be worked out with the Bill.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I do not think anything can be worked out when I look at this Bill.

This Bill states very clearly — first of all, it repealed the open burning dump law, controls on that; secondly, it says notwithstanding any other provisions of the law, no State agency may impose any rule, regulation or ordinance on solid waste disposal which is more stringent than the Federal environmental laws.

Well, there are no Federal environmental laws on solid waste disposal, and again it is another attempt by the Senator from Penobscot, Senator Pray, to do the following. No. 1, to eliminate any disposal of refuse regulations; eliminate any storage and transportation of refuse regulations; eliminate the closing requirements and design and site approval for dumps; eliminate variance procedures; eliminate the operating criteria of dumps with reference to white goods, autos, having separate storage areas; eliminate the hazardous waste requirements for dumps, how they are to be disposed of; eliminate attendance at dumps; fire control facilities, gates, grading of slopes. We can go on and on and on.

I would move that this Bill be indefinitely postponed, and hope the Senate will have the common sense to indefinitely postpone this Bill.

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

Mr. PRAY: Mr. President and Members of the Senate: I have to agree with the Senator from Penobscot. Basically the Bill as now written does those things that he said.

The reason the Bill was written that way is because of a meeting I had with a number of Town officials, some 54 towns in the State, who were represented in the Town of Milo on this problem. The individual that is the head of Solid Waste for the Department of Environmental Protection, Hank Warren, was there, and from a comment and conversation with him, I was under the understanding that some of our State laws and regulations were more stringent than the Federal government.

So the attempt of the Bill was basically to chop back the requirements that were put on by the Federal government to the Air Quality and Standards Act.

In reading that Act I find constant referral to the urban problems of this country, and Maine is anything but urban. I wish that we could take into consideration the rural parts of this country at the same time we take into con-

sideration the urban areas, and separate the two. There is definitely a need for equality between the two.

What I would like to do with this Bill in getting it to the Second Amendment is perhaps loosen up some of the requirements on the sanitary landfill on the solid waste problem. I have been trying to contact Bill Adams and Hank Warren from the DEP, but they are both tied up on the Pittston hearings down there for the next couple of days.

One of the requirements that I would like to aim at in the Amendment is throughout the hearing that we had, the biggest problem that these Towns have is the fill. They are required every day they are open to put six inches of fill over the dump, and to small areas, and again I will have to go back to one of the towns in my District which I have immediate reference to, the Town of Milo, who at a cost of \$100.00 a day to fill their solid waste dumping site.

Also in today's paper, as I pointed out in debate on another issue relating to this, is that there are a number of municipalities whose land fill areas are being closed down by the DEP because they are not on a satisfactory site. Again I will point out, as I mentioned earlier, Washington County, the entire county, has no place suitable for a land fill.

I think we are just coming down the road to where we are going to come out that land fill is not the solution of the solid waste problems and dumps, and that we are going to have to take another route.

What I would like to do with an Amendment is to require that perhaps we lessen that six inches down to four, or that we require that they do not have to do it every day that they are open. The cost of fill is expensive now, and the more that we have land fill it is slowly going to rise in price and cause another burden upon the municipalities of this State.

I would oppose the Motion of the good Senator from Penobscot, Senator Trotzky, and as I asked for earlier, perhaps a stay of execution until the Amendment can be drafted up and I can talk with the DEP on trying to solve this problem.

Thank you.

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

Mr. TROTZKY: Mr. President and Members of the Senate, the Legislature and the Natural Resources Committee this past Session approved these solid waste regulations, and the Senator from Penobscot talks about a cover over the refuse which has been compacted. The reason for the cover is to control rats, rodent control.

I request the Secretary to read the committee Report.

The PRESIDENT: The Secretary will read the Committee Report.

Committee Report Read.

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

Mr. O'LEARY: Mr. President, it seems that I am the thorn in the side of my Chairman and good friend from Penobscot, Senator Trotzky. I think I elaborated two years ago on burning dumps, cone burners and such.

Every geologist, soil scientist I have talked to is opposed to solid waste being buried and covered. It is a despoliation of our land. It is going to stay there, it is going to remain a problem for years. It is going to pollute our water supplies in the future, and this is not the route we should travel.

We can either get into recycling, — we had a study two years ago on solid waste and all we got out of it was a bottle Bill. It was a waste of time.

Mr. President, I think the good Senator from Penobscot, Senator Pray, has a solution, and I think we ought to go along with him, let this Bill

get to its second reading and then we will dispose of it, if we have to.

