

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

SENATE

Friday, June 29, 1977

Senate called to Order by the President.

Prayer by Chaplain Robert Harris, Veterans Administration Center in Togus.

REV. HARRIS: O man, what doth the Lord require of Thee, but to do justly, to love mercy and to walk humbly with thy God.

Sometimes, O Lord, we wonder if You hear us. Sometimes, You must wonder if we hear You.

Amidst the many voices in the business of today, may we not forget that You are the Silent Listener to every conversation, the Unseen Presence. May we also tune in to the inner voice of truth and light.

Enable these worthy persons, O Father, to rise for the good of the people. Amen.

Reading of the Journal of yesterday.

Papers from the House

Non-concurrent Matter

Bill, "An Act Relating to Corporate Expenses in Public Utilities Commission Hearings." (H. P. 132) (L. D. 166)

In the House June 27, 1977 Bill Passed to be Engrossed.

In the Senate June 28, 1977 Majority 'Ought Not to Pass' Report Read and Accepted in non-concurrence.

Comes from the House, that Body Having Adhered.

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

Mrs. CUMMINGS: Mr. President, I move that we adhere.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves that the Senate adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, we have debated these several items time and time again, and I no longer wish to continue to pursue this, but I just want, for the record, to indicate that we strongly support each of these bills that are presently before us.

The Senate voted to adhere.

Non-concurrent Matter

Bill, "An Act Relating to Utility Rate Making Treatment of Certain Advertising and Sales Promotion Expenses of Electrical Companies." (H. P. 778) (L. D. 965)

In the House June 24, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-170).

In the Senate June 28, 1977 Report "B" 'Ought Not to Pass' Read and Accepted in non-concurrence.

Comes from the House, that Body having Adhered.

On motion of Mrs. Cummings of Penobscot, The Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act to Prohibit the Telephone Companies from Charging More Than \$17.50 for the Installation of a New Telephone in a Residence." (H. P. 881) (L. D. 1072)

In the House June 24, 1977 Bill Passed to be Engrossed.

In the Senate June 28, 1977 Majority 'Ought Not to Pass' Report Read and Accepted in non-concurrence.

Comes from the House, that Body having Adhered.

On motion of Mrs. Cummings of Penobscot, The Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act to Implement the Recommendations of the Pomeroy Commission on Medical and Hospital Malpractice Insurance." (S. P. 205) (L. D. 727)

In the Senate June 20, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-270).

Comes from the House, Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" (H-810) thereto, in non-concurrence.

On motion of Mr. Collins of Knox, The Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Revise the Election Laws Concerning Political Activity at Elections and Requirements for Absentee Ballots." (H. P. 1117) (L. D. 1335)

In the Senate June 24, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-688).

Comes from the House, Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-850) thereto, in non-concurrence.

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

Mr. KATZ: Mr. President, when this bill left the Senate, it limited to 10 the number of absentee ballots which could be issued to any one person at one time. It has now been changed from 10 to 40, so you might say the significance of the Bill has been somewhat diminished, but on the other hand, there are some good things in it, so I move that we Recede and Concur.

The Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, An Act to Provide Lifeline Electrical Services. (H. P. 1669) (L. D. 1867)

In the Senate June 16, 1977 Bill Passed to be Engrossed as amended by House Amendments "A" (H-561) and "B" (H-656) and Senate Amendment "A" (S-235) in concurrence.

Comes from the House, Bill Passed to be Engrossed as amended by House Amendment "C" (H-860) in non-concurrence.

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

Mr. CONLEY: Mr. President, I move that we Recede and Concur.

On Motion of Mr. Speers of Kennebec, Tabled until later in Today's Session, Pending the motion to Recede and Concur.

(See Action Later Today.)

Non-concurrent Matter

Bill, An Act to Prohibit the Exclusion of Manufactured Homes from any Municipality. (H. P. 1151) (L. D. 1369)

In the House June 22, 1977 Bill Passed to be Enacted.

In the Senate June 28, 1977 Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body Having Insisted and Asked for a Committee of Conference.

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

Mr. JACKSON: Mr. President, I move that the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves that the Senate Insist and Join in a Committee of Conference.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President, I move that we adhere.

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

Mr. JACKSON: Mr. President and Members of the Senate, I hate to debate this measure much longer, I will tell you, but this is a great concern to the people of the State. Basically, we are facing a shortage in housing, and what I consider housing as economical housing, which elderly people can afford, which low income

people can afford, young people who are just married and starting out can afford, and, as I stated earlier, that the procedure that is being followed by some 40 odd municipalities in this State is discriminatory, and why I asked that we Join in a Committee of Conference is to see if we cannot develop something from that Committee of Conference, the possibility of a Joint Order to study this, or see if we cannot turn things around and make a proper attempt to resolve this.

I would hope that you would oppose the Motion to Adhere.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Jackson, that the Senate Insist and Join in a Committee of Conference with the House.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate, I would urge the Senate to vote against the Motion to Insist and Join in a Committee of Conference, and I believe if the good Senator from Cumberland, Senator Jackson, thinks that this is an item that should be studied, then I think a Study Order should be introduced, but I do not believe that something like this should be forced down onto municipalities, mandated by the State, when we have stated time and time again that we do have Planning Boards, we have Zoning Boards of Appeal, we have the Courts that they can appeal to, and for us to pass a law such as this mandating, I think, it will have serious effects on the other communities.

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

Mr. PRAY: Mr. President and Members of the Senate, I would just like to clarify some of the statements that have been made by the Democratic Floor Leader, that we would not be mandating to the municipalities at this time if we Insist and ask for a Committee of Conference. We are not sure as to what the Committee of Conference would offer as a compromise, and I think that this is a problem and if there are individuals that are willing to spend the last few days of this Session and some time to try and work it out to come up with something that may be acceptable to this Body, then we should at least give that consideration to those individuals.

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

Mr. CONLEY: Mr. President, I would make the good Senator from Penobscot aware of those who serve on the Committee of Conference, and I can assure you if I am one of those Members, and the good Senator from Aroostook, Senator Collins, is another one of those Members, and if the good Senator from Cumberland, Senator Morrell, is another one of those Members, we are wasting our time.

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

Mr. PRAY: Mr. President and Members of the Senate, I would just like to re-assure the Senator from Cumberland, Senator Conley, if those are the three that are named on the Committee of Conference, and I do not know what influence he may have with the President who names these Conferences but I have just been told by the Democratic Floor Leader that he has none, and I would hope so.

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

Mr. JACKSON: Mr. President, I could not let the comments of the good Senator from Cumberland go by. I do not think he is as close minded as he would like people to think he is, and I am sure that the other two Senators he named are not close minded, I am sure that something could be resolved.

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

Mr. MORRELL: Mr. President and Members of the Senate, I honestly do not think there is any area here for discussion. We have debated it. The Senate has expressed itself. It is a question of either we want to intrude in a rather delicate area in the affairs of the communities in which we live, or we do not, and I would hope very strongly that we would take the position of adhering this morning, and let the communities go about their business while we go about ours.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Jackson that the Senate Insist and Join in a Committee of Conference with the House.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, sitting in on the hearing on this Bill, and hearing the arguments, mostly pro and very few con, and then coming up here and hearing the discussion on the floor of the Senate, when all of this emphasis has been put on home rule, it brings to mind several occasions when some of these same Senators have gone the opposite way when it comes to whether the Senate is going to control or whether the towns are going to control, and I think having a Committee of Conference is a very wise decision at this time.

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

Mr. O'LEARY: Mr. President, I would remind the good Senator from Cumberland, Senator Morrell, that yesterday he voted to take municipal control away from the towns when it came to seasonal dwellings.

I join with the Senator from Cumberland, Senator Jackson, in asking for a Committee of Conference.

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

Mr. MORRELL: Mr. President, in response to my friend who just spoke, I think there are legitimate areas of public health and safety when it is a primary concern of the Senate and the House of Maine, and that we have to work with the communities and perhaps doing some things that are essential to us all. When we are talking about polluting the waters of this State, either the sea water or the lakes, then I think that is a legitimate concern.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Jackson, that the Senate Insist and Join in a Committee of Conference, with the House.

The Chair will order a Division.

Will all those Senators in favor of the Motion to Insist and Join in a Committee of Conference, please rise in their places to be counted.

Will all those Senators opposed to the Motion to Insist and Join in a Committee of Conference, please rise in their places to be counted.

11 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to Insist and Join in a Committee of Conference does not prevail.

The Senate voted to Adhere.

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

Mr. MORRELL: Mr. President, having voted on the prevailing side, I ask that we reconsider, and I hope that you will vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Morrell, now moves that the Senate reconsider its action whereby the Senate voted to Adhere on L. D. 1369.

A viva voce vote being had,

The Motion to Reconsider does not prevail.

Non-concurrent Matter

Bill, An Act Relating to the Powers of Plantations and their Organization. (H. P. 1396) (L. D. 1635)

In the Senate June 23, 1977 Bill Passed to be Engrossed.

Comes from the House, Bill Passed to be Engrossed as amended by House Amendment "A" (H-761) as amended by House Amendment "A" (H-859) thereto, in non-concurrence.

On Motion of Mr. Conley of Cumberland, Tabled until later in Today's Session.
Pending consideration.

(See Action Later Today.)

Non-concurrent Matter

Bill, An Act to Provide for the Periodic Review of Sales and Property Tax Exemptions. (H. P. 1250) (L. D. 1479)

In the Senate June 22, 1977 Majority 'Ought Not to Pass' Report Read and Accepted in non-concurrence.

Comes from the House, Bill Passed to be Engrossed as amended by House Amendment "A" (H-852) in non-concurrence.

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

Mr. JACKSON: Mr. President, I move that the Senate Recede and Concur.

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

Mr. SPEERS: Mr. President, I have looked at the Amendment which was put on in the other Body and that has come back to us, and as the Amendment now stands, or as this Bill now stands, it would require periodic review of sales tax and property tax exemptions, according to a certain schedule.

Now I have no particular objection to reviewing these various exemptions, but I would like to point out to this Body that this is a rather unique way of going about bringing about Legislative review of statutory provisions and Departmental Provisions and Governmental customs or usages which has not existed before, and that is by bringing it about through Legislation and placing it in statutory law.

Now we have any number of Joint Orders on the Table right at the present time directing various studies. Some of them may be more worthy than others. I think that the review of sales tax exemptions and property tax exemptions certainly should be one of the high priority reviews that the Legislature should undertake, but I do have some very serious concerns about placing that into statutory form for this one area alone. We do have some other approaches that are being taken with regard to review of entire departments and entire agencies.

There have been other attempts to bring about review of all State programs through the use of Legislative Committees in the interim, and I think if we were to adopt this particular program at this particular time, that it would be taking this approach in a piecemeal fashion where a Joint Order directing either the Committee on Taxation or a Joint Select Committee, or any other group that the Legislature should desire to study these exemptions, would be the better approach to take.

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

Mr. MERRILL: Mr. President, this comes back from the other Body amended. What we see here with this Bill in its original form, at least to a lesser degree now, is people's philosophies being put to the test I think. There has been a lot of discussion in recent years, especially in the last couple, of Sunset Legislation. The idea of that, of course, is to put the onus on some of these continuing programs in most cases, and to make them re-justify themselves, and it recognizes the negative bias that is built into the Legislative system. We all know who try to pass Bills here, that it is much easier to stop something from becoming law than it is to make something become law.

The system is designed that way, and I think that it is a good thing that it is, but the problem with that is that once the Government grows or once tax exemptions grow, it is as hard to get

rid of them as it was to get them in in the first place, and for people who are concerned with that, Sunset programs have been recommended, and, you know, some of those Sunset programs affect some people and some affect others. Now here we have in this bill a Sunset on tax exemption. There is nothing that should be, philosophically at least, that should be subject to Sunset provisions any more than tax provisions, because the great problem with tax expenditures, of course, is that it is not an expenditure that gets the same sort of review that appropriation expenditures do. Once we put them on the book, we continue to spend the money.

We have before us here a bill that is designed to force these expenditures, considerable expenditures of millions and millions of dollars to be reviewed and in the original form to be re-justified, to re-vote it, re-enact it on a periodic basis, and many of the people, I suspect, in the citizenry who talk the loudest about the need for Sunset Legislation are the people who have worked the hardest to get this bill, because the ducks have come home, and because of this, they are afraid, would affect their own programs, their own tax exemptions which they are afraid could not be re-justified, people who were instrumental in passing some tax programs in the waning days of the 106th Legislature, for example, with "funny money financing" that we have been trying to deal with ever since, and my fear that now with a new Legislature having seen the problem, that they could not re-enact that program. So they do not want any Sunset on their provisions.

These same people who will give you conservative philosophy all day and all night, including some members of this body, when it comes to their own little goodies, do not want any Sunset provisions. Suddenly periodic review is not necessary, and the need to re-justify is not really a concern, and it would be unfair for them to have to have these things re-enacted. So they continue to get their tax expenditure year after year after year.

Now this bill before us is greatly watered down because it does not force these programs to re-justify themselves any more, it just makes sure that they come before us. It puts the bright light of day on all of these things for all the Legislators to act on, not some study that can go onto a shelf and collect dust.

I am not enthusiastic about it, I was a lot more enthusiastic about a Sunset provision on all our tax exemptions, but I would hope that the Senate would recede and concur, and will so move and ask for a Roll Call, and I do not expect this to get a lot of votes, but I think at least the people of Maine ought to take notice, so that the next time the great conservatives sitting in this body stand up and spout away about legislative review and about the need to control bureaucracy and expenditures, then at least we will have a Roll Call so that we will know how they will want to control the expenditures that help all of their friends. I have been through this with the other side, when we sat down with the liberals and tried to convince them of the need to review their program. I would be the first to admit that they are just as skittish to be consistent as everybody else is, but I think that this is an important Roll Call to get on Record, and when we are spending millions and millions and millions of the people of Maine's dollars in tax expenditures, many of which we enacted in the later days of legislative sessions when people were bargaining and trading away chips, and when the people of this Senate are unwilling to say that those ought to have to withstand the period review, I think they ought to say it loud and clear to the members of the public so that they can go back and explain it.

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

Mr. MORRELL: Mr. President and Members of the Senate: I would agree that many of the

comments that the good Senator from Cumberland, Senator Merrill, has said are true. The only thing that worries me is that having participated in the review of a number of suggested Sunset Bills in this Session under the Committee of Performance Audit, I am beginning to get concerned that with the bevy of these suggestions coming before us, that we will begin to think that they are all a joke and not to do anything seriously, and I just wonder if we should not focus in on one or two of these Sunset pieces of Legislation, whether it be in this area or some other. Not try to tangle it all into a half-baked job on it. So I would caution the Senate to not think that we can tackle all the Sunset Legislation that is before us and do a very adequate job, because I do not think that we can.

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

Mr. SPEERS: Mr. President, I think that I just simply want to point out to the Senate that we are not talking about a Sunset Legislation in this particular Bill in the form in which it has been returned to us from the other Body.

When we are talking about Sunset Legislation, we are talking about the statutorily enacted ending of a program. I say if there comes a particular date that program or that exemption will be ended and that therefore, that program will cease or that exemption will no longer be an exemption and the taxes will automatically begin to be collected on that particular item after that particular date, unless the Legislature affirmatively votes to continue that particular program. That is what we are talking about under Sunset Legislation. If we want to take a Bill that started to be a Sunset Bill and comes back to us in an entirely different form, and still talk about it as being Sunset Legislation, then I think we ought to point out the difference.

Now I have no problem with the philosophy of this Bill and the direction of this Bill, and I have not quite made up my mind as yet whether or not to vote for it, because I do agree with the provisions of this and I do agree with the objections of this Bill. There should be periodic continuous review, not only of these programs, not only of these exemptions, but of all State programs.

My question that I raise to this Body, and that I hope that we consider is whether or not we should have written into the statutes simple Legislative review of these specific items. Now perhaps that is a good idea, but it is rather a unique approach, and it is not a Sunset Bill in its present form, and if this Senate votes to recede and concur, it will not be enacting a Sunset Bill. All it will be doing is saying that we mandate periodic review of these particular programs, and if we do nothing about them they will continue.

Now I am glad to know of the Senator from Cumberland, Senator Merrill's position on this matter, that he would prefer to vote to mandate that there be a removal of all the sales tax exemptions listed in this matter, in this Bill, that there would be re-imposed a tax on business inventory, re-imposed a tax on new machinery used for the expansion of businesses. These were items, as well as all the other exemptions, that were debated hotly, not only in the last Session of the Legislature, but previous Sessions of the Legislature, and I am sure whether we pass this Bill or not it will be debated again in the future. There are certainly reasons for those enactments, for those exemptions, and I for one would object very strongly to re-imposing those taxes.

This Bill does not do that in its present form. It does simply mandate a review and, as I have stated, I do not object to periodic review of these programs. I think that the review will be going on whether we have it in the statutes or not. It may very well be a good idea to have this matter in the statute book. I prefer to see

something in the statute books that would mandate a periodic review by all the Legislative Committees of all the various programs of State government, and, in a sense, that is what we do have with the Appropriations Committee at the present time, but I think that it needs to be strengthened.

So I will listen attentively to further discussion on this particular matter and perhaps someone would Table this until later in the Day when it can be discussed even at further length.

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

Mr. MERRILL: Mr. President, first let me begin by saying that I in effect made two motions, Motion to recede and the Motion to concur. I ask that the Motions be severed and that we vote on the Motion to Recede first. That will give the Senate a chance to go on record as to whether or not they want to have a Sunset Bill or a periodic review. If we vote to recede, then we can vote to adopt the Amendment, and have a Roll Call on both and clear this subject up.

Let me say that the position of the Majority Leader is not crystal clear, even after he has spoken, and if I were in the Majority I certainly would have some question as to what direction he is leading. First of all, let me speak of deliberate obfuscation in his remarks. He said that he was glad to hear that I was in favor of re-imposing these taxes. It is absurd to suggest, because I want a Sunset provision of tax exemptions, that I am in favor of ending any specific exemption, as it is to suggest that because we voted for Sunset provisions for the PUC, that anyone of us individuals are in favor of Sunsetting the PUC, and he knows it. I have to assume that he knows it.

What is at issue here is whether or not these programs are going to continue to justify themselves, and whether or not they are going to have to be passed again, not whether or not any specific program should continue. I am glad that he is in favor of all these exemptions. It is obvious that he is. He was part of the deals that were worked out in the 106th in the last minutes of the Session where we passed these exemptions and under-funded them by \$10 or \$14 million. So it is obvious he is in favor of them, and I assume that he continues to be.

