

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Friday, May 6, 1977

Senate called to Order by the President.
Prayer by the Honorable Charles P. Pray of Millinocket.

Mr. PRAY: Lord, as we end this week of deliberation, aid us in our consideration to be fair and honest with ourselves and those we serve. As we head home this afternoon, watch over the Members of this Legislature and the excellent staff that serves us. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act to Expedite the Collection of Sales Tax on the Rental of Automobiles." (H. P. 600) (L. D. 725)

In the Senate April 28, 1977, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-267, in non-concurrence.

On Motion by Mr. Pierce of Kennebec, the Senate voted to recede and concur.

Non-concurrent Matter

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

In the Senate, May 4, 1977, Passed to be Engrossed as amended by Committee Amendment "A" (S-106).

Comes from the House, Bill and Papers Indefinitely Postponed, in non-concurrence.

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

Pending — Consideration

Joint Orders

Expressions of Legislative Sentiment recognizing that: Falmouth High School has won the State Mathematics Championship for 1977 at the State Math Meet. (H. P. 1527)

Bruce Leo of Gray-New Gloucester High School earned the highest individual score in the State Mathematics Championship for 1977. (H. P. 1529)

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

House Papers

Bill received from the House requiring reference to Committee was acted upon in concurrence.

Communications

HOUSE OF REPRESENTATIVES

May 5, 1977

The Honorable May M. Ross
Secretary of the Senate
108th Legislature
Augusta, Maine
Dear Madam Secretary:

The House voted today to Adhere to its former action whereby it Indefinitely Postponed Bill "An Act Concerning the Penalty for Sale of Alcoholic Beverages to Minors" (S. P. 249) (L. D. 758)

The House also voted today to Adhere to its former action whereby it Indefinitely Postponed Bill "An Act Permitting Corporal Punishment in Certain Private Schools" (S. P. 181) (L. D. 495)

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Senator Pray of Penobscot was granted unanimous consent to address the Senate on the record.

Mr. PRAY: Mr. President and Members of the Senate, I am kind of sorry to see that the House adhered on this matter which we had just taken care of. Earlier this year we addressed the issue of drinking in our younger adults and much concern was expressed about not only those young adults of 18 and 19, but other individuals of our society from the ages of 12 through 17.

I am kind of close to this legislation here that has just been put in the files and has now gone through the legislative process. I would just like to briefly say what the Bill did do.

For an individual who purchased alcohol for somebody under the age of 16, we were going to enforce a little bit stricter law. I do not think that it was too much to ask to remain consistent about previous action, and I do feel as if I would be remiss if I let this issue go by without at least expressing my own deep concern for the problem that we have addressed earlier. I am very sorry this Legislature did not take the further action, not only by this legislation, but several other Bills which we have had before us and which we will still have.

I hope that we will not let the issue die with the fact that we have just raised the drinking age. Thank you.

Orders

On motion by Mr. Huber of Cumberland, ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: "Resolve, Directing the Bureau of Taxation to Provide Credits for the Commuter's Income Tax Imposed by New Hampshire for the Period January 1, 1975 to March 19, 1975." H. P. 1482, L. D. 1698.

(S. P. 489)

Which was read.

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

Pending — Passage

Committee Reports

House

Leave to Withdraw

The Committee on Election Laws on, Bill, "An Act to Require Direct Mailing and Verification of Absentee Ballots and Concerning the Marking of Verification Ballots." (H. P. 452) (L. D. 557)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Bill Recommitted to the Committee on Election Laws.

Which report was read.

On Motion by Mr. Katz of Kennebec, tabled for two legislative days

Pending — Acceptance of the Committee Report.

Change of Reference

The Committee on Legal Affairs on, Bill, "An Act to Provide for Municipal Licensing of Public Dancing and to Authorize Suspension or Revocation of Municipal Licenses for Exhibitions and Amusements." (H. P. 1109) (L. D. 1364)

Reported that the same be referred to the Committee on Liquor Control.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Liquor Control.

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

Ought to Pass

The Committee on Local and County Government on, Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1977. (Emergency) (H. P. 1524) (L. D. 1751)

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 Report was Read and Accepted, in concurrence and the Resolve Read Once.

Under Suspension of the Rules, on Motion by Mr. Jackson of Cumberland, the Resolve was read a Second Time.

The Resolve passed to be Engrossed in concurrence.

The Committee on Local and County Government on, Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1977. (Emergency) (H. P. 1528) (L. D. 1753)

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 Report was Read and Accepted, in concurrence and the Resolve Read Once.

Under Suspension of the Rules, on Motion by Mr. Jackson of Cumberland, the Resolve was Read a Second Time.

The Resolve passed to be Engrossed in concurrence.

Ought to Pass — As Amended

The Committee on Natural Resources on, Bill, "An Act to Establish an Environmental Coordination Procedure." (H. P. 386) (L. D. 476)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-262).

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.

The Committee on Transportation on, Bill, "An Act Authorizing the Commissioner of Public Safety to Appoint and Commission Railroad Policemen and Providing Regulations Pertaining Thereto." (H. P. 790) (L. D. 1014)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-236).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto (H-251).

Which Report was Read and Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted in concurrence. Committee Amendment "A" as amended by House Amendment "A" thereto was Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Public Utilities on, Bill, "An Act Concerning the Powers of the Eagle Lake Water and Sewer District." (H. P. 1002) (L. D. 1242)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1521) (L. D. 1747)

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

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Reinstate the Death Penalty." (H. P. 943) (L. D. 1156)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
CURTIS of Penobscot

Representatives:

NORRIS of Brewer
SPENCER of Standish
DEVOE of Orono
BYERS of Newcastle
TARBELL of Bangor
HENDERSON of Bangor
HUGHES of Auburn
GAUTHIER of Sanford
HOBBINS of Saco
BENNETT of Caribou

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

Signed:

Senator:

MANGAN of Androscoggin

Comes from the House, Bill and Papers, Indefinitely Postponed.

Which Reports were Read.

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

Mr. O'LEARY: Mr. President, I would move that the Senate accept the Ought to Pass Minority Report of the Committee.

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

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

The PRESIDENT: A Division has been requested. The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, before we go on to ordering the Roll Call, I certainly would like to express a feeling or point of view I have had in reference to this Bill since it was being discussed back in January of this year in the various newspapers in the State of Maine. And I must say at the present time after reading much on this particular item and following the cases that have materialized in other states, that I concur that this should be sent to the people of the State of Maine upon referendum.

An article appeared January 27 in one of our State of Maine newspapers, where they were discussing the item pro and con, exemplifies part of the feeling I have had about the death penalty in the State of Maine. I would like to read part of this article so that it is perfectly clear on the record, if this particular thing should have any political overtones in the future, exactly what my sentiments are.

It states as follows: "It is not society, but the murderer who ultimately sets the value on human life. Society says it is a capital offense to take a human life, establishing the nature of the crime and the penalty. The murderer takes the life, knowing he will give up his own and thus establishes value. The arguments that capital punishment is, one, not a proven deterrent; and, two, has not been consistently enforced, argue against each other and cancel each other out. Could any law prove its value as a deterrent if it was inconsistently enforced?"