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

Mr. TROTZKY: Mr. President and Members of the Senate, the Committee determined that sanitary land fill was the cheapest means of disposing of waste outside of open burning. However, if the good Senator from Oxford would like to see recycling and equipment brought into every town, well, it is going to cost quite a few dollars.

I request a Roll Call on this.

The PRESIDENT: A Roll Call has been requested.

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

Mr. O'LEARY: Mr. President, it would seem that we had best take a look at some of our air pollution laws. At the present the State says that we will have no more than 100 milligrams per cubic — I am not certain of just the terms in there, but it is per cubic meter. However, Federal regulations I believe are 250. Now the only reason we are in a bind when it comes to our open burning dumps is because the Department of Environmental Protection set goals to the Federals that we would meet these certain standards at certain dates and times.

Now this is no law that was imposed upon the people by the State of Maine: It was a proposed regulation by the Department. I do not think we have a burning dump in the State of Maine that could not meet the Federal requirements.

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

Mr. PRAY: Mr. President, I am not sure how many times I have spoken, I have been up so many times opposing the good Senator from Penobscot, Senator Trotzky. If I have spoken three times, this time I would request that I speak a fourth.

The PRESIDENT: The Chair advises the Senator he has only spoken twice on this Motion.

Mr. PRAY: Thank you, Mr. President. Mr. President and Members of the Senate: I would like to clarify for the record on this Roll Call that what I have asked for is to put this Bill into Amendment stage. I do not want anybody to later run around and wave the Bill as it came out of Committee on environmental record and point out that certain individuals voted against the environmental laws, as the Bill states.

I think it is just a procedural question of putting the Bill into a position where it can be amended. I would just like that on the record, thank you.

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

Mr. FARLEY: Mr. President and Members of the Senate, very, very briefly. I do plan on supporting the Senator from Penobscot on this issue here, Senator Trotzky. However, to support the statement made by the Senator from Oxford, Senator O'Leary, the Committee on Natural Resources had many alternatives if they had done their work on that study committee on solid waste disposal, instead of being so concerned about a Bottle Bill. I happened to be there as the House Chairman of the Energy Committee at that time with the permission of the Speaker of the House and President of the Senate to attend and there were many, many viable alternatives given to the Natural Resources Committee which they refused to work with.

Thank you very much.

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 Pending question before the Senate is the Motion by the Senator from Penobscot, Senator Trotzky, that this Bill, L. D. 756, and all its accompanying papers 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 — Chapman, Collins, D.; Collins, S.; Conley, Cummings, Farley, Greeley, Hewes, Hichens, Huber, Levine, Morrell, Snowe, Speers, Trotzky.

NAY — Carpenter, Curtis, Danton, Jackson, Lovell, Martin, McNally, Merrill, Minkowsky, O'Leary, Pierce, Pray, Redmond, Usher, Wyman.

ABSENT — Katz, Mangan.

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

Mr. CONLEY: Mr. President, I wish to change my vote from Yea to Nay.

14 Senators having voted in the affirmative and 16 in the negative, with 2 Senators being absent, the Motion to indefinitely postpone does not prevail.

The Minority Ought to Pass Report accepted.

The Bill Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate: Bill, "An Act to Increase the Penalties for Violation of State Anti-trust Laws. (H. P. 273) (L. D. 347) Tabled — April 29, 1977 by Senator Conley of Cumberland.

Pending — Motion of Senator Collins of Knox to indefinitely Postpone House Amendment "A" to Committee Amendment "A".

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

Mr. COLLINS: Mr. President, when we halted debate on this on Friday, the good Senator from Cumberland, Senator Merrill, had posed a question through the Chair concerning the intent of the Senator from Knox with regard to the amendments relating to this Bill.

What I propose to offer to the Senate is an Amendment which will do two things: One, it will provide that in the existing procedures, which the Attorney General may conduct in anti-trust cases with regard to summoning witnesses and records and in investigative procedures, that the proceeding may be either public or private at the choice of the one being summoned.

The second thing that would be accomplished is that the penalty would be changed from its present status to become a Class D crime. The present penalties have a limit of \$1,000.00 in their application. Most of the crimes that are committed in anti-trust, if there are any among small Maine businesses, would be likely to be committed by corporations. Under the Class D provisions, if a corporation is the offending party, the fine would be \$5,000.00 rather than the existing provision for \$1,000.00.

The fine provision for an individual would be \$500.00. However, the Criminal Code Advisory Commission is recommending, and we expect they will be presenting their recommendation soon to the Legislature, that the Class D fine on an individual will be increased so that it will be \$1,000.00. In addition, for a Class D crime, the Statute at present provides that there will be any higher amount which does not exceed twice the pecuniary gain derived from the crime by the convicted organization.