But what we are not talking about here is specific exemption. We are talking about the need that on a periodic basis they justify themselves again, these massive expenditures of the people's money. I do not think that it is inappropriate that the people who benefit from the sales tax exemption on new machinery used for industrial purposes come before the Legislature every five years and justify why they should have it and farmers should not, justify why they should have it and fishermen should not, and those that support the programs, like the previous speaker, should say why they should have it, and the others should not. I do not think that that is inappropriate. I think it is very appropriate when you are talking about spending \$5 or \$6 million a year of the people's money, and that is what you are talking about in regards to that specific program. I think that it is appropriate that they should show why that brings more industry to the State than giving the exemption to other groups, if that is the purpose of the exemption. Let us make no mistake here. What is involved is are we going to say what is good for the goose is good for the gander? Are we going to say what is good for the "Government Programs", that they should get periodic review, should the same thing apply to these special exemptions that we have given to special interests in this State. Now what the Legislature ultimately decides is of less concern to me than that we adopt discipline.

On Motion of Mr. Katz of Kennebec, Tabled until Later in Today's Session.

Pending the Motion of Mr. Merrill, of Cumberland, to Recede.

(See Action Later Today.)

Non-concurrent Matter

Bill, "An Act to Repeal Certain Laws Relating to Local and County Government." (H. P. 1279) (L. D. 1510)

In the Senate June 22, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-645) as amended by House Amendments "A" (H-709) and "B" (H-728) and Senate Amendment "A" (S-309) thereto, in non-concurrence.

Comes from the House, Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "A", "B" and "C" (H-866) and Senate Amendment "A" thereto in non-concurrence.

On motion of Mr. Jackson of Cumberland, The Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Clarify Actual Notice Under the Recording Laws in Regard to Exceptions and Reservations." (H. P. 1119) (L. D. 1337)

Recalled from Legislative Files pursuant to Joint Order (H. P. 1758)

In the Senate May 19, 1977 'Leave to Withdraw' Report Read and Accepted in concurrence.

Comes from the House, Bill substituted for the Report and subsequently Passed to be Engrossed as amended by House Amendment "A" (H-847) in non-concurrence.

On motion of Mr. Collins of Knox, Tabled until later in Today's Session.

Pending consideration.
(See Action Later Today)

The PRESIDENT: The Chair would call the Senate's attention to Rules of the Senate, No. 4, the President when he speaks to any member of the Senate, and the members when referring to each other in debate, shall use in their addresses the title of Senator, and by way of distinction name the County in which he resides.

The PRESIDENT: Is it now the pleasure of the Senate that the rules be suspended and that all matters acted on by the Senate so far this morning be sent forthwith to the Engrossing Department? It is a vote.

**Communication
STATE OF MAINE
Committee on Education**

June 28, 1977

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

The Committee on Education is pleased to report that it has completed all business placed before it by the first regular session of the 108th Maine Legislature.

Total number of bills received	117
*Recommitted bills	5
Unanimous Reports	94
Leave to Withdraw	27
Ought Not to Pass	18
Ought to Pass	15
Ought to Pass in New Draft	8
Ought to Pass as Amended	26
Divided Reports	23
Total number of Amendments	44
Total number of New Drafts	12
*Recommitted Bills	5
Unanimous Reports	4
Ought Not to Pass	1
Ought to Pass in New Draft	2
Ought to Pass as	

Amended 1
 Divided Report 1
 Respectfully submitted, Signed:
 BENNETT D. KATZ
 Senate Chairman

Which was Read.

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

Mr. KATZ: Mr. President, on behalf of my colleagues, the Senator from Kennebec, Senator Pierce, and the Senator from Cumberland, Senator Usher, we want to thank the Senate for an opportunity to participate in a most rewarding experience.

Which was Ordered Placed on File.

Office of the Governor

June 28, 1977

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

I am returning without my signature and approval S. P. 251, L. D. 759, An Act to Require that a Hospital Pharmacist, a Chain Pharmacist and an Independent Pharmacist be Appointed to the Board of Commissioners of Pharmacy.

Attracting good and qualified people to serve on the various boards and commissions will only be made more difficult as a result of legislation such as this which requires additional, restrictive categorizing on the basis of technical requirements rather than on the basis of ability to contribute and desire to serve. In addition, this bill is unnecessary in that we are already trying through diversified appointments to achieve fair representation of the profession.

I believe that we have been fortunate to attract qualified people to serve on the many boards and commissions which play an important role in developing policy and in overseeing numerous professions and areas of public interest. However, this effort is seriously hampered by writing narrow restrictions and categories into the law and by further restricting public participation on the basis of not meeting technical requirements with respect to background or current employment.

The inflexibility of mandating this narrow approach also presents problems. For example, an individual could be employed as a pharmacist in one capacity when he or she is appointed, but may change jobs subsequent to the appointment. A host of questions could arise concerning the individual's legal authority to serve, the legal standing of any business conducted during the period in doubt, and in general could have more of a negative than positive impact upon the efficiency and effectiveness of the Pharmacy Commission.

In summary, I feel that the bill is overly restrictive, unnecessary, and contrary to current attempts to increase the participation of good and qualified people in government. For these reasons, I respectfully request that you sustain my veto of this measure.

Very truly yours,

Signed:

JAMES B. LONGLEY
 Governor
 (S. P. 582)

Which was Read and Ordered Placed on File.
 Sent down for concurrence.

The PRESIDENT: The pending question before the Senate, is shall this bill become a law notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by the yeas and nays.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: I am a little perplexed by the Governor's veto this morning. This was what I thought was a very simple bill that merely re-

quired that a hospital pharmacist, a chain pharmacist, and an independent pharmacist be on the Board of Pharmacy, and, in fact, on the present Board of Pharmacy there is a hospital pharmacist, a chain pharmacist, and an independent pharmacist, plus two other people. The intent of this Bill was to assure all of those people that no Governor would load the Board with all chain pharmacists or all independents or all hospital people, and, in fact, at the hearing the hospital, the chain, the independent pharmacists 100 percent supported this bill. There was no opposition to it.

I think that it is a good idea that each of these categories should be represented on the Board. The profession certainly agrees with this, and I would hope that today you would vote to override the Governor on this issue.

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

Mrs. SNOWE: Mr. President and Members of the Senate: The Committee on Health and Institutional Services heard this bill, and the Committee felt that it was a good idea since it would insure balance representation by the entire pharmaceutical industry. There was no opposition at the hearing, and we felt that we should pass this measure.

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

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate: The good Senator from Kennebec, Senator Pierce expressed my feelings, I believe, in this matter.

The State Board of Pharmacy, of course, for many, many years had five members, and each five different sections of the State a member was nominated to be appointed by the Governor to go on the State Board for five years. We have no particular type of pharmacist in those days. Back years ago we did not have many hospital pharmacists and we did not have any chain store pharmacists. But now that we are up in modern times and we are getting more chain stores all the time, and we are getting more hospitals who are having pharmacists, even through the hospital in Sanford now has a full-time pharmacist. I believe it is fair. There are five on the Pharmacy Board, plus last year we put on one extra one, as we did on all Boards, the independent person, and I go along with the good Senator from Androscoggin, Senator Snowe, in that I think that this is fair to the pharmacy industry, to the pharmacy business, and to the people for their benefit, and so I would suggest that we override the Governor's veto.

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

Mr. PRAY: Mr. President and Members of the Senate: In reading the Governor's veto message, I see that he continuously refers to this legislation as being restrictive, and I completely disagree with him, because I see it as a bill which broadens the various interests in this field, and brings fair representation to the Board.

I would hope that all members of the body could see their way clear to expand, instead of to contract or be restrictive as the Governor would have us be by sustaining his veto.

The PRESIDENT: Is the Senate ready for the question? According to the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the bill, a vote of nay will be in favor of sustaining the veto of the Governor.

The Doorkeepers will secure the Chamber.
 The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, D.; Conley, Cummings, Danton, Farley, Greeley, Jackson, Katz, Levine, Lovell, Mangan, Merrill, Minkowsky, Pierce, Pray, Redmond, Snowe, Usher, Wyman.

NAY — Carpenter, Curtis, Hichens, McNally, Morrell, O'Leary, Speers, Trozky, Sewall.

ABSENT — Collins, S.; Hewes, Huber, Martin.

20 Senators having voted in the affirmative and 9 Senators in the negative, with 4 Senators being absent, and 20 being two-thirds of the membership present, it is the vote of the Senate that this Bill become a law notwithstanding the objections of the Governor and will be sent down to the House for concurrence.

Orders

On Motion of Mr. Morrell of Cumberland, WHEREAS, the Maine Human Rights Commission has been functioning since 1972; and WHEREAS, the Maine State Legislature has never closely examined the commission's implementation of its statutory duties and responsibilities; and

WHEREAS, there has been some concern within the Legislature about the manner in which the commission has been carrying out these duties and responsibilities; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Performance Audit is authorized to study the duties, responsibilities and activities of the Maine Human Rights Commission; and be it further

ORDERED, that in carrying out this study the committee shall concentrate its efforts on a determination of the effectiveness and appropriateness of the actions taken by the commission with respect to complaints about discriminatory practices; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977 and submit to the Legislative Council within the same time period its findings and recommendations, including copies of legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this order shall be forwarded to members of the committee. (S. P. 575)

Which was Read.

On Motion of Mr. Speers of Kennebec, Tabled pending passage.

On Motion of Mr. Curtis of Penobscot (Co-sponsors: Senators Collins of Knox, Mangan of Androscoggin, Snowe of Androscoggin).

WHEREAS, the Honorable Edward M. Robinson has served with outstanding devotion and distinction for many years as Administrative Court Judge; and

WHEREAS, the members of the Legislature and the citizens of the State are deeply concerned over Judge Robinson's present illness; and

WHEREAS, Judge Robinson's expertise and ability are sorely missed during his absence; and

WHEREAS, a great debt of gratitude is owed to Judge Robinson for his service to the State of Maine and its citizens; now, therefore, be it

ORDERED, the House concurring, that the members of the 108th Legislature take this opportunity to express to Judge Robinson and his family their deep appreciation for his many years of service and accomplishment; and be it further

ORDERED, that our sincerest wishes be extended to Judge Robinson for his immediate and full recovery from his illness and for his return to his duties of the Administrative Court; and be it further

ORDERED, while duly assembled in session at the State Capitol in Augusta under the Constitution and laws of the State of Maine, that this official expression of sentiment be sent forthwith on behalf of the Legislative and the People of the State of Maine.

(S. P. 576)

Which was Read and Passed.
 Sent down for concurrence.

On motion of Mr. Collins of Aroostook, WHEREAS, this Legislature has had under consideration several bills concerning the budget process; and

WHEREAS, there are still many issues and problems with the budget process that deserve careful and thorough review; and

WHEREAS, an efficient and thorough process for determining and enacting a state budget is vitally necessary to the state's welfare; now, therefore, be it

ORDERED, the House concurring, that the Joint Select Committee on the Budget Process study the budget process, including the form and content of budget documents, the procedures to examine and determine budget amounts and the process for adopting budgets; and be it further

ORDERED, that the committee be established, to be composed of 13 members of the Appropriations and Financial Affairs Committee and the State Government Committee, 3 of whom shall be Senators appointed by the President of the Senate and 10 of whom shall be Representatives appointed by the Speaker of the House, these members to be appointed in such a manner as to provide equitable representation of both political parties and the co-chairmen of the committee to be appointed by the President of the Senate and Speaker of the House; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977, and submit to the Legislative Council within the same time period its findings and recommendations including copies of any recommended legislation in final draft form; and be it further

ORDERED, that upon passage of this order in concurrence, the Secretary of the Senate shall forward a suitable copy of this Order to members of the committee. (S. P. 577)

Which was Read.

On motion of Mr. Speers of Kennebec, Tabled pending passage.

An Expression of Legislative Sentiment recognizing that: William R. Dams Jr., of Lewiston is leaving his position as Commissioner of Environmental Protection in order to assume the position of Regional Administrator of the United States Environmental Protection Agency, Region I. (S. P. 578)

presented by Senator Trotzky of Penobscot. Which was Read and Passed. Sent down for concurrence.

**Committee Reports
House**

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

Bill, "An Act to Increase Salaries of Maine Maritime Academy Employees." (Emergency) (H. P. 1342) (L. D. 1589)

Bill, "An Act Increasing the Mileage Allowance for State Employees on State Business." (Emergency) (H. P. 606) (L. D. 743)

Bill, "An Act Adjusting the Salary Plan for State Employees to Provide for a Salary Increase." (H. P. 676) (L. D. 861)

Bill, "An Act to Provide Full Implementation of the State Employees' New Compensation Plan." (Emergency) (H. P. 1441) (L. D. 1668)

Bill, "An Act Increasing State Employees Pay." (Emergency) (H. P. 566) (L. D. 691)

Ought to Pass — As Amended

The Committee on Transportation on, Bill, "An Act to Appropriate Money for Improvements to Airports and to Authorize General Fund Bond Issues in the Amount of \$1,200,000." (H. P. 1409) (L. D. 1684)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-591).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-646) thereto.

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.

The Committee on Health and Institutional Services on, Bill, "An Act Relating to the Administration of Medication." (H. P. 1236) (L. D. 1389)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-640).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-865).

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

The Committee on Judiciary on, Bill, "An Act Concerning Penalties for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs." (H. P. 1362) (L. D. 1667)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-717).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "B" (H-796) and "C" (H-857) thereto.

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, An Act Reinstating Public Intoxication as a Crime. (H. P. 1201) (L. D. 1430)

Reported that the same Ought Not to Pass. Signed: Senators:

COLLINS of Knox
MANGAN of Androscoggin

Representatives:

HUGHES of Auburn
SEWALL of Newcastle
NORRIS of Brewer
SPENCER of Standish
GAUTHIER of Sanford
HENDERSON of Bangor
HOBBINS of Saco

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-716).

Signed:

Senators: CURTIS of Penobscot

Representatives: BENNETT of Caribou
DEVOE of Orono
TARBELL of Bangor

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Reports were Read.

The Majority Ought Not to Pass Report Accepted. (See Action Later Today.)

Senate

Ought to Pass in New Draft

Mr. Curtis for the Committee on Judiciary on, Bill, An Act to Amend the Maine Criminal Code as Recommended by the Criminal Law Advisory Commission. (S. P. 127) (L. D. 306)

Reported that the same Ought to Pass in New Draft under new title: Bill, An Act to Amend the Maine Criminal Code and Related Statutes. (S. P. 574) (L. D. 1892)

Which Report was Read and Accepted and the Bill, in New Draft, 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 to Provide for Legislative Confirmation of Gubernatorial Nominations to the Maine Human Services Council. (H. P. 723) (L. D. 856) have had the same under consideration, and ask Leave to Report: that the Senate recede and concur with the House and Pass the Bill to be Enacted.

On the Part of the Senate:

COLLINS of Aroostook
TROTZKY of Penobscot
MINKOWSKY of Androscoggin

On the Part of the House:

CURRAN of S. Portland
SILSBY of Ellsworth
GOODWIN of S. Berwick

Which Report was Read.

The PRESIDENT: The Chair would call the Senate's attention to the fact that if this Committee Report is accepted, it is necessary to have a two-thirds vote pursuant to Article 5, Part 1, Section 8 of the Constitution.

Therefore, the Chair will order a Division on the question is it the pleasure of the Senate to accept the Committee of Conference Report?

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, this is an issue that we had debated quite some time ago, and finally sent to a Committee of Conference. The position recommended by the Committee of Conference including, as I understand it, all three Conferees on the part of the Senate, is the House position, that there be added two new positions subject to the confirmation proceedings, the Chairman on the Committee on Aging and Chairman on the Advisory Committee on Human Services. Both of those organizations are advisory in nature. Both of them have Legislative Members who, under the terms of the Constitution as I read it, would not be able to Chairman of the Advisory Group, and as a matter of fact, at this point, one of those Committees does have a Legislator who is Chairman, so I think that the Senate ought not to accept the recommendation of the Conference Committee, and we ought to vote to defeat the Bill at this time.

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

Mr. COLLINS: Mr. President, the Bill originally started out in the Committee on State Government and came to us in a form whereby the Committee of the Maine Human Services Council were requesting that all 17 Members be confirmed by the appropriate Committee and by the Senate. The Committee changed that back to the position whereby only the Chairman would be confirmed, and I think our reasoning went something like this.

We are aware that both this Committee, and the Committee on Aging are Advisory Committees. Nevertheless, they are probably two of the most important Advisory Committees that we have. They exert considerable influence on Federal Programs and on State Legislation,

therefore, we decided and the Committee of Conference decided that we ought to make an exception in this instance and require that we have confirmation of these two extremely important Advisory Committee Chairmen, and we did this knowing that there might be a flood of other Advisory Committees that would seek confirmation of their Chairman, but we felt that these two particular Committees were extremely important to the total Legislative process, and that we ought to make an exception in this case.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I would concur with my colleague, the Senator from Aroostook, and urge that we do accept the Committee of Conference Report.

I think the term Advisory Council, especially in terms of the Human Services Council, may be a little deceiving. I know the amount of impact that the Chairman of this Council especially exerts in the areas of money for the elderly, transportation program and things like this, and I would have to suspect that my good colleague from Penobscot, who is one of four persons in this Chamber that is on the original State Government Committee, he was the Chairman, might have a little bit of pride of authorship of that document that we put into the statutes last Session.

I do not think that it was my intention on that Committee, when we voted to abolish the Executive Council and set these things up in the statute, I do not think that it was my intention that these things should be forever sacrosanct, that they could not be touched. I think we can deal with the various proposals as they come along for other advisory Councils to be confirmed by the Legislature, and I agree with my colleague from Penobscot, Senator Curtis, that it should not be a proliferation of these, but I do think in these particular instances that perhaps we overlook these last year, or last term, and perhaps we should go along and allow these to be confirmed because of the tremendous weight, the tremendous impact that these positions happen to have. Thank you.

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

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate, I would like to ask a question. I am a Senate Member on the Committee for the Aging, and the Chairman who was a Member of the other Body has done an excellent job as Chairman of this Committee over the last three or four years since it was formed.

Now I understand that if the Chairman is to stay in the other Body, then she cannot be Chairman of the Committee on Aging, because she gets paid a per diem of \$25.00 a day as Chairman, and that was the reason why I voted against the Bill, was the fact that I did not want to see the present Chairman not be able to continue as Chairman, but if this is not so, possibly, the good Senator from Aroostook, Senator Collins can advise me.

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

Mr. CURTIS: Mr. President, I believe the good Senator from York is correct in this matter, and that is one of the points that I was trying to make earlier when I was making reference to this, and the Senator from York, Senator Lovell is proper in pointing out the problem of having legislative members, particularly when they could not be Chairman of the Advisory Committee.