The critics of capital punishment bemoan the lack of consistency in its enforcement and harp on its lack of value as a deterrent, without recognizing this direct relationship. We will never know whether capital punishment works as an effective deterrent until it is imposed in all situations in which lives are lost through heinous, violent acts.

Any society, even a civilized society, has two

basic obligations. The first is preserve and perpetuate itself; the second is to protect and defend its members who abide by its laws. Societies that fail in either of these obligations quickly cease to be coherent, functioning organizations. Under its second obligation, its primary responsibility is to protect the lives of the citizens and to recognize this importance, the responsibility by imposing the harshest penalties on those who wilfully destroy other human beings.

Mr. President and Members of the Senate, I think this has been the feelings as taken in a television poll back in the month of February or March of this year, and I do not think the people of the State of Maine should be denied the opportunity to vote on this issue in referendum, either pro or con.

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

Mr. MANGAN: Mr. President, this Bill comes before us as a Divided Report today, primarily because I was the one that signed the Minority Ought to Pass. My rationale on that was fairly consistent with the rationale of my brother Senator from Androscoggin County, Senator Minkowsky.

WGAN-TV did take a poll on this specific issue from the people in the State of Maine. The question at that time was, Should the people of the State of Maine be allowed to vote on a reinstatement of the death penalty. The issue is not, do you favor the death penalty, but should the people be allowed to vote on it. The vote was 963 yes and 178 no.

Now in the states that I have been familiar with or have lived in, I cite for example Massachusetts, where the people were given the opportunity to vote on the death penalty, and it did pass with overwhelming flying colors.

The question I have here is, should the people of the State of Maine have a right to make this decision, or will the Legislature make that decision for the people themselves. It has been my knowledge to see that in all of the states that have had the death penalty question submitted to the people, the overwhelming majority of those states did enact a death penalty pursuant to the vote of the people.

Now I am not here to question whether a death penalty is a deterrent to murder or is not a deterrent to murder; and I did have the opportunity to speak with a doctor yesterday who tried to approach the matter logically — which I think is difficult to do at times — and this doctor did state that it would probably cost the State of Maine somewhere in the vicinity of \$2,000.00 to kill somebody as a result of a conviction for murder. On the other hand, we would probably save in the vicinity of \$20,000.00 a year in guard fees and food and what not for a good 30 years. Which was a difference between \$2,000.00 and \$600,000.00.

We are not looking at it necessarily deterrent-wise and not looking at it necessarily logically as far as the money is concerned. There are questions today as to whether somebody who takes somebody else's life is really sick and, therefore, should not be committed to some sort of an asylum. There are serious doubts as to whether somebody who has taken somebody else's life can be rehabilitated. But I think the major question today is whether we are going to preserve the right of the people of the State of Maine that we represent to vote on this important issue.

I would urge the Members of this Senate at this time to actually allow the people a chance to vote and to pass this piece of legislation.

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

Mr. HICHENS: Mr. President and Members of the Senate, because I have such vivid memories of what took place back in South Berwick 12 years ago — it does not seem possi-

ble that it has been that long since it happened. But on one July day back in 1964, I had picked several bushel of peas, was delivering some of them to a store in South Berwick, drove up in front of the local bank and parked my car and went into the store with that bushel of peas.

While I was there being paid for them, suddenly shots rang out and I, along with other people, ran out onto the street and I arrived in front of the bank, in front of my car just in time to see a Trooper in his death throes. One of the men who had robbed that bank had been thrown to the pavement, the other had escaped in a car and the police had gone after him.

After an extensive hunt, they found the man and later on he and his fellow robber were convicted and put in the State's Prison. I would like to read the headline on front of the Portland Press Herald today, because it brings those memories back to me.

"Parole officials have issued a warrant for the arrest of the convicted murderer of a Maine State Trooper Charles Black during a South was issued for Joseph R. MacDonald, 45, who was convicted of murder in the 1964 slaying of State Trooper Charles Black during a South Berwick bank robbery."

"Paroled from Maine State Prison in Thomaston in December, 1975, MacDonald was returned to the New Jersey State Prison at Leesburg to complete a sentence there."

"According to Raymond K. Conniff, acting director of the Maine Division of Probation and Parole, MacDonald was released from the New Jersey prison on April 9 with instructions to report to a Maine parole officer in Portland. Conniff said MacDonald, a former resident of Rochester, N.H., had been convicted in New Jersey for 'atrocious assault and battery and robbery' in 1958. He was paroled by New Jersey officials in June, 1964, and less than one month later he and Wayne Beckus of Masontown, Pa. robbed the South Berwick branch of the First National Bank of Biddeford."

"During the robbery, Trooper Black was shot and killed, the only Trooper ever to be killed in the line of duty, a State Police spokesman noted. At their sentencing in 1967, MacDonald and Beckus each received the mandatory life term for murder."

Six years later MacDonald was involved in the uprising in our Maine State Prison and was transferred to the Federal Prison at Joliet, Ill. He came back and two years later was released on parole, just 10 years after being convicted for this cold-blooded murder of this Trooper. Now he has violated that parole and is being sought.

I can well imagine if the vote was taken in the York County area today just how the people of York County would vote on reinstating the death penalty, and I would go along with this Minority Report today to let the people make the decision. I am not going to try to make the decision for them this afternoon, but I think they should have the right to make that decision.

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

Mr. LEVINE: Mr. President and Members of the Senate, this is a very difficult situation I find myself in. I rise with great trepidation here. I have heard some talk here today about the heinous acts that are committed, the act of murder, even rape has been brought up, but it has generally been found by most Courts of high standing that rape does not fall under the qualification for capital punishment, although in some instances it might.

But I would like to say a few words here. First of all, we have heard how it might save the State \$598,000.00 in order that we might put someone to death rather than incarcerate them for 30 years. I would hate to think that we can place any dollar value on human life and this is

on argument which is totally moot to me at this point. This in itself is a heinous act, our discussing the saving of money by putting another human being to death.

I have a serious question about capital punishment, perhaps the most serious question. What do you do in an instance where a mistake was made? How do you give someone back life? Is it up to us to give back life, or up to God? I do not think anyone in this room can give a life back once it has been taken. And I have heard some talk in the halls, although not in this Chapter, about the Biblical adage, 'an eye for an eye and a tooth for a tooth'. Perhaps we should read further in the Bible. Perhaps we should read in the Bible where the Lord has said, 'vengeance is mine, thus sayeth the Lord.'

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 Oxford, Senator O'Leary, that the Senate accept the Minority Ought to Pass Report of the Committee.

A Yes vote will be in favor of accepting the Ought to Pass Report: A Nay vote will be opposed.

The Secretary will call the roll.

YEA — Chapman, Greeley, Hewes, Hichens, Jackson, Lovell, Mangan, Minkowsky, O'Leary, Pray, Redmond.

NAY — Carpenter, Collins, D.; Collins, S.; Conley, Cummings, Farley, Huber, Katz, Levine, Martin, McNally, Morrell, Pierce, Snowe, Speers, Trotzky, Usher.

