

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

Thursday, June 30, 1977

Senate called to Order by the President.

Prayer by the Reverend Russell M. Chase, United Church of Monmouth.

REV. CHASE: Let us pray. Our Heavenly Father, we thank You for the beauty of the day, for the blessings we have received. We thank You that You have brought us to this minute of this day.

We thank You for the privilege and the responsibilities that we have inherited from our forefathers. So bless us, Our Heavenly Father, as we would deliberate on these things, that Your spirit may be with us, guiding us, strengthening us, and helping us in all things.

We thank You, Our Heavenly Father, for the opportunity that we may serve. Use us, use our intellect, use our entire being, that Thy will may be done on earth, even as it is in Heaven, for we pray in the Master's name.

Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution to Require the Legislature to Convene in December after the General Election. (H. P. 1048) (L. D. 1259)

In the Senate June 27, 1977, Bill Passed to be Engrossed, in concurrence.

Comes from the House, Bill Passed to be Engrossed as amended by House Amendment "A" (H-874) in non-concurrence.

On motion of Mr. Collins of Aroostook, The Senate voted to recede and concur.

Non-concurrent Matter

Bill, An Act to Repeal Certain Laws Relating to Conservation." (S. P. 363) (L. D. 1224)

In the Senate June 22, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-276), as amended by Senate Amendments "A" (S-294), "B" (S-302) and "C" (S-310) thereto.

Comes from the House, Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" (H-813) and "B" (H-873) and Senate Amendments "A" and "B" thereto, in non-concurrence.

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

Mr. REDMOND: Mr. President, I move the Senate recede from its action whereby this Bill was passed to be engrossed.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now moves that the Senate recede from its action whereby this Bill was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. REDMOND: Mr. President, I move that the Senate recede from its action whereby it adopted Committee Amendment "A".

The PRESIDENT: The Senator from Somerset, Senator Redmond, now moves that the Senate recede from its action whereby this adopted Committee Amendment "A". Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. REDMOND: Mr. President, I move that the Senate recede from its action whereby it adopted Senate Amendment "C" to Committee Amendment "A".

The PRESIDENT: The Senator from Somerset, Senator Redmond, now moves that the Senate recede from its action whereby it adopted Senate Amendment "C" to Committee Amendment "A". Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. REDMOND: Mr. President, I now move

that we indefinitely postpone Senate Amendment "C".

The PRESIDENT: The Senator from Somerset, Senator Redmond, now moves that the Senate indefinitely postpone Senate Amendment "C". Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. REDMOND: Mr. President, I now present Senate Amendment "D" to Committee Amendment "A" (S-353) and move its adoption.

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

Senate Amendment "D" Read and Adopted. House Amendment "A" Read and Adopted, in concurrence.

House Amendment "B" Read and Adopted, in concurrence.

On motion of Mr. O'Leary of Oxford, Tabled until later in Today's Session, Pending Adoption of Committee Amendment "A" as amended.

(See Action Later Today)

Non-concurrent Matter

"An Act to Establish the Fair Credit Reporting Act." (H. P. 1262) (L. D. 1526)

In the Senate June 24, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-749) as amended by House Amendment "A" (H-797) thereto, in concurrence.

Comes from the House, Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" and "B" (H-878) thereto 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: this is the 65th Anniversary of the participation of Andrew Sockalexis, a member of the Penobscot Tribe, in the 1912 Olympics as a marathon runner, (H. P. 1789)

Denise Aube of Saco was chosen Speaker of the House at the 1977 Dirigo Girls' State held at Husson College in Bangor. (H. P. 1788)

Michelle Nadeau, of Saco, was elected Governor at the 1977 Dirigo Girls' State held at Husson College, in Bangor. (H. P. 1787)

Come from the House, Read and Passed.

Which were Read and Passed in Concurrence.

Communication

Office of the Governor

June 29, 1977

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. 531, L. D. 1853, An Act to Provide for the Immediate Issuance of Food Stamps for Needy Families.

This act might more appropriately be called "a guaranteed credit card for food stamps" without opportunity for properly checking and screening eligibility to the extent it requires processing and approval "within one working day."

The Department already issues food stamps on an emergency basis to those with immediate need. This bill would do nothing more than restrict the initial screening process of the Department, thereby eliminating the flexibility and responsiveness that the Department may require in order to meet changing needs and circumstances. In addition, the Department is in the process of completing a computerized approach which will also enhance their ability to respond efficiently and quickly.

Abuses in the food stamp program are

widespread and have been so characterized by the Carter Administration. It is very likely that the welfare reform program which President Carter will offer to the nation will eliminate the food stamp program and substitute a more efficient and effective method of providing assistance. I am concerned with the abuse in the food stamp program and agree that substantial changes will have to be made. Consequently, it would seem contrary to the national trend as well as the concern for the effectiveness of this program to legislate certain requirements which I feel are unnecessary and unwise.