I think perhaps I am guilty of having a bit of pride of authorship in this legislation and Constitutional Amendment which resulted in redistributing the powers of the Executive Council, and so I guess I plead guilty to that charge from the good Senator from Aroostook, Senator Carpenter. However, I do think that it is very

important that the Legislature be concerned with the very delicate balance which was achieved when we finally abolished the Executive Council and replaced its powers. It certainly was no oversight on the part of the Legislature that these positions of the Advisory Committees on Aging and Human Services were not included to be subject to legislative confirmation. As a matter of fact, it was a very significant and detailed and drawn out debate and series of votes in both the House and the Senate, and if I remember correctly, we came very close to not being able to enact the overall Bill because of those particular positions.

But I think that it is important that we retain the confirmation process only for important key positions in State Government, and I would point out to you just one little matter, and that is that confirmation process is specifically designed to take place fairly rapidly, and that it requires a public hearing with proper notice, a meeting of the Joint Committee to review the nominee, and a vote by the Senate, all within a fairly short length of time, and it would be possible, and it may very well occur, that both the Joint Committee and the Senate are going to have to be called into very special session for the purpose of deciding whether or not the Governor's nominee for positions which require legislative confirmation be approved or not approved, and I would hate to see, Mr. President, a situation in which the Joint Committee was called into session and the Senate was called into a special one-day session for the purpose of confirming the Chairman of an Advisory Committee.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the acceptance of the Committee of Conference Report.

The Chair has ordered a Division.

Will all those Senators in favor of Accepting the Committee of Conference Report on L. D. 856, please rise in their places to be counted.

Will all those Senators opposed to Accepting the Committee of Conference Report of L. D. 856, please rise in their place to be counted.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: 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. 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 Acceptance of the Committee of Conference Report.

A yes vote will be in favor of Accepting the Report. A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Collins, D.; Conley, Danton, Farley, Greeley, Hichens, Jackson, Levine, Mangan, Merrill, Minkowsky, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Sewall.

NAY — Collins, S.; Cummings, Curtis, Katz, Lovell, McNally, Morrell, Wyman.

ABSENT — Hewes, Huber, Martin.

22 Senators having voted in the affirmative, and 8 Senators in the negative, with 3 Senators being absent, and 22 being more than two-thirds of the membership present and voting, the Committee of Conference Report is accepted, and the Bill will be signed by the President and presented by the Secretary to the Governor for his approval.

Reconsidered Matter

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

Mr. TROTZKY: Mr. President, in reference to Bill, An Act Reinstating Public Intoxication as a Crime. (H. P. 1201) (L. D. 1430) I move that the Senate reconsider its action whereby it accepted the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee in reference to L. D. 1430.

The Senator from Penobscot, Senator Trotzky, has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: in my City of Bangor, we have a problem in the sense that there are people who are under the influence of alcohol and incapacitated and not responsible for their actions, who tend to congregate in down town areas and business sections of the town, and loiter in store fronts and basically create, you might say, a passive disturbance on the streets of the City, and I know that this takes place in other communities throughout the State, and the police, by the way, after the Criminal Code was passed have a very difficult time in not knowing how to handle people under the influence, and what to do because the law does not appear to be clear.

The Minority Report of the Committee, as I read it, basically states that a person who appears to be incapacitated by alcohol in a public place may be taken into protective custody by the police or the emergency service patrol and brought for emergency treatment to an approved public treatment facility or other emergency medical service. If they cannot do that because those services are not around, they then try to take them to their homes or to a family in some way, next of kin and so on, and if not they can hold them in the jail of the local lock-up for a period not to exceed 12 hours, basically for the protection of that person under the influence, and to make every reasonable effort to protect that persons health and safety.

I do not see what is wrong with this, and if there are problems with the Minority Report, I would like to hear some Senator on the Committee if he would state the reasons why they did not accept the Minority Report. I would appreciate hearing them.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, the problems of public intoxication are going to be with us, I think, forever. Now this is the second Session in which I have searched diligently for better solutions.

I do not think that it is a solution simply to recriminalize public intoxication. Our problem is having more places to take these people. We just do not have enough places in the State to take them, and while I worked with the Minority of the Committee in trying to find a solution that would at least improve the situation a little, I am reluctantly came to the conclusion that the 12 hour detention thing had very grave questions about its constitutionality. We got an opinion from the Law Court a couple of years ago in this same area, and the Law Court said that it was not impossible to write a statute, but that it had to be very carefully done, and draftsmen have worked several drafts of it, and I still have the reservations about its ability to stand the test, and, with that reservation, I felt that it was wiser to stick to our present program.

I do want to say that I think the Chief of Police in Bangor is showing a great deal of imagination and insight into handling this very real problem. There is a problem in certain cities in particular with people who are just totally incapacitated, on private property some times, and some times on public property, for being sort of a public nuisance, and sometimes

the police have to approach it on a disorderly conduct charge, and sometimes on a trespass charge, and there are other possibilities, but it is not impossible to deal with the incapacitated, intoxicated person if our police officers will use the resources and imagination that they can. It has been just a little too easy for them to say, well, the Legislature said that drunks are not criminals any more and we will not bother with it. That is the easy way out, but I think that Chief Woodhead and some of the other chiefs who are really trying to improve the situation are going to find solutions that will help, and the other thing is that we are just going to have to have more treatment centers to take these people to.

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

Mr. KATZ: Mr. President, there are three things that we can do about those who abuse alcohol. We can get them involved in the criminal justice system, we can provide treatment, and we can initiate programs of prevention. I know of no other areas we can deal. Seems like two years or may be four years ago, does it not, since we got into such a long debate about the drinking age, minimum drinking age. It is hard to believe it was just a few months ago. Within the next week or so, we will be making our decisions. After all the impassioned rhetoric of last winter, we will make our decisions as to what we are going to be doing about treatment and prevention, and I call it to your attention because if what you said on the floor in debate last January and February was right from the heart, the opportunity must not slip by us in these last weeks to come.

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

Mr. CONLEY: Mr. President and Members of the Senate, I agree with the statements as made by both the good Senator from Kennebec, Senator Katz, the good Senator from Knox, Senator Collins.

I look upon the problem that we have in this subject as being a very, very serious problem throughout the State, and there is area for disagreement amongst all of us as to how we try to attack this problem. There are some who feel that we should be putting more money into education. There are some that feel that more money should be put into the so-called De-tox Centers, Half-way Houses, Quarter Houses, etc.

I have spent a great deal of time in my life dealing with this subject. It is one very close to me, and when I look back at the way treatment was given prior to the Legislature enacting this Statute was absolutely no alternative but to take the action that we did. We can now fall ten steps backwards, look upon the city lock-ups as detention centers to hold these people until they sober up. I think it is wrong. I think that it is morally wrong, because the State of Maine several years ago recognized alcoholism as a disease, and I do not mean to say that everybody who is intoxicated is an alcoholic, but, on the other hand, I would ask each of you since when has a policeman, and he is the individual who has to deal with the person, how long has he been a doctor, or how much knowledge does he have to be able to look upon an individual, whether he is lying on the street, whether he is walking down the street, and ascertain his exact problem, as to whether it is a medical problem or whether it is one of simple intoxication.

I often stated at the time that the Uniform Act was adopted by this Legislature, and we will take the City of Bangor, or will take the City of Portland, and we will use Jerry Conley as the example. If Jerry Conley came out of the Sheraton Eastland Hotel and fell down out front, and so long as he did not have the aroma of alcohol on him, they picked him up and they rushed him to the Maine Medical Center to find out that Jerry Conley had had a slight coronary.

If Jerry Conley fell down coming out of the Sheraton and had an aroma of alcohol on him, he would generally end up in the local lock-up, and yet he could still be suffering from a coronary, because police are not trained in that fashion.

I am a strong supporter of education and rehabilitation, and I do not agree with some of the thinking of Members of this Senate. I do not believe there are enough facilities set up within this State. I think there is a demand, whether it is De-Tox Centers or whether it is the Half-way Houses, but more Centers must be provided. They must be provided. The City of Augusta does not have one. Rumford does not have one. Millinocket does not have one. Machias does not have one. These are geographical areas of the State that are totally and completely isolated from any type of program to give assistance. We are presently considering Part II and I think it is imperative that the monies are placed there to meet these needs.

We addressed the problems of the businessmen in Bangor or any other community, I agree there is a problem, but the law that we passed has not given immunity to alcoholics, and I am afraid that this is what is being interpreted by a lot of police throughout this State. If a person is under the influence of alcohol and he is in a grocery store, such as complaints that I have received in the Portland area, and the fellow starts shop-lifting, whether it is a can of salmon or a can of tuna fish or crackers and etc. and shoves them under his jacket and starts to walk out, some people think there is immunity for that man because he is intoxicated. He does not have any immunity. He is in violation of other statutes, or he is in violation of other ordinances. He is up town pan-handling. He is in violation of local ordinances. That does not give him immunity. I believe common sense must be dictated, and I do not say necessarily because the guy is up on Congress Street or up on the Main Street in Bangor, whatever one that is, and he is pan-handling, that he necessarily should be run off to the local lock-up. I think the police might be able to either take him home, or they might be able to take him to the De-Tox Centers that they have.

It is my hope, and I would add to the words given by the good Senator from Knox, Senator Collins, that there was enough concern in the House to forward to the Attorney General's office the question relative to this particular matter, and the Minority Report, and two years ago, as everyone in this Senate knows, the Attorney General and I are very close friends, having served in this Body together and also coming from the same area of the State, but I think it was one of the greatest victories that I had in this Senate was when this Bill was first introduced, as the good Senator from Knox, Senator Collins, stated, when the Bill got here I had it sent to the Court because, and I am not sure, but I think that the good Senator from Androscoggin, Senator Snowe, may possibly have had her name on that one, but I am not sure, but the Bill was sent to the Attorney General's Office as to whether or not it was Constitutional, or if it had Constitutional problems, and they wrote up and said there were no Constitutional problems. We sent it to the Court, the Court saw it a Constitutional problem. This year the Attorney General's Office is willing to see the wisdom of the Court, and has also ruled that there is grave Constitutional problems, and so I again would request that the Senate vote against reconsideration.

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

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate: I would just like to call your attention and the good Senator from Cumberland, Senator Conley, that L. D. 1340 is

now passed and on the Appropriations Table, which was heard by the Committee on Human Resources, and the reason for this bill, that last year there were 23,000 arrests made in the State of Maine, alcohol related, either directly or indirectly caused by alcohol misuse, 8,200 drunk driving arrests, 2,500 disorderly conduct arrests, 1,350 liquor law violations, and 900 arrests for assault.

Now this bill was passed and is going to cost the State some \$400,000.00, but this is going to establish centers throughout the state for drunken drivers so that they may be able after 30 days, they still may not drink and have gone to an alcoholic counseling service, and we will have to start more. The only stipulation on this bill is the Committee on Human Resources was told at the hearing that we must vote for a .01 tax on a can of beer, .01 on a bottle of wine and 3 percent on hard liquor, and if we do that, we can fund this and it will do a great job, because not only will it take the drunken drivers there, but they can also take in other drunken types of things from over drinking, and I am sure that this bill will do a tremendous job for the State of Maine, and I sincerely, I was not going to vote for any taxes, but I feel that I will vote for this tax to fund this bill. Thank you.

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

Mr. CURTIS: Mr. President, as the lone Senate signer of the Minority Ought to Pass as amended Report, I guess it would be appropriate if I made some comments. The Minority in the Judiciary Committee, as a matter of fact, the entire committee tried very hard, I think, to come up with a solution that would help primarily those businessmen, and the most out-spoken ones were the ones from Bangor who have run into difficulties with drunks who hang around their store fronts, and although I signed the Minority Report, additional research has indicated, as has been described earlier, that there are such severe Constitutional problems with this type of approach using protective custody for up to 12 hours, and a standard of a person who appears to be incapacitated by alcohol, that I think that anything that would be Constitutional would have to be rewritten so drastically as to either be unworkable or to fall into the category which already exists in the Criminal Code of disorderly conduct.

For those reasons I have sympathy with the people, primarily businessmen who have the problems with drunks, and I can no longer support this Minority position.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: This issue is a very difficult one for me, because of a problem very close to me, and I have already talked to my good Minority Leader about it, and I told him I honestly did not know what I was going to do. I do know the rulings of the Attorney General and the comments of the Senator from Cumberland, Senator Conley, and the Senator from Penobscot, Senator Curtis, have made my decision easier, but we do have a problem, and I would just echo the words that have been spoken here this morning as to the magnitude of that problem, and hope that we can deal with that problem. As the good Senator from Kennebec, Senator Katz, pointed out, we are going to have an opportunity very soon, and I care about the businessman, but I care more about the person that is lying in the Bowery or the person that is lying on the corner in Houlton, or the person that is lying in the gutter in Bangor. Think about that person for just a second. If you have not ever been there, you want to go sometime and take a look. The businessman's point of view is important, but when you go down and you look at these situations, it is pret-

ty sad and a pretty frightening situation, because this is a disease that certainly does not know any class boundaries. It does not know any social strata. It does not know any financial boundaries, and I think we should vote against reconsideration this morning, and I will vote that way, because I do not think that we have a workable solution here.

But I would hope that after seeing all the Orders that are passed here dealing with coyotes and dealing with other problems we have throughout our State, that somebody in power or in the appropriate committee could take a long hard look at the problem that we have got in this state. The State of Maine has led the nation in many things. We are now considering a mandatory retirement bill to abolish mandatory retirement, which I understand would be significant legislation as far as in terms of us leading the nation. Why cannot we, with the expertise, with the knowledge we have right in this Chamber, why can not we do something about the problem with drunks, of the alcoholic, of the common bum, if you want to call them that, and I know everyone of them in my District, and there is a problem, and let us deal with it. We talked a lot about it when the drinking age was up here. We talked about it when various programs have come along, but we have not done a whole lot about it, folks, and I think that maybe, you know, the 108th may or may not be known for a lot of things, but that is one of the things that it could be known for, and I would hope that we would vote against reconsideration this morning, and perhaps get somebody or get a Study Committee together or a Study Order or something to deal with this problem. Thank you.

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

Mr. HICHENS: Mr. President and Members of the Senate: I think that the good Senator from Cumberland has presented some strong arguments this morning. He presented some strong arguments three or four years ago, and I went along with him on this bill on the presumption that there were going to be Centers throughout the state to take care of the problems so that the police would not have to put these unfortunates in the lock-up. There were two Centers set up in the State, and, to my knowledge, there is still two Centers set up in the State, and I think that looking back that we put the cart before the horse, as we have done on several other occasions.

I draw to your attention about two years ago an incident in Waterville where the Waterville Police were called and said that there was a man creating a disturbance at the Dunkin Donut Shop. They responded to that call, took the man into custody, and told him they had no other place to take him except to his home, and he begged them not take him home in that condition, so they took him in his car in the parking lot, and told him to stay there until he sobered up enough to go home. About two hours later they were called again, and said there was a man peeping in the windows of one of the apartment centers there, and so again they responded and found the same gentleman wandering aimlessly around that area, took him back to his car, and told him to stay in that car until he was able to drive home. Within an hour's time they received another call of an accident, responded to that accident, rushed a young girl to the hospital, who later died as a result of injuries from the car that was driven by this man who was trying to get home under the influence of liquor. He later appeared in Court and was given a suspended sentence because the Judge said that he was not responsible for his actions while being under the influence of liquor.

When cases like that come to my attention, I wonder if we did the right thing. If this man could have been put in custody or the lock-up for

12 hours, this would not have happened. At the hearing on raising the drinking age last winter, one of the members of the other body, a former Police Officer in the City of Portland, gave a hypothetical example where if someone called the Police Department and said there was a drunk laying on the snowbank in their front yard, and he said that the police would respond in saying well there is nothing we can do, if we picked him up, we cannot take him into custody, we cannot make him go home, so why not leave him there, and after three days, you can do whatever you want to do with him. It sounded funny at the time, but it is a sad situation, and I think until we do get more of these Centers, until we get the Bill off of the Appropriations Table hopefully, which will set up some of these Centers throughout the State, that we should consider letting the police put them in for 12 hours and then send them home in a more sober condition.

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

Mr. MANGAN: Mr. President and Members of the Senate: I really do not want to belabor the point this morning. I was one of the signers of the Majority Ought Not to Pass, and my reasons are very simple.

The good Senator from the County of York, Senator Lovell, did mention that there were 23,000 arrests last year for alcohol related problems. You cannot solve these problems by placing these people in County Jails for 12 hours, by bringing them home, or by locking them up in local lock-up. Once you do that, 12 hours later they will go out and start drinking again.

The only way you can actually cure the problem affecting these 23,000 arrests is through education, proper educational programs. The man who is in the gutter, and who is sick with the disease of alcoholism, is going to be in the gutter the next night and the next night, and the next night after that, until someone takes him by the hand and makes him want to reform, until someone takes him by the hand and helps him to cure his own problem.

I was under the impression this morning that the logic of the Majority Report would negate the necessity of debate, but I feel that I probably was wrong. I feel very strongly that we should support the educational programs that are being urged by not only the Human Resources Committee, but also the Judiciary Committee, and when it comes into the Part II Budget, I would strongly urge your support of these programs, because it is only through education that we can reduce our alcohol problems in the State of Maine.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I hope that the Senate realizes that I am sensitive to the person who is incapacitated and is lying on the street. I am familiar with what Senator Carpenter mentioned, the bowery, and I am familiar with the sites that are in the bowery, and some of those sites still remain on my mind of the misfortune that people can sink to.

As I look at this bill here, the Minority Report, is basically stating that the first thing that the policeman has to do is find a rehabilitation center. Secondly, if there is not a rehabilitation center, get that person to his home or to next of kin, his family, somebody who cares for that person, and, third, it says here after the best efforts of the police, these alternatives do not appear to be available, such person may be detained in County Jail or local lockup, and I tend to feel that to a certain extent that it is more humanitarian than leaving that person lying around on the street in cold weather, rainy weather and so on. There is also concern again for the business community. There are windows broken throughout my city

of Bangor, and these people have a problem, and they do not know what the answer is. So this bill was brought in in good faith, not just to protect the businessman, but to protect that other person, too, who is incapacitated and under the influence.

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

Mr. HICHENS: Mr. President, I am all in favor of these rehabilitation programs. In fact, I put in a bill the first year I was in the Legislature to set up a rehabilitation program, and with the funding monies to come from a tax on beer and wine. It was turned down, and every session that I have been in the Legislature, we have had a similar bill put in, and every time it has been turned down because you will not put your money in to take care of these problems, and until we do so, we have got to find other alternatives.

This year you have that opportunity again. I hope from those who have spoken this morning, that they will be willing to pass this bill, and that we may have a tax on the liquor, the people that are causing these problems, let them pay for the rehabilitation program and let us get going.

I ask for a Roll Call.

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I do not quite understand what we are voting on. Are we voting now to accept something that is unconstitutional?

The PRESIDENT: The present question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate reconsider its action whereby it accepted the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, if we do that, then we vote on something that is unconstitutional?

I pose the question through the Chair to the good Senator from Penobscot, Senator Trotzky, if he would like to respond to that.