ABSENT — Curtis, Danton, Merrill, Wyman. 11 Senators having voted in the affirmative and 17 Senators in the negative, with 4 Senators being absent, the Motion to accept the Minority Ought to Pass Report does not prevail.

Majority Ought Not to Pass Report accepted, in non-concurrence.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I now move for reconsideration and urge the Senate to vote against me.

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Remove the Manufacturer's Excise Tax on Tires from the Sales Tax." (H. P. 339) (L. D. 430)

Reported that the Same Ought to Pass as amended by Committee Amendment "A" (H-209).

Signed:

Senator:

WYMAN of Washington

Representatives:

MAXWELL of Jay
CAREY of Waterville
MACKEL of Wells
CHONKO of Topsham
TWITCHELL of Norway
IMMONEN of West Paris

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

Signed:

Senators:

JACKSON of Cumberland
MARTIN of Aroostook

Representatives:

COX of Brewer
TEAGUE of Fairfield

**CARTER of Bangor
POST of Owls Head**

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-230).

Which Reports were Read.

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

Mr. JACKSON: Mr. President and Members of the Senate: A piece of legislation like this has much merit, but I feel that to try and resolve this problem of double taxation with individual pieces of legislation is not the answer.

This is one reason why I signed the Bill out Ought Not to Pass. Another reason, this Bill in its original version, it has been amended as you will note, but in its original version it carried a price tag of \$130,000.00 the first year in the biennium and \$173,000.00 in the second year of the biennium.

I think that the answer to this problem is that maybe a little later down the road, and we do have a piece of legislation in the Taxation Committee, if we so decide to take a complete look at the taxation picture in the State, might answer this problem.

I, therefore, now request that the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

Pending — the Motion of the Senator from Cumberland, Senator Jackson, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

Senate

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

Bill, "An Act Establishing Standards for Surveys of Municipal or County Boundaries." (S. P. 397) (L. D. 1356)

Senate

Leave to Withdraw

Mr. Usher for the Committee on Fisheries and Wildlife on, Bill, "An Act to Establish a Closed Season on Deer on Deer Isle." (S. P. 194) (L. D. 591)

Reported that the same be granted Leave to Withdraw.

Mr. Pierce for the Committee on Business Legislation on, Bill, "An Act to Regulate the Use and Possession of Compressed Air for the Purpose of Scuba Diving." (S. P. 378) (L. D. 1254)

Reported that the same be granted Leave to Withdraw.

Mr. Pierce for the Committee on Business Legislation on, Bill, "An Act Relating to the State Board of Social Workers Registration Law." (S. P. 29) (L. D. 41)

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. Collins for the Committee on State Government on, Bill, "An Act Relating to Foreign Trade Zones." (Emergency) (S. P. 128) (L. D. 312)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-120).

Mr. Pierce for the Committee on Business Legislation on, Bill, "An Act Concerning Fees of the Board of Chiropractic Examiners." (S. P. 231) (L. D. 735)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-123).

Mr. O'Leary for the Committee on Local and County Government on, Bill, "An Act Relating to Training Municipal Fire Departments, Incorporated Volunteer Fire Departments and Fire Brigades." (S. P. 362) (L. D. 1216)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-124).

Which Reports were Read and Accepted and the Bills 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 Legal Affairs on, Bill, "An Act to Exclude Sparklers from Prohibition against the Sale of Fireworks." (S. P. 379) (L. D. 1255)

Reported that the same Ought to Pass.

Signed:

Senators:

HEWES of Cumberland
CARPENTER of Aroostook
CUMMINGS of Penobscot

Representatives:

COTE of Lewiston
MOODY of Richmond
GOULD of Old Town
BIRON of Lewiston
SHUTE of Stockton Springs

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

Signed:

Representatives:

BURNS of Anson
CARRIER of Westbrook
JOYCE of Portland
DURGIN of Kittery
DUDLEY of Enfield

Which Reports were Read.

On Motion of Mr. Hewes of Cumberland, Majority Ought to Pass Report accepted.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Pertaining to License Fees for the Regulation of Certain Amusements." (H. P. 577) (L. D. 701) have had the same under consideration, and ask leave to report:

that the Senate recede and concur with the House.

On the Part of the Senate:

HEWES of Cumberland
CARPENTER of Aroostook
CUMMINGS of Penobscot

On the Part of the House:

JOYCE of Portland
MOODY of Richmond
BURNS of North Anson

Which Report was Read.

On Motion by Mr. Pierce of Kennebec, tabled for one legislative day.

Pending — Acceptance of the Committee Report.

Second Readers

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

House

Bill, "An Act to Amend the State Tuition Equalization Fund." (H. P. 258) (L. D. 327)

Bill, "An Act Concerning the Seeking of Competitive Bids by the Treasurer of State." (H. P. 299) (L. D. 355)

Bill, "An Act Relating to Guardianship of Incapacitated Adults in Need of Protective Services." (H. P. 327) (L. D. 418)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook

County for the Year 1977. (Emergency) (H. P. 1516) (L. D. 1744)

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1977. (Emergency) (H. P. 1518) (L. D. 1745)

Which was Read a Second Time.

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

Mr. MANGAN: Mr. President, I would like to move that L. D. 1745 be tabled for one legislative day.

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, now moves L. D. 1745 be tabled for one legislative day.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I ask for a Division.

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

Will all those Senators in favor of tabling this item for one legislative day, please rise in their places to be counted?

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

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

Which Resolve was Passed to be Engrossed in concurrence.

House — As Amended

Bill, "An Act Concerning the Operating Expenses of Public Utilities." (H. P. 836) (L. D. 1009)

Which was Read a Second Time.

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

Mr. SPEERS: Mr. President, I move that L. D. 1009 lie on the table.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that L. D. 1009 be tabled.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

Will all those Senators in favor of the Motion of the Senator from Kennebec, Senator Speers, please rise in their places to be counted.

Will all those Senators opposed to the Motion of the Senator from Kennebec, Senator Speers, please rise in their places to be counted.

17 Senators having voted in the affirmative and 8 Senators in the negative, the Motion to Table does prevail.

Bill, "An Act to Authorize the Issuance of Free Fishing Permits to Patients in Regular Nursing Homes." (H. P. 694) (L. D. 876)

Which was Read a Second Time.

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

Mr. CONLEY: Mr. President, I move that LD 876 be placed on the table.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that LD 876 be tabled.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: I move that LD 876 be tabled for one legislative day.

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

Mr. CONLEY: 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 LD 876 for one legislative day, please rise in their places to be counted.

Will all those Senators opposed to tabling LD 876 for one legislative day, please rise in their places to be counted.

14 Senators having voted in the affirmative and 11 Senators in the negative, the Motion to table for one legislative day does prevail.