The essential difference between the Amendment that I would offer and the Amendments now on the Bill are matters of degree. The items now on the Bill would use the Class C standards for punishment. This would bring the amount of fine up to \$10,000.00 and in the case of jail sentence would bring the period up to time not to exceed five years.

The other thing that is in the existing Amendments on the Bill as it comes to us, is that a party, either the State or a private party in a treble-damage action, would collect not only triple damages, but also the cost of the investigation, the cost of expert witnesses and the cost of attorney's fees.

It seems to me that it is basically unfair to require the business to pay all these matters on top of the criminal penalty. So, if you make a judgment on this, I think you would basically be making a judgment of degree, is business price-fixing, which is the usual gist of an anti-trust action, is it so serious that it should have a Class C penalty on it? Is it so important that we should provide all these additional incentives for litigants, either State or private parties to become involved in the anti-trust damage actions?

I would, therefore, renew the pending Motion, which would be to indefinitely postpone House Amendment "A". I would follow that, if it were accepted, by a Motion to postpone Committee Amendment "A" and then introduce my own Amendment.

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

Mr. MERRILL: Mr. President, I would like again to pose a question through the Chair of the previous speaker. He has stated that the present penalty for Class D Crime for an organization is \$1,000.00 and I wondered if he could make clear for the record why it is not \$5,000.00 for a Class D or a Class C crime.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair to the Senator from Knox, Senator Collins, who may answer if he so desires.

Mr. COLLINS: Mr. President, I am not certain whether I understand the question of the Senator, but as I look at Section 1301, (d) It provides that regardless of the classification of the crime, any higher amount which does not exceed twice the pecuniary gain from the crime by the defendant.

The existing Class D for a corporation is \$5,000.00; the existing Class D for an individual is \$500.00. The jail part for Class D is for the individual a period of up to one year, less than one year.

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

Mr. MERRILL: Mr. President, let me clarify my question, if I may. As I read the Criminal Code enacted by the last Legislature, Sub-Section 3, Section (d) dealing with the penalties for organizations who commit crimes, it says \$5,000.00 for a Class D crime or Class E crime. Now this is another section that operates to limit that to \$1,000.00 which I would be ready to point out, it seems to me the statement of \$1,000.00 at the present from an organization would be a misstatement.

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

Mr. CURTIS: Mr. President, it seems to me that the answer to the question can be found in Title 10, Section 1101, contracts in restraint of trade. The last sentence says: "Whoever shall make any such contract or engage in any such combination or conspiracy" — this has to do with contracts and restraint of trade — "shall be punished by fine of not more than \$1,000.00 or by imprisonment for not more than six months or by both."

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

Mr. SPEERS: Mr. President, I move this item lie on the table for one legislative day.

The PRESIDENT: The Senator from Kennebec, Senator Speers now moves this item be tabled for one legislative day pending the motion by the Senator from Knox, Senator Collins, that House Amendment "A" be indefinitely

postponed. Is that the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Merrill

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

The PRESIDENT: A Division has been requested. Will all those Senators in favor of tabling this matter for one legislative day, please rise in their places to be counted.

Will all those Senators opposed to tabling this matter for one legislative day, please rise in their places to be counted.

16 Senators having Voted in the affirmative and 12 in the negative, the Motion to table does prevail.

Out of Order and Under suspension of the Rules, the Senate voted to take up the following:

Papers From The House House Paper

Resolve, to Apportion Multimember Districts of the House of Representatives into Single Member Districts. (H. P. 1486) (L. D. 1723)

Comes from the House, Passed to be Engrossed

Without Reference to Committee.

Under Suspension of the Rules, Resolve Read Twice.

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day,

Pending passage to be Engrossed.

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

Mr. PIERCE: Mr. President and Members of the Senate, very briefly I would just like to call your attention to a letter which I had distributed this morning from Blue Cross-Blue Shield addressed to the House Chairwoman, Mrs. Clark of the Business Legislation Committee.

I think over the last week you have all been aware of the increasing publicity having to do with some confrontations between Blue Cross-Blue Shield and the Insurance Commissioner. There are several important Bills which are presently pending in the Business Legislation Committee, and I understand perhaps some more which may be introduced from the Governor's office.

I did distribute the letter as hopefully it would up-date you on this situation and clarify it for you, and from time to time we will present further information so that when we do have to make some important decisions later in the Session you will have this information at hand.

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