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

Mr. TROTZKY: Mr. President, I do not have any letter on my desk from the Attorney General stating that this is unconstitutional, but I would remind the Senator from Portland, Senator Conley, that this Senate on the abortion issue very well went along with the bill that appeared to be very unconstitutional.

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

Mr. CONLEY: Mr. President, I have as a brief here if the good Senator from Penobscot, Senator Trotzky, would like to take the time to read it. It states very clearly that it is unconstitutional.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee in reference to L. D. 1430.

A yes vote will be in favor of reconsideration. A nay vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA — Greeley, Hichens, Jackson, McNally, Pray, Trotzky, Wyman.

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Katz, Levine, Lovell, Mangan, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Redmond, Snowe, Speers, Usher.

ABSENT — Hewes, Huber, Martin.

7 Senators having voted in the affirmative, and 22 Senators in the negative, with 3 Senators being absent, the motion to Reconsider does not prevail.

The **PRESIDENT**: The Chair at this time would ask the Sergeant-at-Arms to escort the Senator from Kennebec, Senator Katz, to the Rostrum to act as President Pro Tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Katz of Kennebec to the Rostrum where he assumed the duties of President Pro Tem, and the President retired from the Senate Chamber.

Second Readers

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

House — As Amended

Bill, "An Act Concerning Dispute Resolution under the Municipal Public Employees Labor Relations Statutes." (H. P. 1422) (L. D. 1670)

Bill, "An Act Authorizing Expenditures for Health Care Alternatives." (H. P. 1268) (L. D. 1496)

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

Bill, "An Act Providing for the Registration and Regulation of Off-road Vehicles." (H. P. 1162) (L. D. 1420)

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

Mr. **PRAY**: Mr. President, in reference to L. D. 1420, I move the indefinite postponement of this bill and all its accompanying papers.

The **PRESIDENT Pro Tem**: The Senator from Penobscot, Senator Pray, now moves that L. D. 1420 be indefinitely postponed. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. **GREELEY**: Mr. President, I would like to oppose that motion and ask for a Division.

The **PRESIDENT Pro Tem**: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. **PRAY**: Mr. President and Members of the Senate: It was my belief yesterday when we accepted the Ought to Pass as amended Report that there would be an Amendment offered today, and since that Amendment has not been offered, as I understood it, and thus a number of individuals did not oppose it, including the members who had signed the Ought Not to Pass Report, and I believe it was their belief also that there would be an Amendment offered today, and as I stated since that Amendment was not offered to clarify some of the problems that some of us have with the Bill, I would hope that the Senate could go along with the indefinite postponement.

The **PRESIDENT Pro Tem**: The pending question is the motion by the Senator from Penobscot, Senator Pray, that this bill and all its accompanying papers be indefinitely postponed.

A Division has been requested.

The Chair recognizes the Senator from York, Senator Danton.

Mr. **DANTON**: Mr. President, I would like to ask through the Chair to the Chairman of the Transportation Committee a question as to how they are going to enforce this piece of legislation?

The **PRESIDENT Pro Tem**: The Senator from York, Senator Danton, has asked a ques-

tion through the Chair. Anyone may answer if they so desire.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. **GREELEY**: Mr. President, I think that is a good question, but it is going to be under the supervision of the Motor Vehicle Department. The bill is half dead now, and, you know, it bothers me to see anything die, and I would rather that it die out of my sight.

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

Mr. **CONLEY**: Mr. President and Members of the Senate: We can make it more painless if the good Senator from Waldo, Senator Greeley, would excuse himself from the Senate Chamber.

The **PRESIDENT Pro Tem**: Is the Senate ready for the question? The pending question is the motion by the Senator from Penobscot, Senator Pray, that this bill and all its accompanying papers be indefinitely postponed.

A Division has been requested.

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

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

The Chair recognizes the Senator from York, Senator Danton.

Mr. **DANTON**: Mr. President, I request a Roll Call.

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

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

The Chair recognizes the Senator from York, Senator Danton.

Mr. **DANTON**: Mr. President and Members of the Senate: As I understand the bill, it goes on to say if someone had a mini-bike and his father owned a hundred acres of land, before he could ride it on his own land, he would have to register it, but somewhere within that hundred acres, if he crossed over to someone else's land, he would be violating the law, and these are some of the questions that I have. How are you going to enforce this? Now, let us assume that during the winter months there is a police officer and he sees a snowmobile machine out in the field with three feet of snow, and he sees that snowmobile cross over onto Pete Danton's land. How is that police officer going to enforce or get out there to see whether this snowmobile is registered, or whether it is on my land, or his father's land, or his own land?

There is a lot of problems with this bill, and I think that we are just putting something on the books that just is not enforceable. The good Senator from Transportation Committee indicated that just a few minutes ago. I do not think that this is a partisan issue. I think this is one of grave concern, especially to you Senators who represent the rural areas, and I think that we should kill this bill. I do not think that it is needed. I think we are just going to take and encourage another bureaucracy within the Motor Vehicle Department, having a bunch of guys running around to see who is crossing over whose land, and what vehicles they are using without being properly registered. So let us kill this bill.

On motion of Mr. Jackson of Cumberland, Tabled until later in today's session.

Pending the motion by Mr. Pray of Penobscot to Indefinitely Postpone.

(See Action Later Today)

Orders of the Day

The President Pro Tem laid before the Senate:

House Reports — from the Committee on Business Legislation — Bill, "An Act to Require Filing and Prior Approval of all Rates for Use by Nonprofit Hospital or Medical Organizations." (H. P. 1539) (L. D. 1769) (Emergency) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-752); Minority Report — Ought to Pass as Amended by Committee Amendment "B" (H-753)

Tabled — June 28, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Minority Report (Senator Pierce has asked for ruling from the Chair as to whether or not Committee Amendment "B" is Germane.)

On motion of Mr. Speers of Kennebec, Retabled until later in Today's Session.

(See Action Later Today)

The **PRESIDENT Pro Tem**: The Senator Senate:

RESOLUTION, Proposing an Amendment to the Constitution to Mandate the Appropriation of Funds for State Employee and Teacher Retirement Costs. (H. P. 2) (L. D. 2)

Tabled — June 28, 1977 by Senator Katz of Kennebec

Pending — Final Passage

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

The President Pro Tem laid before the Senate:

House Report — from the Committee on Health and Institutional Services — Bill, "An Act to Require that Persons or Agencies Placing Unrelated Children for Adoption be Licensed." (H. P. 416) (L. D. 523) Ought to Pass as Amended by Committee Amendment "A" (H-703)

Tabled — June 28, 1977 by Senator Snowe of Androscoggin

Pending — Acceptance of Report

Ought to Pass Report Accepted, in concurrence.

The Bill read once. Committee Amendment "A" Read and adopted. House Amendment "B" Read.

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

Mrs. **SNOWE**: Mr. President, I move the indefinite postponement of House Amendment "B".

The **PRESIDENT Pro Tem**: The Senator from Androscoggin, Senator Snowe, now moves that House Amendment "B" be indefinitely postponed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mrs. **SNOWE**: Mr. President, I now offer Senate Amendment "A" (S-343) and move its adoption.

The **PRESIDENT Pro Tem**: The Senator from Androscoggin, Senator Snowe, now offers Senate Amendment "A" and moves its adoption. The Secretary will Read Senate Amendment "A".

Senate Amendment "A" Read and Adopted.

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

Mrs. **SNOWE**: Mr. President, I now offer Senate Amendment "B" to Committee Amendment "A" (S-352) and move its adoption.

Senate Amendment "B" Read and Adopted. Committee Amendment "A", as amended, Adopted, in non-concurrence.

This Bill as amended, Tomorrow Assigned for Second Reading.

The President Pro Tem laid before the Senate:

RESOLVE, To appropriate \$8,956 to the Town of Milbridge to Reimburse it for Burglary Loss. (H. P. 1759) (L. D. 1891)

Tabled — June 28, 1977 by Senator Wyman of Washington
 Pending — Reference
 On motion of Mr. Wyman of Washington,
 Retabled until later in Today's Session.
 (See Action Later Today)

The President Pro Tem laid before the Senate:

Bill, "An Act Concerning the Administration of Laws by the Bureau of Taxation." (H. P. 394) (L. D. 498)

Tabled — June 28, 1977 by Senator Conley of Cumberland

Pending — Motion of Senator Wyman of Washington to Reconsider Adoption of Committee Amendment "A" (H-799)

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

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

The PRESIDENT Pro Tem: A Division has been requested.

Will all those Senators in favor of the motion to Reconsider the Adoption of Committee Amendment "A", please rise in their places to be counted.

Will all those Senators opposed to the Motion to Reconsider Adoption of Committee Amendment "A", please rise in their places to be counted.

1 Senator having voted in the affirmative, and 24 Senators in the negative, the motion fails.

This Bill Passed to be Engrossed as amended, in concurrence.

(See Action Later Today)

The President Pro Tem laid before the Senate:

House Reports — from the Committee on Taxation — Bill, "An Act to Require State Level Assessment of Industrial Real Property with a Value in Excess of \$1,000,000." (H. P. 1329) (L. D. 1606) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass with Committee Amendment "A" (H-777)

Tabled — June 28, 1977 by Senator Conley of Cumberland

Pending — Motion of Senator Wyman of Washington to Reconsider Acceptance of Majority Report

On motion of Mr. Speers of Kennebec,
 Retabled until later in Today's Session.

(See Action Later Today)

The President Pro Tem laid before the Senate:

Bill, "An Act to Increase the Exemption on Estates of Veterans." (H. P. 70) (L. D. 94)

Tabled — June 28, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator Farley of York to Reconsider Adoption of Committee Amendment "A" (H-648) as amended

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

Mr. FARLEY: Mr. President, under suspension of the Rules, I now move reconsideration whereby we adopted Senate Amendment "B".

The PRESIDENT Pro Tem: The Chair would advise the Senator that the pending question is Reconsideration of the Adoption of Committee Amendment "A" which does not require suspension of the Rules.

The Chair recognizes the same Senator.

Mr. FARLEY: Mr. President, parliamentary inquiry. This piece of legislation, does it presently have Senate Amendment "B" on it, and House Amendment "A"?

The PRESIDENT Pro Tem: The Chair would advise that in its present form, the Bill is amended by Committee Amendment "A" as amended by Senate Amendment "B", and the Motion of the Senator is to reconsider Adoption of Committee Amendment "A".

The Chair recognizes the same Senator.

Mr. FARLEY: Mr. President, I request leave to withdraw my motion on Reconsideration of Committee Amendment "A".

The PRESIDENT Pro Tem: The Chair would ask the Senator, does he intend to amend Senate Amendment "B" to Committee Amendment "A"?

The Chair recognizes the same Senator.

Mr. FARLEY: Mr. President, I want to amend Committee Amendment "A".

The PRESIDENT Pro Tem: Then the proper motion is the motion previously made to Reconsider Adoption.

The Chair recognizes the same Senator.

Mr. FARLEY: Mr. President, I so move.

The PRESIDENT Pro Tem: The pending question is the Reconsideration of the adoption of Committee Amendment "A" as amended. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. FARLEY: Mr. President, I would now move that the Senate reconsider its action whereby it adopted Senate Amendment "B".

The PRESIDENT Pro Tem: The Senator from York, Senator Farley, moves that the Senate reconsider its action whereby it Adopted Senate Amendment "B" to Committee Amendment "A". Is it the pleasure of the Senate?

The Chair recognizes the Senator from Knox, Senator Collins.

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

I would appreciate an explanation from the Senator from York, Senator Farley, as to where he intends to end up in this matter. Perhaps if I understood that, I could vote more intelligently.

The PRESIDENT Pro Tem: The Senator from Knox, Senator Collins has posed a question through the Chair. The Senator from York, Senator Farley, may answer if he chooses.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: What I am attempting to do is put an Amendment on the Committee Amendment, that would hopefully solve the problem of those veterans now getting the exemption, World War II or World War I, and then basically keeping in line the principles behind Senate Amendment "B", which is Senator Carpenter's Amendment. Under his present Amendment, the World War II Veteran now collecting exemption is not presently taken care of. My Amendment would grandfather those, getting the exemption now into the law. My Amendment would do that.

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

Mr. SPEERS: Mr. President, a parliamentary inquiry. Could the Secretary inform the Senate as to the date on which Senate Amendment "B" to Committee Amendment "A" was Adopted?

The PRESIDENT Pro Tem: The Chair would advise the Senator that Senate Amendment "B", although it was adopted on the 24th of this month, has been in suspense pending the Tabling Motion of Committee Amendment "A", and, consequently, the Chair would rule that suspension of the Rules is not required.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, some of this work was done in my absence, so I apologize for asking these questions, but it seems to me desirable that the Senate Amendment which was sponsored by the Senator from Aroostook, Senator Carpenter, which confined the increased exemption to those Veterans of World War I and previous, is the desirable posture for this matter to take.

As I understand it, the Amendment now being proposed by the Senator from York, Senator Farley would extend the same kind of increase to World War II Veterans. Am I correct in that?

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

Mr. FARLEY: Mr. President and Members of the Senate: To answer the Senator from Knox, Senator Collins — Senator Carpenter's Amendment that is on the legislation now takes care of the World War I veterans only. There are a small number of World War II veterans who are now presently getting the exemption. This merely grandfathers into Senator Carpenter's Amendment the World War II Veteran exemption, who are not presently receiving exemptions. It keeps the law as it is under my Amendment, and it keeps the principle of Senator Carpenter's Amendment on the increase in the evaluation for \$5-\$6,000.00, for the World War I veteran only. All it does is to grandfather, hopefully to correct a mistake or I think an oversight on what we did the last session on the Veteran's Exemption Bill.

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

Mr. MANGAN: Mr. President and Members of the Senate: If I understand our last debate on this matter, I was corrected by the most honorable Senator from the County of Cumberland, Senator Hewes, who I respect with deep admiration, who advised me as he looked through the statutes that the exemptions for veterans currently, I believe, are in Sub-Section 1-C, and that this Amendment of Senator Carpenter's only applied to the increased exemptions for veterans of World War I. I may be in error, but I believe that I may be correct in that the further amending of this is not necessary.

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

Mr. COLLINS: Mr. President, in reading S-354, which I believe is the Amendment proposed by the Senator from York, Senator Farley, I note that some of these increases apply only in towns where there is an increase in evaluation. It seems to me that this is going to create an inequity among veterans according to the town in which they live, because different towns use different ratios and all this sort of thing, and some shift from one scheme to another and back and forth, and for that reason, unless I can see an explanation to that problem, I would oppose the effort to kill the Amendment that was put on by the Senator from Aroostook, Senator Carpenter.

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

Mr. FARLEY: Mr. President, I request permission to address the Senate a fourth time.

The PRESIDENT Pro Tem: The Senator from York, Senator Farley, now requests permission to address the Senate for a fourth time. The Chair hears no objection. The Senator may proceed.

Mr. FARLEY: Mr. President and Members of the Senate: The problem, and the instance that the Senator from Knox, Senator Collins, brought up, when evaluation is lowered, for instance if a town is taxing at a rate of 66 percent and goes down to 50, then the present exemption takes care of that problem anyway.

The problem comes when you re-evaluate. If you are at 60 or 70 percent and you then go to a 100 percent, that is when the \$5 or \$6,000.00 principle behind Senator Carpenter's Amendment comes into play. This takes care of that. It does not change that at all, my Amendment.

What my Amendment does say is this, World War II veterans who, when we passed the law in the 107th, had difficulties and what we wanted to do hopefully was to help them. All we did in turn is not help them at all. We are just hopefully bringing this back up to where it was two years ago, prior to the present law. We are not saying, World War II veterans, that you are going to get the \$5- and \$6,000.00 exemption, those

are grandfathered right into the present law. If you are not receiving exemption now, you are grandfathered the \$4,000.00 exemption that you always did, no matter what the evaluation is. We are trying to take care of the problem that exists presently, and my Amendment would do that.

There are some problems. I have no qualms with Senator Carpenter's Amendment. This is merely just another little step to take care of the problem, my Amendment, of those that are getting the exemption, a part of the change of the law in the 107th.

The PRESIDENT Pro Tem: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from York, Senator Farley, that the Senate Reconsider its action whereby it Adopted Senate Amendment "B" to Committee Amendment "A".

A Division has been requested.

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

Will all those Senators opposed to Reconsideration, please rise in their places to be counted.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, a parliamentary inquiry, I would again address a question to the Chair as to the necessity of suspending the rules to reconsider an Amendment which had been adopted on the 24th of this month.

The PRESIDENT Pro Tem: The Majority Leader would please approach the Rostrum. (Senate at Ease)

The Senate will be in Order.

12 Senators having voted in the affirmative, and 13 Senators in the negative, the motion to reconsider does not prevail.

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

Mr. FARLEY: Mr. President, I request a Roll Call.

The PRESIDENT Pro Tem: The Chair would state that the vote already having been announced, a request for a Roll Call is not in order.

Is it now the pleasure of the Senate to adopt Committee Amendment "A" as amended.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I move that this item lie on the table until later in Today's Session.

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Conley, now moves that this item be Tabled until later in Today's Session, pending the Adoption of Committee Amendment "A" as amended. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I believe that there is a good deal of confusion with regard to this matter, and I would ask a parliamentary question.

The PRESIDENT Pro Tem: The Chair would advise the Senator that the Tabling Motion is not debatable.

The Chair recognizes the same Senator.

Mr. SPEERS: Mr. President, a parliamentary inquiry as to whether or not Committee Amendment "A" has been Adopted, and the pending motion may be the Engrossment of this bill.

The PRESIDENT Pro Tem: The Chair would advise the Senator that there were two reconsideration motions. The motion to reconsider Adoption of Committee Amendment "A" was carried, and although the motion to Reconsider Adoption of the Senate Amendment failed, it is now necessary to Adopt Committee Amendment "A". The pending question is the motion

of the Senator from Cumberland, Senator Conley, that this matter be tabled until later in Today's Session. Is this the pleasure of the Senate. It is a vote.

(See Action Later Today)

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

Mrs. SNOWE: Mr. President, is the Senate in possession of Bill, "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility." (H. P. 1230) (L. D. 1475)

The PRESIDENT Pro Tem: The Chair would answer in the affirmative, the Bill having been recalled from the Engrossing Department, per Joint Order (S. P. 573).

The Chair recognizes the same Senator.

Mrs. SNOWE: Mr. President, I move that the Senate suspend the rules for the purpose of Reconsideration.

The PRESIDENT Pro Tem: The Senator from Androscoggin, Senator Snowe, moves that the Senate suspend its rules. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mrs. SNOWE: Mr. President, I move that the Senate reconsider its action whereby it passed this Bill to be Engrossed.

The PRESIDENT Pro Tem: The Senator from Androscoggin, Senator Snowe, moves that the Senate Reconsider its action whereby this Bill was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mrs. SNOWE: Mr. President, I move that the Senate Reconsider its action whereby it Adopted Committee Amendment "A" as amended.