Bill, "An Act to Raise the Christmas Tree Transportation Registration Fee." (H. P. 179) (L. D. 241)

Bill, "An Act to Exempt the Literacy Volunteers of the Pine Tree State from the Sales Tax." (H. P. 537) (L. D. 652)

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

Bill, "An Act to Clarify the Powers of the Department of Inland Fisheries and Wildlife." (H. P. 354) (L. D. 447)

Bill, "An Act Relating to Music, Dancing or Entertainment." (H. P. 875) (L. D. 1068)

(See Action later today)

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

Sent down for concurrence.

Enactors

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

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

On Motion by Mr. Pierce of Kennebec, tabled for two legislative days.

Pending — Enactment

An Act Establishing the Offense of Illegal Transportation of Alcoholic Beverages Onto or Off of the Premises of a Licensee Licensed for On-Premise Consumption. (S. P. 380) (L. D. 1256)

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)

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

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

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins in reference to L. D. 558.

Mr. COLLINS: Mr. President, I request a Roll Call on this Bill and would like to speak briefly.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: Today the Senate has its final opportunity to preserve an important safeguard to the integrity of its classified civil servants and to sustain public confidence in the political non-partisanship of its bureaucracy.

As one who deals with the bureaucracy constantly as a private citizen and as a veteran political observer, who feels deeply about the long-range quality of our State government, I am impelled to review with you where we have been and to ask your careful judgment about where we are going.

The 107th Legislature repealed Maine's Baby Hatch Act except that this Senate unanimously rescued one critical piece of that Act, the prohibition against political fundraising. Where did the Hatch Act come from? At the national level this law was enacted in 1939 by a Democratic Congress in response to growing public dissatisfaction with the cronyism and machine-type political activities which permeated government service. Thousands of people who were being paid by taxpayers, were in fact busily engaged in partisan politicking for candidates of one party or another.

With the encouragement from the League of Women Voters and statesmen-like leaders of

both political parties, the State of Maine followed suit. Maine's Baby Hatch Act was in place for about 30 years. In 1974 the Federal Election Campaign Act Amendment removed the restriction against certain partisan political activities by state and local government employees in Federally aided programs.

In announcing this to its membership in 1975, the Maine State Employees Association said, and I quote, "Where State law establishes more strict prohibitions on the political activity of State and local employees, these prohibitions remain in effect." It was not the intent of Congress to pre-empt or supersede by the amendment any existing State law."

The Federal Hatch Act, although considerably modified in its application to State and local employees, is still in place. You may recall that Congress repealed it. President Ford vetoed the repeal act, and the House of Representatives sustained the veto.

In his weekly report in October, 1975, Congressman Bill Cohen supported retention of the Hatch Act. He noted that a National Federation of Federal Employees questionnaire revealed that 89 percent of those replying preferred continuing the Hatch Act unchanged.

I wonder how our Senators from Kennebec can be so sure that the rank and file of State employees want to be subjected to partisan political fundraising. Surely we know from our experience as Legislators that the wishes of leadership are not necessarily the wishes of rank and file. Have they forgotten, perhaps it is because they are too young, have they forgotten the 2 percent club, the peer pressure to buy tickets to political fundraising dinners and similar events. Have they overlooked the possibility that merit increases and promotions may be denied to the employee who does not vote for certain candidates? This, of course, would not be a legal way to proceed, but there are things that happen without conversation, almost subconsciously in the peer pressure realm.

As soon as the legislation repealing Maine's Baby Hatch Act was enforced, the 'Maine Stater' announced the formation of the new Political Actions Committee and that candidates would be endorsed and financial support given. Unsolicited contributions were about \$693.00 in 1976 and another \$147.00 after the Fall election, according to the report filed with the Secretary of State.

But what of the future? What can we learn from other states? In Illinois, about three years ago, the State employees mounted a strong campaign to have the monthly salary of every State Employee increased by \$100.00 per month. A Democratic Governor of Illinois vetoed that Bill. The State employees of Illinois descended upon the capitol and overwhelmed the Legislature and caused an override of the veto.

In our minds we must remember the model of New York City, still in financial purgatory, where the average policeman in 1975 received \$21,359.00 a year with fringe benefits; \$18,558.00 a year for a garbageman; and \$24,481.00 for a teacher. In California in 1974 \$1.7 million was contributed to political campaign chests by government employees.

Unions are a good and necessary feature of our 20th Century society. We see their influence every year here in the Legislature in the legislation that comes before us. By and large the State of Maine has been blessed with responsible union leadership. I hope that it may always be that way.

But we must realize that the State of Maine program in dealing with its unions, with its labor force, has changed. Year after year the Legislature has given new privileges and opportunities to our State employees. We have provided that there can now be collective bargaining. Yesterday the Senate voted to give the opportunity for the agency shop. How is

collective bargaining going to work? We are not sure. We have not seen it yet. We know elections have been taking place in the bargaining unit. We know that soon there will be meetings scheduled around the table to work on the problems that may be negotiated.

I think the time has come when we have to stop and look at the relationship of the Maine Legislature to the bargaining process. I have to think of it somewhat in the way of a large corporation. The Stockholders are the people of Maine: They elect the board of directors, which is this Legislature, and this Legislature thereby becomes part of the management. One of the things that we learn early on in labor law is that you cannot be part of the management and part of the labor force at the same time. Both sides are important, but both sides have to take a separate role in the bargaining process. Does this Legislature want to become a part of both sides of the collective bargaining process? Is that where we should go in the future?

I suggest that we need to think very carefully about this, because if collective bargaining is going to be successful, if it is going to fulfill the role that our labor laws across this country has prescribed for it, if we are going to let it take the course that has proved a satisfactory way to work out these problems in many industries and in many states, then we must remember that labor and management sit down around a table, but they are not on both sides of the same table at the same time.

I think the handwriting is on the wall for the Maine State Employees Association. What do I mean by that? Several days ago there was an election among institutional employees. Maine State Employees Association lost the election. They lost it for two reasons, as I see it. I am not an authority, I was not there. They lost it because the Teamsters Union came in and through a write-in type of campaign, caused enough consternation and question so that the Teamster ballot was thrown out and a valid election was ordained in which the Maine State Employees Association came out second.

What attracts the International unions? Money and power, the opportunity for money and power. We are being asked today to provide the opportunity for greater money and greater power for Maine unions, and I would predict that if this is the course that this Legislature wants to take, that the international unions will soon oust the Maine State Employees Association from its traditional role as the major representative of our State employees.

I think this would be unfortunate, because I think that as soon as the international unions had a major hold on these unions in Maine, that then the money would begin to bleed outward, because the international unions have a very expensive superstructure of international management, and that must be supported by all who are a part thereof.

I expect that I will be labeled anti-union for this address. I do not feel that way. I feel that I am trying to protect the average State of Maine employees from constant solicitations from his peers and from others for political purposes, partisan political purposes. That employee today, without any change in our law, may give any way that he wishes voluntary contributions. But there is a tremendous difference between voluntary contributions and constant solicitation of employees by political activists who have a very important stake to gain in defeating or electing political candidates.

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

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

Mr. MANGAN: Mr. President, I rise to disagree with my very good friend and most respected Chairman of the Judiciary Committee, the Senator from the County of Knox, Senator Collins, for a number of reasons.