The PRESIDENT Pro Tem: The Senator from Androscoggin, Senator Snowe, now moves that the Senate reconsider its action whereby it adopted Committee Amendment "A" as amended. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mrs. SNOWE: Mr. President, I now move that the Senate Reconsider its action whereby it Adopted House Amendment "A" to Committee Amendment "A".

The PRESIDENT Pro Tem: The Senator from Androscoggin, Senator Snowe, now moves that the Senate Reconsider its action whereby it Adopted House Amendment "A" to Committee Amendment "A". Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mrs. SNOWE: Mr. President, I now move that House Amendment "A" be indefinitely postponed.

The PRESIDENT Pro Tem: The Senator from Androscoggin, Senator Snowe, now moves that House Amendment "A" be indefinitely postponed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mrs. SNOWE: Mr. President, I now present Senate Amendment "A" (S-351) to Committee Amendment "A" and move its Adoption.

The PRESIDENT Pro Tem: The Senator from Androscoggin, Senator Snowe, now presents Senate Amendment "A" to Committee Amendment "A" and moves its Adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read and Adopted. Committee Amendment "A", as amended, Adopted, in non-concurrence.

This Bill, as amended, Passed to Be Engrossed, in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

Senator Danton of York was granted unanimous consent to address the Senate on the Record.

Mr. DANTON: Mr. President and Members of the Senate: Of course, I am very proud of the two young ladies visiting with us today. I hope by the time they get of age to run for the Maine Senate, I am no longer here, and I will not have to worry about their competition, but Michelle Nadeau is the granddaughter of the Napoleon Nadeau who served in the Maine House longer than any other State Representative, I think, in the history of the Maine House. I think that he served 20 consecutive terms. So, obviously, we all know where she got her political knowledge. Denise Albee, who is the Speaker of the House, has not had as much experience, but for the last three years she has been working for me in my restaurant, and I have helped her as much as I could, and I think that helped her become Speaker of the House at Girls' State.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, in calling the Senate's attention to L. D. 1635, earlier this morning, the Senator from Cumberland, Senator Conley, Tabled this until later in Today's Session, and I now have an Amendment prepared, and if that Senator would care to remove that Item from the Table, we could proceed with the Amendment.

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

Mr. CONLEY: Mr. President, with respect to L. D. 1635, I now ask that this be removed from the Table.

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Conley now moves that Bill, "An Act Relating to the Powers of Plantations and their Organization." (H. P. 1396) (L. D. 1635) be removed from the Table. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I now present Senate Amendment "A" (S-356) and move its Adoption.

The PRESIDENT Pro Tem: The Chair would advise the Senator inasmuch as to the two Bodies are in non-concurrence, the appropriate motion would be to Recede. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, a parliamentary inquiry through the Chair. In order for us to be in concurrence with the House, what should we do.

The PRESIDENT Pro Tem: One would suspect that the motion to Recede and Concur would put us in Concurrence.

The Chair recognizes the same Senator.

Mr. CONLEY: Mr. President, and then Recede after that?

The PRESIDENT Pro Tem: If the desire of the Senate is to amend this legislation, the motion to Recede is in order.

The Chair recognizes the same Senator.

Mr. CONLEY: Mr. President, I would like to be in concurrence with the House, and also would like to Adopt the Amendment of the good Senator from Knox, Senator Collins, wishes to offer.

The PRESIDENT Pro Tem: The motion of the Senator from Knox, Senator Collins, will give you that opportunity.

The Chair recognizes the same Senator.

Mr. CONLEY: Mr. President, I now move that we Recede.

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Conley, now moves that the Senate Recede. Is it the pleasure of the Senate? It is a vote.

The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read and Adopted. House Amendment "A" (H-761) Read. House

Amendment "A" to House Amendment "A" (H-859) Read and Adopted. House Amendment "A", as amended, adopted.

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

Sent down for concurrence.

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

Mr. WYMAN: Mr. President, a parliamentary inquiry with reference to Bill "An Act Concerning the Administration of Laws by the Bureau of Taxation" (H. P. 394) (L. D. 498), if it is in order, I would like to move reconsideration for further Amendment.

The PRESIDENT Pro Tem: The Chair would advise that the Motion previously made to reconsider Adoption of Committee Amendment "A" failed of passage, and consequently a motion to Reconsider a second time is not in order.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, with regard to L. D. 498, I would move that the Senate Reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby this Bill was Passed to be Engrossed. Is this the pleasure of the Senate? It is a vote.

On motion of Mr. Speers of Kennebec, Tabled until later in Today's Session. Pending passage to be engrossed.

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

Mr. CARPENTER: Mr. President, with respect to Bill "An Act to Increase the Exemption on Estates of Veterans" (H. P. 70) (L. D. 94), I wonder if the Secretary would read the Amendments presently on the Bill. I got a little confused during all the shuffle.

Secretary Read Amendments.

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

Mr. CARPENTER: Mr. President, am I correct in saying that House Amendment "A" (H-747) was indefinitely postponed in this Body?

The PRESIDENT Pro Tem: House Amendment "A" was indefinitely postponed.

(Off Record Remarks)

The PRESIDENT Pro Tem: Is it now the pleasure of the Senate that all papers acted upon by the Senate this morning be sent forthwith? It is a vote.

On motion of Mr. Speers of Kennebec, Recessed until 2:30 this afternoon.

(Recess)

After Recess

Senate Called to Order by the President. (Off Record Remarks)

On motion of Mr. Speers of Kennebec, Recessed until the Sound of the Bell.

(Recess)

After Recess

Senate called to order by the President. (Off Record Remarks)

Out of Order and under suspension of the Rules, the Senate voted to consider the following additional

Papers from the House

Non-concurrent Matter

Bill, "An Act Concerning Arbitration for Municipal Fire Departments." (H. P. 522) (L. D. 640)

In the House June 27, 1977 Bill Passed to be Engrossed as amended by House Amendment "B" (H-849).

In the Senate June 28, 1977 Minority 'Ought Not to Pass' Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Mr. McNALLY: Mr. President, I move that we Adhere.

The PRESIDENT: The Senator from Hancock, Senator McNally, now moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I think that we have debated this bill long enough. I move that the Senate Recede and Concur.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate Recede and Concur with the House on L. D. 640.

The Chair recognizes the Senator from Hancock, Senator McNally.

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to Recede and Concur, please rise in their places to be counted.

Will all those Senators opposed to the motion to Recede and Concur, please rise in their places to be counted.

9 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.

Non-concurrent Matter

Bill, "An Act to Repeal the Personal Property Tax on Commercial Fishing Vessels and Equipment." (S. P. 233) (L. D. 730)

In the Senate June 16, 1977 Bill Passed to be Engrossed.

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

On motion of Mr. Conley of Cumberland, The Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act Concerning the Blue Sky Law." (S. P. 200) (L. D. 598)

In the Senate June 20, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-260).

Comes from the House, Bill Passed to be Engrossed as amended by House Amendment "A" (H-863) in non-concurrence.

On motion of Mr. Pierce of Kennebec, The Senate voted to Recede and Concur.

Joint Orders

Expressions of Legislative Sentiment recognizing that: Michael Harris of Kittery has achieved the high personal honor and distinction of Eagle Scout. (H. P. 1780)

Dana Langton of Kittery has achieved the high personal honor and distinction of Eagle Scout. (H. P. 1781)

Camp William Hinds Boy Scouts of America located in Raymond, Maine is celebrating its 50th Anniversary of outstanding service to Scouts. (H. P. 1784)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Order

On motion of Mr. Katz of Kennebec, WHEREAS, there is a need to reorganize the education laws presently codified in Title 20 of the Maine Revised Statutes; and

WHEREAS, it is the intent of the 108th Legislature to reorganize the education laws under a new Title to be introduced in bill form

during its 1978 session; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Education of the 108th Legislature is authorized and directed to work with the Department of Educational and Cultural Services, the Legislative Research Office, the Department of the Attorney General and such other parties as it deems appropriate to reorganize the education laws under a new Title to be introduced as a bill during the 1978 session of the 108th Legislature; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee. (S. P. 580)

Which was Read.

On motion of Mr. Speers of Kennebec, Tabled pending passage.

Committee Reports

House

Ought to Pass — As Amended

The Committee on Education on, Bill, "An Act to Amend the Special Education Tuition Reimbursement Law." (Emergency) (H. P. 972) (L. D. 1169)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-861).

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

Ought to Pass as amended Report was Read and Accepted, in concurrence.

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

The Committee on Health and Institutional Services on, Bill, "An Act to Permit the Advertising of Prescription Eyeglasses and Other Optical Devices." (H. P. 415) (L. D. 518)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-784).

Comes from the House, Bill and Papers Indefinitely Postponed.

Ought to Pass as amended Report Read and Accepted, in non-concurrence.

The Bill read once. Committee Amendment "A" Read.

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

Mr. MERRILL: Mr. President, I would just like to ask through the Chair to anyone who may care to answer whether or not this matter has already been covered in other Bills passed, and, if so, would a motion to put us in concurrence be in order?

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

The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: Mr. President and Members of the Senate: That is correct, in answer to the Senator from Cumberland, Senator Merrill. There is another bill that has recently been enacted. It would cover the same provisions of this bill that we just indefinitely postponed.

Committee Amendment "A" Adopted.

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

Mr. MERRILL: Mr. President, I move that this bill and all accompanying papers be indefinitely postponed in concurrence.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that this bill, L. D. 518, and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would ask a question through the Chair, whether or not the Governor signed the other bill yet?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, it is my understanding that he has 99 he is looking over.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be indefinitely postponed?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: Just with the understanding that the Governor has his own desk that he is holding bills on at this time, and consideration of the fact that the other legislation was passed by this body and it accompanied more than just the issue that is being discussed at this time, that perhaps we ought to proceed this along in the process that it is going until we find out what the Governor is going to do with the other legislation.

The PRESIDENT: Is it the pleasure of the Senate that this bill and all its accompanying papers be indefinitely postponed? It is a vote.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Require the Payment of AFDC Benefits for Unborn Children." (H. P. 673) (L. D. 858)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HUBER of Cumberland
MORRELL of Cumberland

Representatives:

JALBERT of Lewiston
CARTER of Winslow
HIGGINS of Scarborough
McBREAIRTY of Caribou
MORTON of Farmington
PERKINS of Blue Hill

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-841).

Signed:

Senator:

MERRILL of Cumberland

Representatives:

GREENLAW of Stonington
NAJARIAN of Portland
GOODWIN of Bath

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

Which Reports were Read.

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

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

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate accept the Majority Ought Not to Pass Report of the Committee. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

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

The PRESIDENT: A Division has been requested on the motion of the Senator from Cumberland, Senator Merrill.

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

Will all those Senators opposed to the motion

to accept the Ought Not to Pass Report of the Committee, please rise in their places to be counted.

21 Senators having voted in the affirmative, and 5 Senators in the negative, the motion to accept the Majority Ought Not to Pass Report does prevail.

Committee of Conference STATE OF MAINE

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Amend the Powers and Duties of the Maine Committee on Aging." (H. P. 229) (L. D. 292) have had the same under consideration, and ask leave to report:

that the House recede from passage to be engrossed, recede from adoption of House Amendment "A" (H-701), indefinitely postpone House Amendment "A", adopt Committee of Conference Amendment "A" (H-869), submitted herewith and pass the bill to be engrossed as amended by Committee of Conference Amendment "A" (H-869).

that the Senate recede from acceptance of the minority Ought Not to Pass report of the Committee on State Government, read the bill twice, adopt Committee of Conference Amendment "A" (H-869) and pass the bill to be engrossed as amended by Committee of Conference Amendment "A" in concurrence.

On the part of the House:

Representatives:

CURRAN of South Portland
CHURCHILL of Orland
VALENTINE of Kennebunkport

On the Part of the Senate:

Senators:

COLLINS of Aroostook
JACKSON of Cumberland
MINKOWSKY of Androscoggin

Comes from the House, Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Papers from the House Joint Order

WHEREAS, one of the most important functions a legislature performs is deciding upon the financial priorities of State Government and then appropriating funds to implement those priorities; and

WHEREAS, the Maine Legislature now, by statute, funds certain state programs at different times than it funds others, a method of funding which makes it difficult, if not impossible, for the Legislature to set comprehensive funding priorities for State Government; and

WHEREAS, while several bills introduced into the First Regular Session of the 108th Legislature have recognized this problem, and suggested a number of varying solutions to it, no suggested solution has won the support of a majority of the Legislature; and

WHEREAS, in view of this situation, it is obvious that the Legislature needs to conduct a thorough study of the various methods for setting budgetary priorities for State Government and of the various methods for implementing these priorities; now, therefore, be it

ORDERED, the Senate concurring, that there is established a Joint Select Committee on Legislative Financial Policy, to consist of 3 members of the Senate, appointed by the President of the Senate, and 10 members of the House of Representatives, appointed by the Speaker of the House, the members of this committee to receive the same reimbursements and allowances as members of a Joint Standing Committee; and be it further

ORDERED, that this committee shall investigate various methods of setting, at an early date in the legislative session, budgetary priorities of all state programs, both existing

and proposed, and shall also investigate various methods of implementing these established priorities; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977, and shall submit to the Legislative Council within the same time period, its findings and recommendations, including copies of any recommended legislation or proposed legislative rule changes in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order be forwarded to each member appointed to this Joint Select Committee. (H. P. 1785)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. SPEERS: Mr. President, I would point out to this body that there has been a similar Joint Order introduced in this body this morning. It is now on the Unassigned Table as are all the Joint Study Orders, and I would, therefore, move the indefinite postponement of this particular Order.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that this Joint Order be indefinitely postponed. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I do not know why both of these Joint Orders should not go on the Table. I understand that one of them has been introduced by one party, and one introduced by the other. I think in the interest of keeping the program moving here it might be good to treat both the same at this time. We could get into a pretty ridiculous game if we carried this partisanship this far, that we are not even going to let the Joint Order sit there for the same consideration as the other one had, and decide which one is best.

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

Mr. CONLEY: Mr. President, I move that this item be put on the Table.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that this Joint Order be Tabled.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: 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 Joint Order pending passage, please rise in their places to be counted.

Will all those Senators opposed to Tabling this Joint Order pending passage, please rise in their places to be counted.

10 Senators having voted in the affirmative, and 16 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, sometimes I wonder just how far partisanship does go, and how far it goes when both political parties get together, such as we did two weeks ago, when the Majority Party wanted to introduce a Bill before the State Government Committee, and they needed one Democrat to sign that Bill to allow it to be introduced. Today all that was asked was that this bill be put on the Table, no action to be taken on it, none what so ever, but to be put on the Table with other Joint Orders that have been placed here regularly. And I recall two weeks ago we did not, I was one of those who did not care to become involved in bitter partisan fighting over the fact that the Majority Party did not have a budget built in, that they would like to not have a hearing on, and debate that bill. Because of that, I feel that

the Majority party once again has just put its muscle to the wall to further press us, and I think again it is just a bad move on the part of the Majority Floor Leader, and I would only assure him that I am telling you that the day of reckoning is coming. It is going to take 22 votes in here to pass bills, and we do have the forces to stop it.

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

Mr. SPEERS: Mr. President, simply for the edification of those in future years who may be reading over the record, I would like to point out that there is lying on the Table at the present time a Joint Order which is similar in every respect to this particular Order, except for the make-up of the particular Committee that is to make the study of this particular Order. The only difference in that respect is that the Order on the Table right now directs that the Committee be made up of Members of the Appropriations Committee and the State Government Committee, whereas the Order that is before us does not specify the membership of the Committee as to the various committees from which these members must be drawn.

If that is such a real problem, I am sure that other Order can be amended when it comes off the Table, and there can be some discussion on that at that time. But I simply want to point out that there is on the Table at the present time an Order which accomplishes precisely what this Order proposes to accomplish.

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

Mr. MERRILL: Mr. President and Members of the Senate: I have until this time not talked about the shenanigans that have gone on with this whole Budget Committee debate, but I think today it has gone to the point and the Majority Party has carried it to the point of absurdity where it has to be talked about.

As early as the Special Session of last year there were some of us in this body and some in the other body who thought that the budget process in this Legislature should be changed. We tried to do it with a bill last time, and that did not succeed. We tried to do it in talking to the leadership, as they sit down and make up the rules and procedures that governed this Legislature at the beginning, and that did not succeed, and so a Bill was introduced. Representative James Wilfong of Stow, who happens to be a Democrat, and who was concerned about an issue which I think probably Democrats and Republicans around that State are concerned about. The Governor, independent of these concerns, through a study of his own, became concerned about the budget process and had a bill that he wanted to put in. He asked the Representative from Stow, James Wilfong, to put that bill in for him, and that was done.

Both of those bills had very broad titles and you could have done just about anything you wanted to do with those bills, in terms of reforming the budget process. Of course, those bills went before Joint Committees made up of Democrats and Republicans. So it was entirely possible for there to be two, or three, or four reports, but at least two reflecting the philosophy of the two parties, if there is, in fact, a difference of philosophy on these questions, so that both parties could be represented in a bill that would be passed out to the Legislature.

Now two or three weeks ago, well after the deadline, a member of leadership, who happens to be Republican, decided that he wanted to have his own bill in, so that a big press release could be made, and the leadership, which has generally done a good job keeping these bills out of the process that are being put in just for political reasons, did not do the usual good job in this situation, and the bill was let in, to serve no more purpose than to allow press releases for

the Majority Party because they were trying to cover their trail because they had been opposed to true budget reform for last year and this year because they like it just the way that it is. I said nothing at that time. I wanted to see this Session move forward without any unnecessary partisan bickering, because I understood that both Bills will get a chance to be heard and we could discuss them, then people got together on both sides and decided to avoid partisan bickering. Let us study the problem some more. Well, it seemed to me that it has been studied quite a bit already, but that was all right.

Now we have two Joint Orders that differ slightly. They differ in who sponsored them, and the partisanship on this now is extended to the point of pettiness, where the Majority Leader of the Maine Senate refuses to Table the Order that has already passed the other body because it is not his Order and because he did not introduce it.

If I were a Republican and if I were interested in the orderly procession of the bills that are before us, I would not be very proud of the petty, juvenile actions taken by the Majority Leader of this body here today.

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

Mr. KATZ: Mr. President, I would like to chide the Senator from Cumberland, Senator Merrill. Twice in recent days he has conducted high level debate in which he said let us debate the issues, let us not attempt to go into motivations. Boy, he just went on a motivation very, very deeply, and, in fact, some pretty bad motivations for the actions that have taken place.

Because words come tumbling out in debate, when the debate is not written, I would like him to reconsider his debate and stick to the issue and not try to assign some impure motivations.

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

Mr. HEWES: Mr. President and Members of the Senate: It seems to me that the goal should be what the Senator from Cumberland is talking about, to have this study on the budgetary process, and who cares how it is achieved as long as the study develops. I know there are many prima donnas here in the Legislature in both branches, both bodies, but I think the better way myself is to let somebody else sponsor the bill of their own, let them be out front, and you work behind and try to accomplish your ends.

I certainly do not think there is any need to have two bills saying the same thing on the Table, and I support the position of the Senator from Kennebec, Senator Speers. I think that he is trying to expedite matters. We only have five legislative days until statutory adjournment.

The PRESIDENT: The pending question before the Senate, is the motion of the Senator from Kennebec, Senator Speers to indefinitely postpone this Joint Order.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I would point out that one of these Orders has already passed the other Body. In the spirit of expediting things, I suppose if you were going to choose on some logical basis, you might choose that one.

The PRESIDENT: The pending question before the Senate, is the motion by the Senator from Kennebec, Senator Speers, to indefinitely postpone this Joint Order.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I move this item be placed on the Table.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that this item be Tabled.

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: 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. 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 Cumberland, Senator Conley, that this Joint Order, H. P. 1785, be Tabled.

A yes vote will be in favor of tabling. A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Conley, Danton, Farley, Greeley, Levine, Mangan, Merrill, Minkowsky, O'Leary, Pray, Usher.

NAY — Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Hewes, Hichens, Huber, Jackson, Katz, Lovell, McNally, Morrell, Pierce, Redmond, Snowe, Speers, Wyman.

ABSENT — Martin, Trotzky.

12 Senators having voted in the affirmative, and 18 Senators in the negative, with 2 Senators being absent, the motion to Table does not prevail.

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

Mr. CONLEY: Mr. President, I move that this item be Tabled for One Legislative Day.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that H. P. 1785 be Tabled for One Legislative Day.

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: 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. 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 Cumberland, Senator Conley, that H. P. 1785 be Tabled for One Legislative Day.

A yes vote will be in favor of tabling for One Legislative Day. A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAY — Chapman, Collins, D.; Collins, S.; Curtis, Hewes, Hichens, Huber, Jackson, Katz, Lovell, McNally, Pierce, Redmond, Snowe, Speers, Wyman.

ABSENT — Cummings, Greeley, Martin, Morrell, Trotzky.

11 Senators having voted in the affirmative, and 16 Senators in the negative, with 5 Senators being absent, the Motion to Table for One Legislative Day does not prevail.

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

Mr. CONLEY: Mr. President, a friend of mine in the Majority Party has been kind enough to forward me a script that we could proceed with starting to Table for five days, starting to Table for four days, three days, two days, one day, later in the Day's Session, recess, or adjournment.

Now I do not care to put the Senate through that trial, but I just want you all to think, in spite of the fact that the good Senator from Kennebec, Senator Katz, may think that this is a little bit childish, I just wonder how far partisan politics goes, and to what extreme we, the Minority Party, have to go to get the courtesy of having something placed on the Table, either for one day, three days, or unassigned.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, we have sat here now for about 20 minutes, and I agree in the large part of the remarks of my Floor Leader, the Senator from Cumberland, Senator Conley. I think the point is well taken. I think the point should be well taken by this time that there is some disagreement as to Tabling items, or putting things on the Table, Joint Study Orders.

I do not have the ability to orate or debate as well as the Senator from Cumberland, Senator Merrill, the Senator from Kennebec, Senator Speers, or the Senator from Kennebec, Senator Katz, I am just a plain old country boy, but enough. We were not sent down here to do this. The point had to be made, perhaps. The point has been made, perhaps, and I now hope that we can proceed. It is 5:00 in the afternoon, the 29th of June. There are five days left to adjournment, and I hope that now that the point has been made, and I think it has not been made to anybody in this Chamber that they do not deserve to be in this Chamber, and I would just ask my colleagues, Republicans and Democrats, if we might now proceed to the rest of the calendar. Thank you.

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

Mr. CONLEY: Mr. President, it is unfortunate that the good Senator from Aroostook does not prick the conscience of the Majority Party here, instead of looking to his Minority Floor Leader.

I did not come up here to get stamped on, or stampeded by anyone, and all I am asking for those of us who do not have 22 Members in this branch, or 21 Members, the courtesy of Tabling an Order.

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

Mr. PRAY: Mr. President, I move this item lie on the Table.

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

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

The PRESIDENT: A Division has been requested.

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

Will all those Senators opposed to the Motion to Table this item please rise in their places to be counted.

10 Senators having voted in the affirmative, and 14 Senators in the negative, the Motion to Table does not prevail.

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

Mr. MERRILL: Mr. President, what is the pending question?

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Speers, that this Joint Order be indefinitely postponed.

The Chair recognizes the same Senator.

Mr. MERRILL: Mr. President and Members of the Senate, this is an important Order. This is

an Order that would give us a chance to study our budget process. It is something that I have been in favor of for sometime. I know that there are a lot of members of the public that are in favor of it. I have heard nothing said today that is wrong with this Order, except for the fact that somebody else has another one. This Order has already passed the House, I would urge us to defeat the Motion to indefinitely postpone and pass this Order at this time.

I ask for a Roll Call on the Motion to indefinitely postpone.

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

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

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

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate, I was in the Senate in the 100th, and 101st Legislatures representing York County. We had three Senators from York County. In the 102nd Legislature, Mr. Goldwater was running for President, and Republicans went down the drain, all over the State of Maine, and all three Senators in York County were not re-elected, and I visited the Senate in the 102nd, which was strongly Democratic, and the Democratic Senate did not give anything to the Republicans that were in that Senate.

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

Mr. KATZ: Mr. President, prior to this Session a Member of the Majority Party in the other Branch came up to me and asked me to vote against the Joint Order that we are talking about. He pointed out that all this Session we have been talking about strengthening the Committees, and yet the Joint Order that has come down to us from the other Body by-passed the Committees, so there is merit to defeating this and giving the job to the Committees.

I would like to tell about my experience in the 102nd. I was treated like a gentleman on all occasions. I had no confrontations. One of the reasons I did not have any confrontations is I did not attempt to confront the Majority Party. I did not attempt to table measures and I did not attempt to buck the system.

There is one steering wheel in every automobile, and there really is the steering wheel to conduct democratically the Legislative process, and in the process of conducting things in an orderly way, there has to be one person to control the flow of Legislation, and I suspect the reason we have had confrontations, and needless confrontations, time consuming confrontations, is that the concept of having one steering wheel, apparently is not terribly acceptable, and I urge the Members of the Senate to save their time and their arguments for the important issues, so that you have a chance to express yourself without having used up all your marbles on debate on needless procedural Motions.

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

Mr. CONLEY: Mr. President, I wish to thank the Senator from Kennebec, Senator Katz, for enlightening us as to how procedures are run in the Maine Senate. Unfortunately, I have been here for a number of years, and I know what it is, and I have never been among a Member of the Majority Party in this Chamber, and I understand the game very, very well.

I also understand very well that every Joint Order that has come into this Chamber, starting since January 5, has been read and placed on the Table without any action being taken. The Legislative Leadership, Legislative

Council will decide whether or not or which one of these, if any of these Orders will pass. I do not believe that it is the Senate as a whole, from the time of introduction that these Orders have been indefinitely postponed.

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

Mr. MERRILL: Mr. President, two quick points. First, whether any of us like it or not, we are in a vehicle now that has at least two steering wheels, I suppose you would say three in one sense, and that calls for special cooperation on all sides, and it calls for the need to bend a little, and, frankly, it is the reason that as these other things have happened, that I have talked about with this issue as it progressed that I have not said anything.

There is a point at which the flexing of partisan muscle causes problems when you have a house of one party and a Senate of another party, and, believe me, what goes on here today with regard to this issue will not go unnoticed, and it will not shorten this Session. We all know that. So, I think that is a point. As the Republicans enjoy their position behind this steering wheel, I think it is important to understand that we want to avoid a collision course with the other automobile that is being driven by another party. That calls for a little more flexibility than the good old days when one party was in control of both Bodies.

Secondly, to go to the only substantive argument that has been made against this Order today, as far as strengthening the Committees, it is my understanding that this Order has more flexibility than the Order that is already on the Table in terms of who will serve, whether it be Members of the Committee or not, and, secondly, I would point out, that many of the studies that have been done in the past, at the request of Senator Katz, the Senator from Kennebec, and other Members of this Body, have not used the Committee process. Sometimes, they have used the multi-discipline approach, which I think would be appropriate in this case, because you have different concerns, Taxation and Appropriations, and Performance Audit, all to be reflected. Sometimes the study Orders put in by the Senator from Kennebec, Senator Katz, and others have brought in people outside of the Legislature. So there is a lot to be said for using a different sort of approach, and this Order, in my understanding, and my quick reading of the other Order, the one that is on the Table, I guess that is what we are comparing it to, has more flexibility for Leadership in both Bodies as to who will be put there, and I think that is something that commends it. So if the Senator from Kennebec's only concern with this matter is the question that he has raised, I would really suggest to him that he take a little closer look at it, because I think this is the one that he probably should support.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Speers, that this Joint Order be indefinitely postponed.

A yeas vote will be in favor of indefinite postponement. A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

YEA — Chapman, Collins, D.; Collins, S.; Curtis, Hewes, Hichens, Katz, Lovell, McNally, Pierce, Redmond, Snowe, Speers.

NAY — Conley, Danton, Farley, Jackson, Levine, Mangan, Merrill, Minkowsky, O'Leary, Usher, Wyman.

ABSENT — Carpenter, Cummings, Greeley, Huber, Martin, Morrell, Trotzky.

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

Mr. JACKSON: Mr. President, I wish to change my vote from nay to yeas.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now wishes to change his vote from yeas to nay.

14 Senators having voted in the affirmative, and 11 Senators in the negative, with 7 Senators being absent, the Motion to indefinitely postpone does prevail.

Sent down for Concurrence.

**Communication
Office of the Governor**

June 28, 1977

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

I am returning without my signature and approval H. P. 1138, L. D. 1380, An Act Concerning Equine Infectious Anemia.

This bill is unnecessary since the Department of Agriculture already has regulations which parallel the substance of this law; consequently, if signed into law the bill would create a potentially serious situation by negating the Department's ability to make adjustments to handle and control equine infectious anemia in the event that the disease should become a real problem.

Currently, the Department of Agriculture has adopted regulations which for all intents and purposes reflect the procedures which this bill would mandate by law. The obvious advantage of handling disease control situations with regulations is that the Department has the ability to react to emergencies or crises where more stringent or less stringent regulations are required.

The Commissioner of Agriculture is already charged by law to prevent the introduction and spread of contagious, infectious and parasitic diseases among domestic animals in this state. The commissioner is given by law the necessary authority to control and eradicate diseases of domestic animals, and in all other cases he exercises this control with the necessary flexibility to do an effective job in carrying out the statutory charge. This bill is directly contrary to that purpose since it would handcuff the Commissioner and restrict his ability to function effectively.

In summary, this bill is unnecessary and sets a bad precedent. I respectfully request that you sustain my veto of this measure.

Very Truly Yours,
(Signed) JAMES B. LONGLEY
(H. P. 1786)

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

Which was Read and Ordered Placed on File in Concurrence.

In the House, June 29, 1977, this Bill, having been returned by the Governor together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

118 voted in favor and 13 against, and accordingly it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

(Signed) EDWIN H. PERT
Clerk of the House

The PRESIDENT: The pending question before the Senate is shall this Bill become a law notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by the yeas and nays.

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

Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE: Mr. President, I would like to make two brief remarks, Mr. President and Members of the Senate, about this communication.

First of all, it shows to me that the Governor

has not indeed read the Bill, because he speaks of the Commissioner of Agriculture being charged to prevent, etc., etc., and that the possibility of an emergency situation might arise. Well that possibility was taken care of in the Bill.

The second point is that in order for someone to vote to sustain the veto of the Governor, perhaps what you are in effect doing is agreeing with what seems the philosophical argument behind the Governor's message, and that is that the Governor and the Department Heads should run the State of Maine without any interference from the Legislature.

The PRESIDENT: Is the Senate ready for the question?

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

The Doorkeepers will secure the Chamber.
The Secretary will Call the Roll.

ROLL CALL

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

NAY — Hewes, Morrell.

ABSENT — Jackson, Martin, Trotzky.

28 Senators having voted in the affirmative, and 2 Senators in the negative, with 3 Senators being absent, and 28 being more than two-thirds of the Membership present, it is the vote of the Senate that this Bill become a law notwithstanding the objections of the Governor, and the Secretary will present the Bill to the Secretary of State.

Orders of the Day

The President laid before the Senate:

Bill, "An Act to Provide Lifeline Electrical Services." (H. P. 1669) (L. D. 1867)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Motion of Senator Conley of Cumberland to Recede and Concur.

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

Mr. COLLINS: Mr. President, this Bill is now in substantially different form from when it left the Senate last, and from the form in which the Committee originally approved it. It came out of Committee with a unanimous Report, and it was to be funded from appropriated funds.

It now is in position whereby the utility rate payers will have to subsidize the people who receive the benefit, and it seems to me that if we are to engage in this type of program, and I am sure that it does have merit, that we ought to do it from sources of general revenue, rather than having certain rate payers who may find it difficult to subsidize other rate payers.

My community was one of the test communities that tried the life line service before. I might add that our utility is the highest cost utility in the State, and, in effect, what the test results showed was that people who could ill afford it were subsidizing another element of the society.

So I would oppose the Motion to Recede and Concur, and would hope that we could Adhere to our previous position.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I also oppose the Amendment that is presently on this Bill. It would have required rate review. It would have required the Public Utilities Commission to come up with a life line rate. Because I would rather have had this Bill funded out of the General Fund, and I still maintain that posture.

However, I now have reason to believe, very substantial reason to believe that this Bill will not be funded out of the General Fund, and I

want to make sure that you all are aware of that, that if we vote for this Bill in the version that we originally voted on it in the Senate, that it will die on the Appropriations Table, because there just is not enough money. What the Amendment that comes to us from the other Body would do, in other words, what the Motion to Recede and Concur would do, it would give the Public Utilities Commission one year and a half, until January 1st of 1979, to establish a life line rate for the public utilities of the State, so that seeing citizens making less than \$6,500.00 a year, over the age of 62, could get a cheaper electricity. Now I want to quote to you just briefly from the Public Utilities Commission study on the experimental pilot program. "The Maine life line demonstration program, as a program, was clearly successful. The low-income elderly who participated did have savings. Furthermore, the participants in practice did conserve in their use of energy as compared with regular residential users. Its administrative burdens were not severe. We see no difficulty in extending the life line program State-wide in substantially the same form it took during the demonstration program."

What we would be doing if we Recede and Concur, we would be asking the Public Utilities Commission within the next year and a half to establish a 15th special rate. There are presently about 14 "special rates" being used by the various utility companies in this State to subsidize their own employees, large commercial users, and I know there are all good reasons for this, just as there are good reasons for tax exemptions and the other things that we do in this Legislature. It would not be asking the Public Utilities Commission to put a surcharge on my bill, on your bill, or anybody else's bill. We would be building it into the base rate probably, depending on how the Public Utilities Commission comes up with this, similar to the way presently the Telephone Company build into your base rate the cost of dialing Directory Assistance.

I would hope that we could pass this Bill in the posture of Receding and Concurring with the other Body. When the 107th Legislature passed the experimental life line program, it was passed unanimously in this Body. It was overwhelmingly successful, except for that one little point where approximately .07 a month showed up on your bill, and people did not like this. They did not like it. I want to make sure it is in the record that I am not standing here trying to deceive anybody that this money is going to come from some mythical source. I would pose a rhetorical question, however, to the people, including my colleague, the Senator from Aroostook, Senator Collins, who just said that he would rather have it come from the general tax base of the State. I see very little difference between all the rate payers in the State and the general taxpayer in the State. There are not too many people who are putting money into the General Fund, who do not use electrical service. They are very similar. The money is simply not there to fund this, so if we do go to the Appropriations Table, I have received, as a Member of the Public Utilities Committee, in the past couple of weeks I have received many letters from the elderly back home, and surprising they know this: When I thought there was money in the Appropriations end of it to fund this, and I was telling my people back home, they were telling me, no, there is not money. I came back down here, and I found out that they were right, and I was wrong. This message has gotten across to them folks loud and clear, that there is no money to fund this, and if they have a chance to have a life line rate established, it is going to be by just that, having a life line rate established.

I would hope that we would vote to Recede and Concur, and Mr. President, when the vote is

taken, I request it be taken by the yeas and nays.

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

Mr. CONLEY: Mr. President and Members of the Senate, it is my understanding that when we first passed this life line project back during the Regular Session of the previous Session, that it was a pilot project, and it was my understanding that there was a very serious study done on that project while it was in effect, and at the time of the hearing it was also my understanding that there were many people who attended this public hearing, testified that the success of this program was enormous.

It would be my hope that the Senate would move to Recede and Concur, that we could pass this Bill, we could allow this life line to go into effect on a permanent basis, as I am sure that the citizens in need of this help will be benefited by it mostly.

I would also pose a question. I notice that the Chairman of the Appropriations Committee is not here at the moment, but perhaps some other Member of the Appropriations Committee could address themselves as to whether or not the recommendations that are coming from that Committee that we pass the exemption on sales tax on electricity.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to any Member of the Senate who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, as I gaze upon the Senate Chamber, again I notice that all three Members are caucusing, perhaps trying to revive a certain Order that was indefinitely postponed, and I would pose a question to the Majority Floor Leader as to whether or not he has any knowledge as to whether or not a recommendation is coming to this full Body that we pass the Bill that does away with or exempts sales tax on electricity.

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

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate Recede and Concur with the House.

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 in this matter, please rise in their places to be counted.

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

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, the hearing on the life line Bill was not attended as strongly as we had expected it to be attended. There were many people who did not speak. It was a long hearing that day, and I would assume that there were many who had come to speak and had to leave.

Naturally, only those who had benefitted by it came, and we heard, if not at that particular hearing, letters and people who called me and other Members of the Committee, some very marvelous reports of how this life line Bill had helped them.

It is definitely something that we tried in good faith, and about the only thing that was wrong with it was the surtax. People complained bitterly when they found that they were being forced to support a very worthy group of Maine citizens. They called it, I think it was, enforced charity, and so this Bill, truly there will be no surcharge, in that there will be no charge that will show on your Bill that you are subsidizing this particular group of citizens in the State

of Maine, so that that thorn in everyone's flesh will be very carefully hidden.

Now actually something like this is probably just what we all would like to do, to make electricity available at a much lower rate to a certain class of people who highly deserve it. But it has occurred to me as the Session goes on that we are making more and more concessions to this particular group of people. I think perhaps what we really should do in order to make it count on the surface, where we can know what we are doing, is to give everyone who is 65 years of age and over a guaranteed income of \$7,000.00 or \$7,500.00, take away all of these benefits, and then let them decide whether they want to eat caviar in the dark, or if they want to have peanut butter sandwiches with the lights on.