If I were in Court today, I would probably have to stand up and object over and over and over again on the basis of immateriality and irrelevancy. We are not today discussing the issue of whether unions have power and money; we are not discussing a lost election or disputed election, we are not discussing collective bargaining; we are not discussing salaries being paid to New York City policemen or policemen in other areas of the country. It is generally well recognized that some of our State employees are taking home around \$100.00 a week, which is almost impossible to live on.

We are not really looking at job cronyism. What we are looking at basically is whether we are going to allow our State employees to raise funds politically as a group, same as the Maine Teachers Association or any other group in the State of Maine. Now we really cannot talk about cronyism. I am not really sure that if I received any kind of political support from a clerk in the Lewiston Motor Vehicle Division, that I could promise her a job in Augusta at a much higher rate of pay. Matter of fact, I have trouble putting County legislation through the Senate, let alone promising anybody a job.

I am not really sure there is any more peer pressure to buy tickets or to contribute to a candidate than in any other organization that is currently in existence in the State of Maine, and I am not really sure that this is going to affect leadership.

What we are looking for here is basically to say to the State employees, look, State employee, you are not a second class citizen. You are an individual who has a right to express your political views and opinions. You are an individual who has a right to work for a political party, if you do wish to, without any fear of retribution on your job because a member of the opposing political party does not like the idea, and to make matters perfectly clear, I was refused any kind of endorsement from the Maine State Employees Association when I ran, so I am not really trying to back up a support that I might have had.

I am just saying here that the issue is whether we are going to allow the Maine State Employees to participate in and enjoy the rights enjoyed by every other American citizen today, and our Maine citizens, including State employees, Maine Teachers Association members, and any other members of any other associations, have got certain rights and privileges that they must have, and this includes the right to solicit funds if they so desire, for any political fund raising they want to carry on.

I would urge the members of this Body today to enact this Bill, and to send it on its way to the Governor's office.

Thank you.

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

Mr. LEVINE: Mr. President, a few very brief comments. I applaud the speech of the good Senator from Knox, Senator Collins, although he and I disagree on this issue, but I would be the first to say that I do not think that his stand is an anti-labor stand or anti-union stand. I think he believes in what he said.

I think he spoke from his perspective, which is different from mine. He spoke of peer pressure a few days ago on this issue. He mentioned peer pressure again today. Well, that is a nice statement, peer pressure, but let us look around here. We are a much closer knit group and despite our political differences, our sociological and economic similarities are much closer than that of the State employees. If we are to stand up and speak of peer pressure, let us speak of peer pressure here. We as Legislators are allowed to raise funds for political contributions to candidates of our own party, or even another party. Why then cannot the State employees.

We are here by choice. I do not think there is anyone in this room that derives the major portion of their income from what we are paid here in the State Senate of Maine. We have a real choice here. State employees have taken that employment, not simply to perform a service for the State. Let us be perfectly frank. There are some that have done that, but by far and large the majority of them are there to earn a living for themselves and their family. Why then should we separate them. Why should we take away a right that is given to all other members of our society in a case like this. I have men that work for me in my business. They are allowed to raise political funds. They are allowed to contribute in fund raising activities. They can put as much pressure on any of us, I feel, as the State employees can. Someone who works in a mill is allowed to raise funds politically. They can come up here. They can lobby. They can put pressure on us to raise the minimum wage or to give them a tax break, or anything they care to do, and yet we do not give this same right, not privilege, ladies and gentlemen, but the same right to State employees, and that is the basic question here. Shall they have the full rights of citizenship, or shall we withhold one of these rights from them.

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

Mr. HEWES: Mr. President and Members of the Senate: I would like to consider the plight of the employee who does not want to give to a certain candidate, does not want to give to any candidate, whereas his supervisor may want that person to give to candidate X, and I submit that as a result of that employee's not giving to the candidate or supporting the candidate that his boss or superior wants him to support, that particular employee may not receive a meritorious pay rise or change in grade, or may have less favored hours or have to work weekends or something to his detriment.

Now we want to vote in the best interest of all of the citizens of Maine, but also of the State employees. One of the employees who works here and whose parents live in Cape Elizabeth approached me the other day to vote for this, and when I mentioned, well, supposing you do not happen to support the same candidate that your supervisor does — well, he had not thought of that, and they kind of had second thoughts whether they wanted this to pass or not.

I just submit that once this is on the books, it will probably never really move. I hope you will not vote for the passage of this Bill at this time.

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

Mr. LEVINE: Mr. President, the same argument as the good Senator from Cumberland, Senator Hewes, has presented, let us look a little further. The shop steward in a factory that is unionized may not want to raise funds for the same political candidate that someone who works under him might want to. Will he then be in a bad position to have his viewpoint made known to the Union and to Management? A Member of either party in this Body may not agree with the leader of that Party here, does that mean that his Bills will fail, that the party will fight his Bills?

I think if you are going to use an argument like this, you should use it on the broader scale, and I do not think that argument holds water at all. I do not think it will hold up at all. I think we should think very carefully on this.

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

Mr. CONLEY: Mr. President and Members of the Senate: I believe the good Senator from Knox, Senator Collins, certainly gave an excellent viewpoint, his own personal viewpoint relative to this particular Bill.

However, I would have to strongly disagree.

because I think he is seeing boggiemen in the closet.

One thing, perhaps one or two people in this Chamber are card carrying Union members, and I can assure the good Senator from Knox, Senator Collins, that on occasions there are assessments or contributions made to various political action groups, and it is generally people we have nominated or elected to serve in those groups to make a policy decision as to what candidate they feel they should solicit during election time. I can assure the good Senator from Knox, like the good Senator from Androscoggin, Senator Mangan, stated that during this past election I believe it was one group of State employees, because of my position on the Hay plan two years ago, I did not receive endorsement from them. I could have cared less, and I told them exactly what to do with their endorsement, and I am sure they knew what I said, and I am sure many of you can understand what I probably said.

But I am not, nor have I ever been afraid of peer pressure groups. I have often referred to this Chamber as the House of Bankers, and I can assure you that no Banker ever contributed to my campaign to get here, but probably did quite a bit to prevent me from getting here, and have. That does not bother me either.

I do not think we want 33 banking representatives in the Maine Senate, nor do I accuse anyone here of being one, but on the other hand I think we have to recognize sitting in these seats that we are free people, and I would hate to think that the day came along when any political organization outside, or private organization outside, thought I owed them a debt of gratitude relative to any piece of legislation that comes across this desk.

My honest and personal feeling has always been to analyze legislation and then to do what I think is right and proper, and when I fail to do that, and I do the opposite, then I am no longer fit to be in this Body, and I am sure that the people will get that message very loud and very clearly and I will receive the message.

So I hope that the Senate does use its wisdom, and that we do allow the so-called collective bargaining procedures that the Senator from Knox, Senator Collins, has related to us. But this piece of legislation here, to me, does not hold the fears that the good Senator from Knox would suggest. Therefore, I would hope that they would vote for enactment of this.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would think at this time that it would be far fetched to think that a State employee who does not participate in a political fund raising will not receive a meritorious pay raise. I believe that there is a degree of civil service in the State of Maine, and everybody goes up according to his own steps.

Secondly, I recall the endorsement of the Maine Teachers Association this year. I do not think it is a political thing. I notice that Mr. Cohen on one side and Mr. Barton on the other side, received the endorsement of the Maine Teachers Association, and, finally, just an interesting note.

I recall back when working in a foundry we used to donate \$2.00 a week, I think it was, to an organization called COPE, the AF of L, CIO's committee on political education. We kind of hung onto that in the local, and just around election time, there were 30 or 35 of us that got together who had donated this amount of money, and we discussed the merits, I think for a space of five or six hours, on who we were going to support on two local candidates. The two candidates came up and discussed the matter with us very strongly, and for some reason or another we selected one candidate, I believe at this time he was Republican, but I really cannot be sure, who seemed to have the most need and

who seemed to be the most sincere person, and no Union issues ever came up at that time. I pretty well swear that we were not really too afraid of meritorious pay raises at the time.

I would sincerely urge the Members of this Senate to enact this Bill as presented.

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

Mr. PIERCE: Mr. President and Members of the Senate: As I have travelled from state to state, I think perhaps the State of Maine has something quite unique in its State employees. I found them to be most unique in their dedication.

Ever since I have been in this Legislature, even representing a District over the last few years that really has very, very few State employees, I think I voted consistently on their behalf, because I believe in them and I believe in the job they do for the State of Maine.

I have, as this Bill comes down to the wire, a bad gut feeling about, and am probably going to cast a vote today in a losing case, but I think this is a bad piece of legislation, and I think in voting for this Bill I would not be voting for State employees. I think for the average State employee that I do represent now, I think I would be voting against them, and I am not going to support the measure, and I would urge you not to either.

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

Mr. MERRILL: Mr. President and Members of the Senate: I do not know what every Member of this Body's definition of fair play is, but mine is to treat equals equally, and I cannot see how we can honestly say that we should discriminate against State employees and their ability to participate in a political process by soliciting funds.

The law presently allows them to contribute, and whether they are soliciting funds because they are involved in one of our campaigns separate from the fact that they are State employees, and I can assure you that people that work for the State are not just State employees. They have other interests. Their interests may be in supporting us because of our stand on the moose bill. I can show you some state employees who hunt, and maybe they become involved in our campaign and want to sell some \$5.00 tickets to a barbeque that we are going to have.

I cannot see why we should say no to that activity, if it takes place off the places where they work, and it is not during working hours.

As to the whole matter of them having a group collection, a fund, I am not sure the law prevents now if they just hire somebody other than one of the employees to do the actual collection. I think certainly it is ambiguous in the law that we wrote last session.

And we have allowed under our Election Laws other employee groups in the private sector and the public sector to have these sort of funds, and with the recent changes in the Federal law, the latest phenomenon is that management people have started putting together political funds, which is a trend that I applaud, and I do not think that this is an activity to worry about on the part of the political process. I think anything that encourages people to contribute to the political process is a good thing. If there have been imbalances and inequities in the past, I think the solution is to get more people to participate.

Now for people with meager incomes, that means that they often times want to participate as a group, so as to have more of an effect. But I think it is a good thing.

When we talk about local control of all of these issues, what we are really talking about is getting people involved in the political process again. There is no one here, I do not think, that wants to vote to raise the money, say, for example, for congressional or gubernatorial cam-

paigns, to have those come out of the public funds, and I do not think there is anyone here that wants only people to be able to run that have the money to be able to do it himself. That means somebody has got to contribute to the campaign, and somebody has got to raise the money.

I have not heard one compelling reason why we have anything more to fear with the State employee asking somebody for some money than we have to fear with a banker asking somebody for some money, a teacher asking somebody for some money, a lawyer asking somebody for some money, or a businessman on Main Street. All these groups have special interests, and they have interests as average citizens.

I think that we ought to grant the same right to State employees that other groups have in our society, and I think this Bill is just a matter of simple equity.

The PRESIDENT: Is the Senate ready for the question?

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

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The pending question before the Senate is enactment of LD 558, "An Act Relating to Political Fundraising by State Employees".

A yes vote will be in favor of enactment. A no vote will be opposed.

The Secretary will call the Roll.

YEA — Carpenter, Conley, Farley, Katz, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Speers, Usher.

NAY — Chapman, Collins, D.; Collins, S.; Cummings, Greeley, Hewes, Hichens, Huber, Jackson, Lovell, McNally, Morrell, Pierce, Redmond, Snowe, Trotzky.

ABSENT — Curtis, Danton, Wyman.

13 Senators having voted in the affirmative, and 16 Senators in the negative, with 3 Senators being absent, this Bill fails of enactment.

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

Mr. COLLINS: Mr. President, having voted on the prevailing side, I ask reconsideration, and urge you to vote against me.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the Senate reconsider its action whereby this Bill failed enactment.

A viva voce vote being had.

The Motion to reconsider does not prevail.

Sent down for concurrence.

"An Act to Permit Vehicular Traffic to Turn Right on Red Light." (H. P. 43) (L. D. 60)

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Hewes, with reference to L. D. 60.

Mr. HEWES: Mr. President and Members of the Senate: I assume that this right turn on red bill will pass, but I would like to make one last attempt at what I think is not a good bill.

The problem is there are too many red lights up in this state. Perhaps the problems they speak about in the Scully Square area of Boston has moved up here now to Maine.

We have presently several other methods of taking a right turn at intersections. I have printed them out, and would like to mention them for a minute. Perhaps specifics become boring, but I would like to discuss them. We have, first off, the green arrow, which is 29 MRSA, Section 947. We have flashing signals, which is 29 MRSA, Section 952 — both flashing red signals and flashing yellow signals. The flashing red signal requires one to stop before entering, the very same thing to be accomplished by this Bill. The flashing yellow signal asks the driver to drive cautiously at

process passing that signal only with caution. Of course, the green arrow requires that you stop first and then proceed if there is any other traffic in the intersection. And, of course, we have the stop sign itself. And then, of course, entering an uncontrolled intersection, a party coming from the right has the right of way.

I submit that we do not need another law that allows us to stop and then go. We have adequate systems now. In fact, we do need something such as a red light that keeps us stopped until the light changes to something different.

I submit if we pass this, in a few years there will be some new Bill out that is going to have some other system that requires you to stop on some different colored light, and if we pass this, in due time, we will be less likely to stop for red lights. As a result there will be more accidents, less highway safety, and I think passage of this Bill is not in our best interest. I hope you vote against enactment.

Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question on L. D. 60 is enactment.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the passage of this Bill be enacted, please rise in their places to be counted.

Will all those Senators opposed to the passage of this Bill be enacted, please rise in their places to be counted.