At this point, I think that we are making more and more concessions I am not saying that they are unworthy, but I just think they are adding up, and we do not know really what we are doing. I went to a couple of hearings in Bangor. That was one of the Cities that was used as an experiment, and there were some very complicated problems which were not solved at the Session that I attended on how does a landlord who has in his apartment people who are living there, tenants, some of whom deserve this life line rate, and some of whom do not, and he has one electric box, meter, and there are other problems that came up, many of which led me to believe that there were some people who deserved it who were not getting it, and some people who did not deserve it who were getting it.

I think that it is time that we really made an overall look at these things, and I am not going to ask for a study, but I do think that something along these lines should be done, where we know what we are doing, and we are not going to just constantly debate. They may be in such a point eventually that anybody who is 65 years old can live for free.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, just to briefly rebut the remarks of my colleague on the Public Utilities Committee, the Senator from Penobscot, Senator Cummings, there is no doubt that we would be creating, if you will, a special class of people by enactment of this Bill. We would be subsidizing the elderly similar to the way we have already done it in terms of rent and tax refunds, in terms of free drugs, in terms of the many, many other things that we do for this group of people that are having a very hard time making ends meet. As regards the possibility of a Study Order, I have a very substantial study in my hand completed after the fact of the experimental rate last year of the Public Utilities Commission, and this study does recommend strongly, that the rate be continued State-wide, with the exception of the surcharge, which made it quite unpalatable, and I certainly have no problem talking to my constituents who are under the age of 62, or who do not qualify for this rate, and explaining that to them.

And getting back briefly to the comment, that we are creating a special group or a special class of people, I want to emphasize and I want to make sure everybody understands, this is nothing new. We presently have approximately 14 special rates given to groups of people, given to industry, given to segments of the business economy, given to street lights, and if we do not feel that elderly people over the age of 62, making less than \$6,500.00 a year, are as important as street lights, then we will not vote to Recede and Concur this afternoon, and I hope that we certainly put them on a higher priority than street lighting. Thank you.

The PRESIDENT: Is the Senate ready for the question? A Roll Call has been ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate, I was fortunate enough to go out and tear the Chairman of the Appropriations Committee away from his books, his budgeting process that he is going through right now, and I would pose a question through the Chair to him, as to whether or not a recommendation is coming from the Appropriations Committee to do away with the tax exemption on electricity.

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate, I would respond that we have not considered any Bills on the Appropriations Table yet. It looks like we will be fairly close to the amount available without refunding the sales tax on electricity.

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

Mr. CONLEY: Mr. President, I wish to thank the good Senator from Cumberland, Senator Huber, for his response. So the only alternative left for us, if we are going to give some sort of assistance for electricity to the elderly who are in need is to pass this particular document.

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

Mr. HUBER: Mr. President and Members of the Senate, the Appropriations Committee is making every effort to afford whatever they can afford and feel the State of Maine can afford for the elderly and other deserving groups.

We hope to have a package in terms of the Part II Budget which will satisfy as far as affordable the needs of these groups.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate Recede and Concur with the House on L. D. 1867.

A yes vote will be in favor of Receding and Concurring. A nay vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will Call the Roll.

ROLL CALL

YEA — Carpenter, Conley, Danton, Farley, Hewes, Hichens, Levine, Mangan, McNally, O'Leary, Pray, Speers, Usher.

MAU — Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Huber, Jackson, Katz, Lovell, Minkowsky, Morrell, Pierce, Redmond, Snowe, Wyman.

ABSENT — Martin, Merrill, Trotzky.

13 Senators having voted in the affirmative, and 16 Senators in the negative, with 3 Senators being absent, the Motion to Recede and Concur does not prevail.

The Senate voted to adhere.

The President laid before the Senate: Bill, "An Act to Provide for the Periodic Review of Sales and Property Tax Exemptions. (H. P. 1250) (L. D. 1479)

Tabled — Earlier in the Day by Senator Katz of Kennebec

Pending — Motion of Senator Merrill of Cumberland to Recede

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

Mr. JACKSON: Mr. President and Members of the Senate, I see that the good Senator from Cumberland, Senator Merrill, who made the motion earlier in the day is not in his seat. I have a question which I would like to ask the good Senator prior to the vote on this Motion, and I would wish someone would table this Bill until later in Today's Session.

On Motion of Mr. Morrell of Cumberland, Retabled until later in Today's Session.

(See Action Later Today.)

The President laid before the Senate.

Bill, "An Act to Clarify Actual Notice Under the Recording Laws in Regard to Exceptions and Reservations." (H. P. 1119) (L. D. 1337)

Tabled — Earlier in the Day by Senator Collins of Knox

Pending — Consideration.

On Motion of Mr. Collins of Knox,
Retabled for One Legislative Day.

The President laid before the Senate.

Bill, "An Act Providing for the Registration and Regulation of Off-road Vehicles." (H. P. 1162) (L. D. 1420)

Tabled — Earlier in the Day by Senator Jackson of Cumberland

Pending — Motion of Senator Pray of Penobscot to Indefinitely Postpone Bill and Papers.

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

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

It has been brought to my attention earlier in the Session that there are various groups who have these vehicles which they use off the road. These vehicles are somewhat similar in respect to your snowmobiles, you take your trailbikes, your all terrain vehicles, your dirt bikes, so to speak, that do not meet the requirements to be licensed to run on the highway, and many of these trails that these vehicles use cross Maine Highways. In order to meet the requirement to cross a Maine Highway, these people who own these vehicles or operate these must shut the vehicle off, dismount it and push it across the road. This seems to be of a great concern to many of these individuals.

I think that the Committee on Transportation has done an excellent job in coming up with the Committee Amendment. There was some concern as to how it would affect agricultural and wood harvesting equipment. The House Amendment clarifies that. It answers that question, and with the remarks that the good Senator from York, Senator Danton, made earlier in the day in regard to snowmobiles, how do they enforce it. As we all know, if we read the Court news during the winter, we see that the Department of Inland, Fisheries and Wildlife is doing, I think, a substantial job in enforcing the law, because it requires that the snowmobiles be registered in order to operate off one's property, and I would assume that the same enforcement procedure would be used here in the Committee Amendment. It does allude to the Department of Fisheries and Wildlife to help and assist in the enforcement of this regulation or this law, and I think the Bill, on its merit, I think it has merit, and I would hope the Senate today would pass this and send it back to the House.

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

Mr. DANTON: Mr. President and Members of the Senate, if there is anything I like is to have the good Senator from Cumberland, Senator Jackson, get up and talk like a Democrat, a Member of my Party. Today, I am going to talk like a Republican.

What this Bill will actually do is just encourage that Department to come back at the next Session and ask for more help. They already have it in this Bill somewhere what they are going to generate, but you know yourselves whatever they generate, they get double that and that is what they will want in their budget.

Now if you think this is enforceable Legislation, if you are prepared in the next Session to take and give them another \$150,000.00 to make the bureaucracy grow more and more, then you vote against the Motion to kill this Bill. I am going to vote to kill it.

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

Mr. JACKSON: Mr. President and Members of the Senate, I know the good Senator from York, Senator Danton, represents a large community, maybe he does not represent as many farmers or have as many public beaches or public parks that these dirt bikes and various vehicles utilize. They do a lot of damage to some of these fields, some of these ball diamonds, some of these beaches. I can relate to one incident where that there were swimming lessons being held on a public beach, and one fellow came in there with a motorcycle, rode right down the beach while the swimming lessons were going on. Nobody could identify that vehicle because it did not have a license plate on it. Now if that fellow had run into somebody and left the scene and injured somebody, how would they have ever found out who the fellow was.

I think that this Bill has merit, and alluded to the fee and the amount of money, I do not remember exactly how much money it does raise. The fee is \$5.00 for registration and that is annually, and as far as the enforcement goes on these vehicles, I do not think that it is going to cost one cent more than it does now.

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

Mr. DANTON: Mr. President and Members of the Senate, obviously the good Senator from Cumberland, Senator Jackson, does not realize that I represent Old Orchard Beach, and we have 7 miles of beautiful beach, and we have absolutely no problems with unregistered vehicles on that Beach.

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

Mr. MANGAN: Mr. President, I would like to pose a question through the Chair to anybody who may care to answer. Must one have a license to register an off-the-road vehicle, and if this is so, what are the age requirements of the license. If they are under 16 at all, can someone under 16 register an off-the-road vehicle?

The PRESIDENT: The Senator from Androscoggin, Senator Mangan has posed a question through the Chair to any Member of the Senate who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I will try to attempt to answer that question. I believe the answer is yes. Many of these mini-bikes are operated by children much younger than the requirement that it needs to have a license to operate, as long as they are operating off the highway.

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

Mr. MANGAN: Mr. President and Members of the Senate, not to really belabor the point, I live in a housing project of sorts, and we have all these little buggies fiddling around the back of the house all the time, and every so often somebody will call a local police officer to come by, and he will drive by in his four wheeler and the offender will head off for the woods, Honest to God, we do have woods in Lewiston, and the police officer will scan the outside of the woods, then just disappear and the offender comes back again, an will almost run over somebody. I am not necessarily sure that he would be old enough or they would be old enough to register a bike, in the first place. Probably their folks would have to register it. But these things go by so fast that sometimes you really cannot get their license numbers, and you cannot identify them. They all have helmets. They are all safety conscious, so that I almost wonder whether this thing can be enforced in any way, shape, form, or manner.

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

Mr. HEWES: Mr. President, I would just inquire of someone on the Committee if the Department of Transportation now has the

authority to register these vehicles, and if they do, do we need such a Bill?

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, the Department of Motor Vehicles at the present time does not have the authority to register these vehicles.

I would like to call the Senate's attention to the fact that if this Bill is sent to the other Body to be amended, the Amendment will accomplish two things. You will make it mandatory that you have insurance on these off-road vehicles, and would also impose a fine anywheres from \$20.00 to \$500.00. It was my understanding when this Bill came before the Committee of Transportation that this was strictly a local problem in Somerset County, specifically the City or Town of Farmington, and this is where this idea originated.

I concur wholeheartedly with the remarks made by Senator Danton of York, that there is no possible way at present time to enforce this by the Department of Motor Vehicles. At one time it was contemplated that this particular Bill should come under Inland Fish and Game and under the laws regulating snowmobiles, but this never did transpire. All that it is going to amount to, basically, is a source of revenue, and you can multiply this \$5.00 by approximately 47,000 off-the-road trail bikes, or four wheel drive vehicles, and then figure upon them just having this much more money. In fact, looking over the motor vehicle Department budget, I think that we increased it by 32 percent so far this Session in our Highway Appropriations Bill.

I do not think that this is timely. I think it is going to cause a great deal of chaos, misunderstanding, and resentment on the part of the people of the State of Maine all over the State, which really is a local problem in the Town of Farmington.

I did sign the Minority Ought Not to Pass Report, and I had no intentions of getting involved in this particular matter, but I thought I would just point out to the Senate that if you do send this to the other Body you are faced with that particular Amendment, which I am sure the Bill will be killed, and I think that I would rather see the job on this Bill insofar as creating its demise take place here and now.

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

Mr. McNALLY: Mr. President, if I heard correctly, the question was asked about registration by young people, and this is only a ten-page Committee Amendment, but I found on page 2, it says, "No off-road vehicles shall be operated within the jurisdiction of the State unless registered by the owner," and I sure those little fellows you see would not be the owners, because I would doubt that they would have the money to buy the vehicle, to start with, so I think probably the parents would be the owner of it, and I also understand that when the good Senator from Waldo said that the Bill was half dead, I think they have taken out all of these vehicles in the other end of the House.

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, that this Bill, L.D. 1420, 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 Doorkeepers will secure the chamber.

The Secretary will call the Roll.
YEAS — Carpenter, Chapman, Cummings, Curtis, Danton, Farley, Hewes, Katz, Levine, Lovell, Mangan, Merrill, Minkowsky, O'Leary, Pray, Wyman.

NAYS — Collins, D.; Collins, S.; Conley, Greeley, Hichens, Huber, Jackson, McNally,

Morrell, Pierce, Redmond, Snowe, Speers, Usher.

ABSENT — Martin, Trotzky.

16 Senators having voted in the affirmative, and 14 Senators in the negative, with 2 Senators being absent, the Motion to indefinitely postpone does prevail.

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

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

The PRESIDENT: The Senator from York, Senator Danton, now moves that the Senate reconsider its action whereby it indefinitely postponed L.D. 1420.

A viva voce vote being had,

The Motion to reconsider does not prevail.

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

Mr. MORRELL: Mr. President, I move that we remove from the Tabled Later Today and Assigned Item, Bill, "An Act to Provide for the Periodic Review of Sales and Property Tax Exemptions" (H. P. 1250) (L. D. 1479)

The PRESIDENT: The Senator from Cumberland, Senator Morrell, now moves that the Senate take from the Table L. D. 1479. Is it the pleasure of the Senate? It is a vote.

The pending question before the Senate is the Motion of the Senator from Cumberland, Senator Merrill, to recede. Is it the pleasure of the Senate? It is a vote.

On motion of Mr. Speers of Kennebec, the Senate voted to concur.

The President laid before the Senate.

House Reports — from the Committee on Business Legislation — Bill, "An Act to Require Filing and Prior Approval of all Rates for Use by Nonprofit Hospital or Medical Organizations." (H. P. 1539) (L. D. 1769) Emergency Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-752); Minority Report — Ought to Pass as Amended by Committee Amendment "B" (H-753)

Tabled Earlier in the Day by Senator Speers of Kennebec

Pending — Acceptance of Minority Report (Senator Pierce has asked for ruling from the Chair as to whether or not Committee Amendment "B" is germane.)

The PRESIDENT: On June 28th, the germaneness of this question on Committee Amendment "B" to House Paper 1539, Legislative Document 1769 which Amendment bears filing number "H-753". Rule 11 of the Rules of the Senate provides, in part, that "No Motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. . . ." Section 412 of Hughes' American Parliamentary Guide and section 5906 of Volume 5 Hind's Precedents of the House of Representatives clearly indicate that the germaneness rule is equally applicable to amendments reported to the floor by committees.

Section 402, sub-section 3 of Mason's Legislative Manual states that "to be germane, the amendment is required only to relate to the same subject". Subsection 6 of that same provision states that "no independent new question can be introduced under cover of an amendment."

The subject of Legislative Document 1769 is the filing and review of health coverage rates by the Superintendent of Insurance.

Section 1 of Committee Amendment "B" proposes legislation placing a duty upon organizations governed by Chapter 19 of Title 24 of the Revised Statutes to grant participating status to licensed hospitals. It has nothing to do with the subject of filing and review of health coverage rates by the Superintendent of Insurance.

Section 6 of Committee Amendment B proposes legislation amending a Private and Special Law which granted a charter to Associated Hospital Services of Maine. This section of Committee Amendment "B" bears no relation to the subject of filing and review of health coverage rates by the Superintendent of Insurance.

The Chair is of the opinion that Section 1 and Section 6 of Committee Amendment B of L. D. 1769 are not relevant and appropriate, nor do they bear a natural and logical sequence to the subject matter of the original proposal. Therefore, the Chair is compelled to rule the Committee Amendment "B" to L. D. 1769 violates Rule 11 of the Rules of the Senate and is therefore, out of order.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, a question through the Chair. Is this matter still before this Body?

The PRESIDENT: The Chair would answer that an appeal may be taken from the ruling of the Chair.

The Chair recognizes the Same Senator.

Mr. CARPENTER: Mr. President, I so appeal and would question as to whether the matter was debatable.

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the same Senator.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, here we have a difference in interpretation, and I have also read the rules that the President has just referred to, and it is my opinion that the issue is germane to the Bill, because in this particular instance we are talking about, and I am quoting the title, "An Act to Require Filing and Prior Approval of all Rates for use by Non-Profit Hospital or Medical Organizations". If we do not Pass Committee Amendment "B", then we have at least one hospital in the State that will not have to worry about the rest of the particular Act. They have nothing to worry about any longer, because they are no longer cover by this particular health carrier.

I am extremely disappointed in the Ruling, and I would hope that on appeal, since we obviously had an over-whelming majority vote in this Body 24 hours ago, on this particular Amendment, that I would hope that the Members of this Body would support my request for an appeal, and would over-rule the ruling of the Chair as to the germaneness of this particular Amendment. Thank you.

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

Mr. PIERCE: Mr. President and Members of the Senate, I would like to address the question of germaneness, and tell you when it first came up and give you a little bit of background on it.

When we heard the Governor's Bill on this particular Legislation, rate review for non-profit hospital and medical organizations, the Committee was pretty much in agreement, that this is something we should have and should go along with. In fact I can say that we were in unanimous agreement to this. However, after we proceeded part way in the hearing, then another question did arise, and that was the question which we debated yesterday concerning this particular hospital's problems, and during the hearing as these problems began to unfold, I had two or three notes from Committee Members themselves who said why are we listening to this, and what has this got to do with this particular bill, and in fact, that question of germaneness was discussed publicly at the hearing, and I ruled as Chairman of that Committee in the following manner. There were an awful lot of nice people there, who had driven an awful long way to be heard on a subject which was very close to them, and I did not feel that it was my place as Committee Chairman to

say, no, you cannot be heard. I also indicated to them, I did not think that what they were relating to us was germane, but as the Committee which deals with this type of Legislation, I was more than happy to hear them, because they did have a particular problem.

Later the Committee discussed the germaneness, and I think it was pretty much the feeling of most of the Committee that what these people wanted was not germane to this particular Bill. Yesterday prior to addressing the whole Bill, we knew we would be getting some opinions from some Parliamentarians and from the Attorney General's Office, which probably would not be ready within the time that we had to deal with the Bill, but I knew a lot of people were anxious to deal with it, so instead of questioning the germaneness immediately, we agreed that we would run the Bill, and debate it and talk about it, and if, in fact, the Majority was not accepted, then we would, of course, have to question the germaneness. After debating it, it was, as you know, not accepted, and at that point. I did question it and ask for a ruling from the Chair.

I did not know until a few minutes ago how the Chair was going to Rule on this. I did know, and I have made up my mind to say, no matter which way the Chair did Rule, something to the effect that whether I won or lost, it was not a personal issue, because I am not winning or losing it, but I knew that I was putting the Chair in a very rough position and on the spot, because it was going to be darned if he did and darned if he did not. But I guess that is what positions of Leadership are all about, and I felt that I did have to put him in this position, and I would have said if he had ruled the other way that I knew that he ruled in the fairest possible way that he could, because it was a tough decision. Every parliamentarian that I talked with was in full agreement with the Chair's decision, and I would ask that we support his position on this matter.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: It does not seem to be my day or night, whatever it may be.

I would just pass along something and I have always been told not to assume anything, but I remember two years ago the question of germaneness on an Amendment came up when I was in the other Body and I was at that time led to believe that it was an unwritten rule in this Legislature that if the question of germaneness had been tested in one Body, in fact the Body of origin, and withstood that test, that, in fact, the issue would be germane, and this is what I base my argument on here.

Mr. President, I feel in my own heart, in my own mind, that this particular issue has stood the test of germaneness already before this Legislature. Thank you.

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

Mr. KATZ: Mr. President, there is an overwhelming majority in this Body to, if it wishes, overrule the Chair based upon yesterday's vote, but it is an extremely serious thing, and I would ask you to disassociate yourself on the issue, and deal only with the question of overriding the ruling of the Chair.

It is my impression that the ruling of the Chair was neither superficial nor casual. I hear second hand that it has been about as well researched as any ruling the Chair has made this Session, with lots of professional assistance, so I ask you if we do come to a vote on it, to disassociate yourself from the issue of the Bill itself, and deal only with the support of the Chair.

The PRESIDENT: Is the Senate ready for the Question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I pose a question through the Chair.

The PRESIDENT: The Senator may state his question.

Mr. CONLEY: Mr. President, the question would be, should the rules be suspended?

The PRESIDENT: The Chair would answer in the negative.

The pending question before the Senate is of such importance that I do not think that the rules should be suspended.

The Chair recognizes the same Senator.

Mr. CONLEY: Mr. President, I do not think that I quite heard you.

The PRESIDENT: The Chair would answer in the negative.

The Chair recognizes the same Senator.

Mr. CONLEY: Mr. President, the rules could not be suspended for this purpose of entertaining this Bill?

The PRESIDENT: That is correct, the question is before the Body, the appeal has been taken by the Senator from Aroostook, Senator Carpenter, and I think we should dispose of this issue.

The Chair recognizes the same Senator.

Mr. CONLEY: Mr. President and Members of the Senate: I would have to concur with the remarks made by the good Senator from Kennebec, Senator Katz, to sustain the ruling of the Chair. I have every reason to accept the integrity of the Presiding Officer of this Body. The research has been done, and I think we are going to try to deal with this problem, we will have to deal with it in another manner and how we do it, I do not know, but I believe that the question of germaneness has been ruled upon by the Chair, and I see no reason as to why we should vote to overrule the Chair.

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

Mr. CARPENTER: Mr. President, I request leave of the Senate to withdraw my Motion.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now requests leave of the Senate to withdraw his appeal of the ruling of the Chair. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, I would appreciate it very much if somebody in this Body would Table this issue for one Legislative Day so perhaps I can determine an alternative way to go in this particular area.

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

Mr. PIERCE: Mr. President, I move that this Item lie on the Table for One Legislative Day.

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

Mr. CONLEY: I have a point of order, Mr. President, and the point of order is to whether or not this matter is before the Body?

Mr. President, I am sorry to ask, but it seems to me as though the Chair has made a ruling, and the ruling is that the matter is not germane; therefore, is not before the Body and it would seem to me that if it is not before the Body, then we cannot very well Table it for One Legislative Day.

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

Mr. PIERCE: Mr. President, I would ask leave to withdraw my Motion to Table for One Legislative Day.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now asks leave of the Senate to withdraw his Motion to Table for one Legislative Day. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I now move that we reconsider our action whereby we refused to accept the Majority Report.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves that the Senate reconsider its action whereby the Motion to accept the Majority Report did not prevail.

On Motion of Mr. Pierce of Kennebec.
Tabled for One Legislative Day, Pending the Motion of the Senator from Cumberland, Senator Jackson, to reconsider.

The President laid before the Senate.
RESOLVE, To appropriate \$8,956 to the Town of Milbridge to Reimburse it for Burglary Loss. (H. P. 1759) (L. D. 1891)

Tabled — Earlier in the Day by Senator Wyman of Washington
Pending — Reference
On Motion of Mr. Speers of Kennebec, Retabled.

The President laid before the Senate.
HOUSE REPORTS — from the Committee on Taxation — Bill, "An Act to Require State Level Assessment of Industrial Real Property with a Value in Excess of \$1,000,000. (H. P. 1329) (L. D. 1606) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass with Committee Amendment "A" (H-777)

Tabled — Earlier in the Day by Senator Speers of Kennebec
Pending — Motion of Senator Wyman of Washington to Reconsider Acceptance of Majority Report

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

Mr. WYMAN: Mr. President and Members of the Senate, as you know this Bill came out of Committee Ought Not to Pass, and, as customary, the Senate supported this Ought Not to Pass measure, and, as customary, I moved reconsideration, and expressed the hope that everybody would vote against this Motion, and I certainly hope that you will not vote against this Motion, as you supported me the other day.

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

Mr. KATZ: Mr. President, I would ask the Senate to support the Motion for reconsideration.

I direct the Senate's attention to a proposed Senate Amendment (S-355) and were we to reconsider, I would offer this Amendment. During the debate, one of the concerns that was expressed and repeated was the concern about the State Department of Taxation becoming a large and burgeoning Department, and several Members expressed an unease that the State would be doing the evaluation itself.

The purpose of the Amendment which I would propose to you would make it very, very clear that it is the intent of the Legislature that the State Tax Assessor be authorized to employ on a contractual basis qualified persons outside of State Government to do this job, and that is the reason why I ask for the opportunity through your reconsideration support to offer this Amendment.

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

Mr. JACKSON: Mr. President, I hate to be redundant, but in the debate yesterday, in Section 384, Title 36, the State Tax Assessor has the authority to do this now. He lacks the funds, true.

I thought that the good Senator from Sagadahoc, Senator Chapman, had a valid position that he took.

I oppose the Motion to reconsider for the purpose of this Amendment, and I would hope that the other Members of this Senate would not reconsider. I will attempt in the next Regular Session, the so-called Special Session that we have in 1978, to introduce a Bill, which will accomplish the same things that the good Senator from Sagadahoc, Senator Chapman, suggested, and I would hope that again that the Members

of this Body would vote against reconsideration.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Members of the Senate, I have had a chance to review the Amendment, the good Senator from Kennebec, Senator Katz, has presented, and, if adopted, would improve somewhat, of course, on the original, but I am still very concerned about it. It still is information garnered at the State level. In my view, many municipalities are already now securing independent professional appraisals of property of this sort to assist them in the evaluation of that property for tax purposes.

This information is available to the State, and to have the State do this is, in my view, a duplication of effort. It still puts this information in the Bureau of Taxation. I think I still am just very concerned about getting the State involved in this type of effort, and if we should take any effort, I feel that it should be to encourage the towns if there are any that are not seeking outside professional assistance in this matter to do so, so that this is the way this information is garnered, and that it will be garnered in the towns, paid for by the towns where the tax is to be collected, where I think that it should be paid for.

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

Mr. KATZ: Mr. President, see if the Senate sees the validity of my thinking.

I think that we can accept this as a fact that some of the big industries are being under-assessed. I am not saying whether that is good or bad, or whether for social purposes, we are just as well off under tax limit, but if, indeed, they are being under-assessed, this is in violation of Maine Constitution. There are apparently some provisions in the statute which would lead to a correction of this. They have not been pursued.

One way of pursuing it is through the local decision making process, such as the Senator from Sagadahoc, Senator Chapman, just suggested, but it was pointed out in debate that the relationship between the assessors and the major industry, particularly in the small town, is a very difficult one, and it is a very, very emotional issue, and it just simply has not worked out well.

I recall my first and only term on the City Council being privy to a negotiation between the Tax Assessor and our major industry in Augusta. That is all it was, simply a negotiation, not according to the Maine Constitution, a negotiation as if it were for a business deal of buying and selling.

If this local situation exists, and if we are in the violation of the Constitution, there is one other thing that bothers me. Under present law, there is a disincentive for local communities to increase the evaluation of the community. No question, a disincentive.

Now in the face of what I consider the reasonable assessment of the situation as it exists, does not it make sense to hire a third person with no local ties, no ties to the State Department of Taxation, to pursue the requirements of the Maine Constitution, and that is the purpose, I think, of the Amendment, and I think that it has validity to it.

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

Mr. WYMAN: Mr. President, I ask when the vote is taken, it be taken by Roll Call.

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

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

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President and Members of the Senate, it impresses me that we are talking about equality of taxation throughout the State of Maine, and yet we are discriminating in this equality of taxation to those very large industries which I believe are in excess, if the Amendment is correct, of over \$10 million.

The question comes up here is that we are not providing for industries of less than that amount and we are not providing for any equality of taxation for those homes or farms or what have you. In other words, a home in Lewiston may not be assessed the same as a home in Milbridge, and I wonder whether we can discriminate on that basis through this Bill, and still not be in violation of the Constitution.

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

Mr. KATZ: Mr. President, might I suggest to the Senator that the place where the discrimination is now taking place is in favor of a very largest industries, and against the rights and the interests of the small business person in the State, and the home owner in the State, and I think that is where the discrimination is.

Now, I have a feeling that maybe many people in the Senate would rather see industry under-assessed, because there are jobs involved, but if that is your desire, your remedy is not changing the Constitution, because the Constitution is the straight-jacket that says they should be assessed on the just value, just as the little businessman in your community and just as the home owner in your community.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Members of the Senate, I certainly do not want to see industry under-assessed. I want to support in any way possible the equitable assessment. There are no questions, there are problems. I have seen them. We have all seen them.

I appreciate that the three study reports, as the good Senator from Knox, Senator Collins, pointed out, all concurred on this point, that there was need for this type of approach to have assessment, quality assessment standards applied to these larger industrial structures. I still think that it should be done via the local level, and through private enterprise. That is how most towns are doing it now.

Now, perhaps in some instances there is not fairness, or it is negotiated, and I agree if that is the case that it should not be, but perhaps we could address it however, by trying to perfect that inequity, if that is the one that exists.

There are ways that we can approach this. I have given some thought to it. Perhaps it should be given more thought, but it can be approached this way. Certainly if a qualified professional assessor assesses the property, he can be accountable for that, and that information can be made available to the State. The town can then use that as the base for its assessment applied to the ratio, but that professional appraisal can be made available to the State. It will certainly cost less dollars if it is done in this way. It will not expand the bureaucracy, and it will not tend to concentrate a tremendous power in the State over the only real local tax base that our municipalities have. This is set up now at \$5 million. I can see it going to a million. I can see it being applied to commercial buildings. Where is the end, and if we do it on the basis of contract, what is to prevent the State from finding that gentleman under contract might be a good employee in the future? It concerns me greatly. It is the sort of thing that I said yesterday creeps, and I would rather that we stay out of this picture on the State level, and improve it on the local level.

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

Mr. MERRILL: Mr. President and Members

of the Senate: I might respond to a couple of concerns that have been raised. First, the idea off where does it end? We discussed this problem some in the Tax Policy Committee, which is chaired by the Senator from Knox, Senator Collins, and we discussed it at some length really, and we decided that there really was a distinction in regards to these major industrial operations, different even from shopping centers, different from big warehouses, and the problem really was the matter of complexity in doing the assessing job, and that seems to me to be a good logical bench mark for us and for future Legislatures to set up in answering the question that has been raised, where does it end. I think that local assessors are becoming more expert. They are gaining skills, as we move toward better methods of assessing property, and the real problem comes when you are dealing with more than the simpler questions of how many square feet of floor space are available and on what floor is it. These relatively simple determinations that someone with the basic training in assessing can handle.

What this Bill attempts to deal with is something that is much, much different, and much more complex, and I think that that suggests a perfect distinction. It is a fair distinction. There is nothing wrong with discriminating as long as the discriminating is on some reasonable and just basis. We discriminate every day. You know, it is the mark of an intelligent man to discriminate one thing from another, to be able to tell the difference between a rock and a ball, and so in this case it is a discrimination on very reasonable determination that I do not think that anybody could argue with a straight face, and that is that the local communities are not going to be able to have the expertise to be able to make these judgements.

So if it becomes a question of who is going to bring in the experts, I suggest that it is not satisfactory to say we will wait until the towns do it, and then that information will be made available, and, frankly, let us be honest about it, let us be candid with each other for a minute here. And admit that in many of the circumstances where these major industrial plants are located, that dealing with towns that are Davids and the industry is the Goliaths in terms of the position that they stand in, and it is just a fact of life, and all of us have some small understanding or power or we would not be here, and it is a very difficult position that the local towns find themselves in. They are sympathetic towards these industries. They employ most of their people. Often times they employ the local decision makers themselves. They are good citizens in this State. Industry is the work force that pulls along the society and all these reasons together with the political clout of these industries makes it very difficult even for well-meaning officials to do the job that our Constitution requires to be done, and, to me, it seems that if the interest of us is to have fair taxation, and if we all agree that no industry should ask for more, or at least if they should ask for more, they should do it out and out in the Constitution as they have done it with the different level of taxation for their trees, if that is the approach they are going to take, then I would hope that Senate would reconsider its position or change its position and would enact this Bill today.

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

Mr. MANGAN: Mr. President, just a few short comments, Mr. President and Members of the Senate: The Members of this Body have in various statements indicated that we would not hire anyone on a bureaucracy level. We would get some specialist in to assess these different plants. Now, if I recall correctly, in Lewiston, we have a plant that is worth about \$10 million. They make Christmas tree balls. I

think there are two in the country, I wonder who is going to do the assessing of that plant. I wonder how many experts we have on Christmas tree ball making plants that can assess those plants.

I look at in Saco, the machinegun makers. Let us look at some of the plants, the Almanac maker in Lewiston, the toothpick maker, the clam shucking industry, the ear muff makers, the saltwater taffee makers, the atomic plants, how many specialists are we actually going to have to bring in to assess and who will know the values of these items? And then secondly, think of my favorite constituent, on one of his secret missions, going out to the mid-west and saying if you bring us \$10 million industry, I can guarantee we will give you a fair evaluation, a 100 percent, and we will let the State do it for you.

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

Mr. WYMAN: Mr. President, just a couple of brief comments. I think this is taking care of itself gradually, and I think we leave it at the local level. As I said yesterday, in the Town of Woodland, the mill had two men there three weeks, making an independent appraisal. I understand in the town of Rumford, that the Town itself had an appraisal. They thought that the value was too high, and I think this whole matter if left at the local level, is taking care of itself, and I certainly hope that we will vote against reconsideration.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Members of the Senate: If we are having trouble in our minds seeing where the money is to fund the programs that we have now and we still are passing, we are going to have trouble funding this, and another good reason why if we can to it locally, why not do it locally, and I agree with the Senator from Cumberland, Senator Merrill, that many local communities do not have this expertise, but if the expertise is available under contract of the State, it is also available to the local communities under contract, and they can be stipulated that they must get good quality expertise to tackle these problems if they are not doing it now.

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

Mr. CONLEY: Mr. President and Members of the Senate: This issue before us is obviously a very complex issue. We have discussed it in caucus. Several Members in our caucus have raised serious questions, and I am sort of reminded of the old saying of Franklin Delano Roosevelt during World War II that we have nothing to fear but fear itself.

I know that dealing in our community, we have a full time assessor and he does a very fine job, sometimes I think he does too good a job when it comes time for me paying my taxes at the end of the year, but, on the other hand, when it comes for re-evaluation, it cost the City of Portland three-quarters of a million dollars, and we do not use our local assessor. We have the professionals come in from out of town, and so there is still that protection, that safeguard to the community or to any taxpayer, the right to appeal, and I think that in most cases these things are generally resolved amicably, and I really do not understand why there is that great area of fear that seems to be adrift in this Senate. I just think that it is another one of these things that you have got to have confidence in those professional people who, I think, are well-trained to do the job.

I would hope that the Senate would vote for reconsideration on this Bill.

The PRESIDENT: A Roll Call has been ordered.

Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Washington, Senator

Wyman, that the Senate reconsider acceptance of the Majority Ought Not to Pass Report of the Committee.

A yes vote will be in favor of reconsideration. A nay vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Collins, D.; Collins, S.; Conley, Cummings, Greeley, Huber, Katz, McNally, Merrill, Minkowsky, Pierce, Snowe, Speers.

NAY — Chapman, Curtis, Danton, Farley, Hewes, Hichens, Jackson, Levine, Lovell, Mangan, Morrell, O'Leary, Pray, Redmond, Usher, Wyman.

ABSENT — Martin, Trotzky.

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

Mr. PRAY: Mr. President, I wish to change my vote from nay to yea.

The PRESIDENT: The Senator from Penobscot, Senator Pray, changes his vote from nay to yea.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, I would like to change my vote from yea to nay.

The PRESIDENT: The Senator from Waldo, Senator Greeley, changes his vote from yea to nay.

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

The President laid before the Senate.

Bill, "An Act Concerning the Administration of Laws by the Bureau of Taxation." (H. P. 394) (L. D. 498)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Motion of Senator Speers of Kennebec to Reconsider Passage to be Engrossed.

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

Mr. JACKSON: Mr. President, I now move that we suspend the rules.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves that the rules be suspended. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. JACKSON: Mr. President, I now move that we reconsider our action whereby Committee Amendment "A" was adopted.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves that the Senate reconsider its action whereby Committee Amendment "A" was Adopted. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Washington Senator Wyman.

Mr. WYMAN: Mr. President, I now offer Senate Amendment "A" (S-350) and move its adoption.

The PRESIDENT: The Senator from Washington, Senator Wyman, now offers Senate Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read and Adopted. Committee Amendment "A", as amended. Adopted, in non-concurrence.

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 Increase the Exemption on Estates of Veterans." (H. P. 70) (L. D. 94)

Tabled — Earlier in the Day by Senator Conley of Cumberland

Pending — Adoption of Committee Amendment "A" (H-648)

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

Mr. SPEERS: Mr. President, I now move that the rules be suspended.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the rules be suspended. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I now request reconsideration of our adoption of Senate Amendment "B" to Committee Amendment "A".

The PRESIDENT: The Senator from York, Senator Farley, now moves that the Senate reconsider its action whereby it adopted Senate Amendment "B" to Committee Amendment "A". Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. FARLEY: Mr. President, I now move that Senate Amendment "B" be indefinitely postponed.

The PRESIDENT: The Senator from York, Senator Farley, now moves that Senate Amendment "B" be indefinitely postponed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. FARLEY: Mr. President, I now offer Senate Amendment "E" (S-357) and move its adoption.

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

Senate Amendment "E" Read and Adopted. Committee Amendment "A", as amended, adopted, in non-concurrence.

This Bill, as amended, Passed to be engrossed, in non-concurrence.

Sent down for concurrence.

Communication

June 29, 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 action whereby it Failed to Enact Bill "An Act Increasing the State Gasoline Tax" (Emergency) (H. P. 1159) (L. D. 1383)

Respectfully,

(Signed) EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

On Motion of Mr. Huber of Cumberland,
Adjourned until 9:30 Tomorrow morning.