23 Senators having voted in the affirmative, and 4 Senators in the negative, this Bill will be passed to be enacted.

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

RESOLVE, Directing the Commissioner of Transportation and the Secretary of State to Evaluate and Determine the Feasibility of Transferring the Functions of the Motor Vehicle Division to the Department of Transportation. (S. P. 174) (L. D. 491)

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

Emergency

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

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Reconsidered Matter

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

Mr. SPEERS: Mr. President, I move the Senate reconsider its action with regard to Bill, "An Act Relating to Music, Dancing or Entertainment." (H. P. 875) (L. D. 1068) whereby it passed this Bill to be engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate reconsider its action whereby L. D. 1068 was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes that Senator.

Mr. SPEERS: Mr. President, this Bill was recommitted to the Committee on Liquor Control in the House of Representatives, and it is my understanding that there is some need to re-work it, and I would, therefore, now move that the Bill be recommitted in concurrence.

The Bill recommitted to Committee on Liquor Control in concurrence.

Orders of the Day

The President laid before the Senate:

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)

Tabled — May 4, 1977 by Senator O'Leary of Oxford

Pending — Motion of Senator O'Leary of Oxford to Indefinitely Postpone.

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

Mr. O'LEARY: Mr. President, at this time I would ask leave to withdraw my Motion to indefinitely postpone.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now requests leave of the Senate to withdraw the pending Motion to indefinitely postpone this Bill. Is this the pleasure of the Senate to grant this leave? It is a vote.

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

Pending Passage to be Engrossed.

The President laid before the Senate:

HOUSE REPORTS — from the Committee on State Government — Bill, "An Act Relating to Resident State Police Troopers." Emergency (H. P. 84) (L. D. 104) Majority Report — Ought to Pass in New Draft (H. P. 1493) (L. D. 1705) Minority Report — Ought Not to Pass.

Tabled — May 5, 1977 by Senator Collins of Aroostook

Pending — Acceptance of Either Report

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

Mr. MARTIN: Mr. President, I move acceptance of the Majority Ought to Pass in New Draft Report.

The PRESIDENT: The Senator from Aroostook, Senator Martin, now moves the Senate accept the Majority Ought to Pass in new Draft Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate, this Bill has had a rather interesting career within the Committee. It seeks to provide for police coverage in small towns in rural areas within the State, and the merits of the Bill and its intentions are laudable.

It started out, however, as a Bill to provide for 50 new State Troopers, and it had a price tag at the State level of \$576,000.00. The proponents of the Bill went through the amendment process, and reduced it down to a level of 10. It further increased the costs to the communities to 75 percent, and to the State 25 percent.

It has improved in its structure, and it is identified as an experimental Bill. However, it still does a couple of things which I think are objectionable. It does compete and over-lap with the duties of the Sheriff's Department within the various counties. The control continues to come from the State level, and it still has some cost to the State.

In its present form, it would cost the State about \$64,000.00 a year. It would cost towns that chose to take advantage of it in the first year \$19,000.00. So it seems to me, in its present form, that it is not attractive to either towns or to the State. The cost in the second year, of course, increases to the towns to about \$12,000.00, because of the capital items that are no longer necessary.

Furthermore, there are counties that are involved in similar type programs, and I would mention in particular Penobscot County, who does have at the present time a rural law enforcement program under an LEAA grant whereby they provide local constables that are deputized and trained, and the cost of this program is much less to the towns. For example, the small town of Bradford would pay \$1,500.00. Corinna would pay \$4,000.00. At the present time, some 23 towns in Penobscot County have committed money to this particular program.

I think the Senate should consider these things, the competition with county government, the costs to the state, and whether in fact it really will be of benefit in terms of costs to any rural town.

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

Mr. MANGAN: Mr. President, I have difficulty with this Bill for a number of reasons, one of those is that the duplication is over-riding as far as those jobs which are currently being provided by the Sheriff's Department, and those jobs currently being provided by the State Police.

It would seem to me that this is another step in letting Big Father State take over those duties and obligations that can be assumed by the municipalities.

Among a number of other things, I note that L. D. 1705 states that this pilot project will assign only to those eligible municipalities or localities least able to afford a full-time police officer, and most in need of one, and yet the Chief may refuse such an offer to an eligible locality if, in his view, the locality does not have a sufficient great crime rate population law enforcement problem, or has a sufficient ability to pay the full cost of a fulltime organized police force.

I question whether we can leave this up to the discretion of the Police Chief, and the assignment is very vague as to where this individual can go as far as the interpretation of the Chief of the State Police.

Further, each resident trooper shall have the same powers as officers of the State Police force, and of the county and of the municipal forces. I wonder whether, and I have seen the problems develop with the counties. I notice, for example, Cumberland County had and still does have a program where it will contract out with the municipality a deputy sheriff. This Deputy Sheriff is constantly in contact with the Sheriff's Department in the City of Portland, and if there is any need of any assistance, he can always contact any other Deputy Sheriff in the immediate vicinity, including parts of Androscoggin County and parts of Cumberland.

I seriously question whether this duplication should be allowed to exist. We look at the amounts of money that are being provided, and we are talking in terms of 10 troopers costing the State of Maine an average of \$6,000.00 a year. That represents 25 percent. That would imply that the municipalities would have to pay something in the vicinity of three times that amount of money. Also the program would permit unorganized territories to participate in the program. Most of the unorganized territories now are well served by the Sheriff's Department. Therefore, I really fail to see the need for this Bill in the first place, but I also see it as a step of the State government getting involved in municipal affairs, even more so than they are now, and I would hate to see that develop.

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

Mr. PRAY: Mr. President and Members of the Senate, the previous speaker confused me a little bit, the Honorable Senator from Androscoggin, Senator Mangan. First, he started out with his objection here comes Big Brother State, and then he questioned the ability of the local Chief of Police to make a decision.

I am not sure how many unorganized territories he has within his Senatorial District, but I have quite a few, and when I look at the crime rate increasing in those areas, and I have a large rural area of both counties that I represent, and I see that the Sheriff's Department is not capable of patrolling the entire area, then I kind of like the looks of this Bill, and I would like to see it go on its way.

I would just like to have the Members of the Senate take a look at the crime report which we received a few weeks ago, and look at the in-

crease in crimes around the State, and ask if the Sheriff's Department — maybe we need a process of duplication here somewhere to cut down some of this crime. I am going to support the Senator from Aroostook, Senator Martin, on this Bill, and I urge all of my colleagues to do the same.

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

Mrs. SNOWE: Mr. President and Members of the Senate, as far as a Member of the State Government Committee, I would like to explain my major objections to this Bill, which there are several.

Presently the people of the State are supporting several levels of police services. We have 121 municipalities who support their own law enforcement agencies. We have 16 county Sheriff's Departments and the Maine State Police consisting of some 300 sworn personnel, 156 of which belong to the rural patrol force.

Thus it appears to me that many areas are sharing the cost of police protection several times over. This Bill, as I see it, would just add to the burgeoning bureaucracy, and that we should consider utilizing and improving our existing agencies without duplication of effort.

In the last several years, State government has spent thousands of dollars studying ways to improve the level of services provided by county government, particularly in the areas of up-grading county law enforcement, increasing its professionalism, and many acts of civil servants.

I feel that we should consider, first, the recommendations of these studies, which will be before us shortly, to see if these will be effective in improving our county law enforcement.

Secondly, I feel there could be some problems with the way this Bill is set up. The communities under this Bill would pay 75 percent of the cost, yet the resident State Trooper will remain under the supervisory and direct control of the Maine State Police. Therefore, the resident State Trooper may find himself in a position of conflict of loyalties and obligations in having two employers.

In addition, I think there are some potential hidden costs in this Bill. For instance, this Bill calls for 10 resident State Troopers over and above the regular State Police force, who have had one year of experience. Thus if one resident State Trooper decides to resign, then the Bureau of State Police will have to pull one from their ranks to fill in. That means then either the State Police force exists with a shortage, or hires an additional individual and have to pay for the added expense for training. Also, in the Governor's budget he does include \$400,000.00 for additional State Troopers.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, as you folks all know, I come from a very rich county. We must, for with what we are charged to pay back to the Uniform State Property Tax.

But in spite of being from such a rich county, we have found that most of the Deputy Sheriffs are only on a part-time basis. They might have to be employed somewhere else in order to find food enough for their families, and when something happens they are not around. There is one town in particular that had out of town residents who did not stay there in the winter, and there was so much crime that they have established some sort of a force that travels around nights, and it is a local force that is trying to prevent crime.

This looks to me like a very good thing for a rich place like where I come from, especially the little towns that are told by the Sheriff that since you have got a policeman there we cannot come down to your town and do anything. In fact, the small towns have been told that so many times that the Representative from Bar Harbor and myself went down and talked with

the Attorney General to see if that was so, that the Sheriff could not come into a town and help you out just because you had a policeman hired in the town. It did not seem to make much difference with what the Sheriff thought. They still came if they wanted to, and if they did not, they did not come.

Now this thing about the policeman, how he would be employed, except in extreme emergencies the resident State Trooper's responsibility, extreme emergencies, except for that, he would remain in the town which contracts for his services. It looked to me like a very good Bill for the small towns that we have in our District.

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

Mr. JACKSON: Mr. President and Members of the Senate, there are many different aspects of this Bill that go unanswered. There are a few questions that I have in regard to this piece of legislation.

First of all, I would like to start off by concurring with the good Senator from Aroostook that it is a duplication of services, duplication of effort.

I have just been thumbing through the report that we all received here about a week, week and a half ago, Crime in Maine in 1976, and I really have not had enough time to study this over, but in referring to one of the counties that I represent, the major county that I represent, those Deputy Sheriffs are doing an excellent job. We have a nice department up there. They run an excellent department. I feel that their crime rate is among one of the highest in the State of Maine, but we will not talk about county law enforcement. We will talk about the resident State Trooper program.

There are many things that concern me about this. No. 1 is what is the price going to be for a municipality. We have heard from the good Senator from Hancock, Senator McNally, that they have part-time Deputies in their county. He says he comes from a rich county because of the Uniform Property Tax. I wonder just how much of a burden those municipalities can afford.

As I understand it, with this Bill, that the municipalities that receive a Resident State Trooper will pick up 75 percent. I think as I sat there and listened to testimony on this hearing in State Government, I was interested in this Bill, because we had a particular problem in the community that I live in, and the price was about \$25,000.00 for the first year, 75 percent of the \$25,000.00 will come out somewhere around \$19,000.00, I guess. That is an enormous amount of money to run a police Department for one man, 40 hours a week, for a small community.

In addition, the municipal officials have no discretion over the utilization of that man. He comes under the Commissioner of Public Safety, and I would assume that he will be working directly under the lieutenant, who will tell him what he is going to do and how he is going to do it and where he is going to do it.

These are some of the things that concern me. I know what we did in the community that I live in. We held a special town meeting and appropriated \$16,500.00, and we have a full time police officer who works in that town, and he is a graduate of the Maine Criminal Justice Academy. He had eight years of experience. He has an automobile. He has a radio in that automobile, and he is provided reimbursement on mileage up to 1,600 miles, and he has a five man, part-time, police department under him.

What I would suggest, Gentleman, is not to pass this Bill, and I would suggest that maybe the Senators that sit in this Body would take this message back to their communities if they do have a problem, and do desire to have a police department. There are many able and capable fellows possibly in the communities that live in-

side their District that would be more than welcome to take the position and be a law enforcement official, and do the same things that we did in my town.

I think that basically the closest you can keep the control to the people, I think that is the direction to travel. That is why I would urge not accepting the Majority Ought to Pass Report of this Bill.

Thank you.

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

Mr. MARTIN: Mr. President and Ladies and Gentlemen of the Senate, unlike some previous speakers, I do not feel this is a duplication of effort. The Bill really is quite simple. If you want rural communities to have the choice between the local Sheriff or a full time State Police, you will vote for the Bill. If you do not, you will simply vote against it.

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

Mr. COLLINS: Mr. President, I think I would perhaps like to make two or three points.

The good Senator from Hancock, Senator McNally, has indicated that he comes from a rich county. I think perhaps in that case this might be a good Bill for him, because it would cost them more than they could expend to hire their own police officers.

Secondly, of course, the ultimate responsibility and control over the State Police as indicated in the House Amendment, and I quote, it clarifies the fact that the Chief of the State Police retains final decision making authority regarding resident State Troopers. So there is no question where the final authority is.

Finally, I would like to quote from a letter from the State Budget office, and it says in part: "The Governor's budget does recommend additional troopers, but does not include any funds for this program, either in the Highway or General Fund recommendations", — that program being the residency program.

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

Mr. FARLEY: Mr. President, I request the yeas and nays.

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 Aroostook, Senator Martin, that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee.

A yes vote will be in favor of accepting the Majority Ought to Pass in New Draft Report. A no vote will be opposed.

The Secretary will call the Roll.

YEAS — Carpenter, Chapman, Collins, S.; Conley, Hichens, Huber, Katz, Levine, Lovell, Martin, McNally, Merrill, Minkowsky, Pray, Speers, Usher.

NAYS — Collins, D.; Cummings, Farley, Greeley, Hewes, Jackson, Mangan, Morrell, O'Leary, Pierce, Redmond, Snowe, Trotzky.

ABSENT — Curtis, Danton, Wyman.

16 Senators having voted in the affirmative, and 13 Senators in the negative, with 3 Senators being absent, the Motion to accept the Majority Ought to Pass in New Draft Report does prevail.

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

Mr. MARTIN: Mr. President, having voted on the prevailing side, I move reconsideration and hope you vote against me.

The PRESIDENT: The Senator from

Aroostook, Senator Martin, now moves the Senate reconsider its action whereby it accepted the Majority Ought to Pass Report.

A viva voce vote being had,

The Motion to reconsider does not prevail.

The Bill in new Draft, Read Once. House Amendment "A" Read and Adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate:

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

Tabled — May 5, 1977 by Senator Pray of Penobscot

Pending — Adoption of Senate Amendment "C" to House Amendment "A" (S-121).

On Motion of Mrs. Snowe of Androscoggin, Retabled for One Legislative Day.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland, Adjourned to May 9, 1977 at 10:00 in the morning.