For these reasons, I respectfully request that you sustain my veto of this measure.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

On motion by Mr. Conley of Cumberland, the Bill was Tabled for One Legislative Day, Pending Consideration.

House of Representatives

June 29, 1977

The Honorable May M. Ross
Secretary of the Senate
108th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House today voted to Adhere on Bill "An Act to Clarify Certain Statutory Provisions for the Licensing of Camps, Eating and Lodging Places" (H. P. 1260) (L. D. 1489).

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read.

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

Mr. CONLEY: Mr. President, the other day when this bill was before us, and I urged the Senate to move to adhere in a positive fashion, I thought that the wisdom of the other Body would be to recede and concur.

My apologies to this Body for that not having happened.

The Communication, Ordered placed on file.

Orders

On motion of Mr. Carpenter of Aroostook, ORDERED, the House concurring, that the Joint Standing Committee on Business Legislation report out a Bill to clarify the powers and authority of nonprofit hospital associations to give or deny participating hospital status under their hospitalization plans.

Which was Read.

(S. P. 585)

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, this is the issue that we got so wrapped around the axle yesterday on the question of germaneness, and now what I would propose to do is separate this from the other issue. The Bill has already had a hearing in that the people concerned with this particular issue attending the hearing on the original bill, and I would like to be able to get this issue out and debated on its merits.

Thank you.

Which was Passed.

Sent down forthwith for concurrence.

Orders

Expressions of Legislative Sentiment recognizing that: the organization, AMIES, of Brooksville, Maine, has shown great dedication to the history of the State of Maine and outstanding perseverance in preserving valuable Maine antiques. (S. P. 581)

presented by Senator Cummings of Penobscot. Penobscot County Clerk of Courts. Miss

Beatrice L. Park, is concluding 31 years of loyal service to the Courts of Maine. (S. P. 583) presented by Senator Curtis of Penobscot and Senator Trotzky of Penobscot, Cosponsored by Representatives Devoe of Orono and Tarbell of Bangor.

the members of the Commission on Governmental Ethics and Election Practices have served with great distinction and dedication, in a manner which brings honor to themselves and to the State of Maine, and have done a great deal to ensure the continued integrity of the election process in this State. (S. P. 584)

presented by Senator Katz of Kennebec, Cosponsored by: Representative Birt of East Millinocket.

Which were Read and Passed in concurrence.

Committee Reports House

Ought to Pass — As Amended

The Committee on Health and Institutional Services on, Bill, "An Act to Revise the Statutes Relating to Services for Mentally Retarded Persons." (H. P. 1472) (L. D. 1752)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-875).

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

Which Report was Read and Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence, Under suspension of the Rules, the Bill, as amended, Read a Second Time and Passed to be Engrossed, in concurrence.

The Committee on State Government on, Bill, "An Act Concerning Required Voting on Certain Boards and Commissions with Quasi-Judicial Authority." (H. P. 1200) (L. D. 1441)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-758).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "D" (H-876) thereto.

Which Report was Read.

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

Mr. COLLINS: Mr. President, this Bill which was heard before the Committee on State Government, has developed a number of problems. It seeks to require mandatory voting by Members of Boards and Commissions.

The sponsors have discussed the problems that have arisen since this came to the Floor, and have agreed that the Bill should not survive. Therefore, I move the indefinite postponement of L. D. 1441.

The PRESIDENT: The Senator from Aroostook, Senator Collins, now moves that the Senate indefinitely postpone L. D. 1441. Is this the pleasure of the Senate? It is a vote.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Provide for a Local Excise Tax on Watercraft." (H. P. 1290) (L. D. 1537)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-843).

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland

Representatives:

MAXWELL of Jay
POST of Owls Head
MACKEL of Wells
TWITCHELL of Norway
CARTER of Bangor

The Minority of the same Committee on the

same subject matter Reported that the same Ought Not to Pass.

Signed:

Representatives:

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

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

Which Reports were Read.

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

Mr. JACKSON: Mr. President and Members of the Senate: This piece of legislation is a result of, I would assume, many years of having Legislative Documents in front of us trying to resolve the problem of taxation with watercraft.

This bill is somewhat similar and it utilizes the same reimbursement procedure that the reimbursement on inventory tax does. It starts out at 100 percent in the first year, and the second year 80, and down through to 20, and then it is a self-destruct.

How this works is that the municipality collects an excise tax on watercraft. They are in classifications, if you are interested in looking at the Committee Amendment, which is the Bill. It is under filing No. H-843, and it sets up five different classifications on watercraft, and they go by the length of the watercraft, and they are excised accordingly.

The municipalities in this bill will collect the excise tax. Anything they collect over what they did in the previous year as far as personal property tax on watercraft, will be credited to the state, and this is how the reimbursement feature comes in. The monies that are collected in excess will be redistributed through the State to those municipalities who have lost revenue from the removal of the personal property tax on watercraft.

During the testimony, we heard many people testify, and even tax assessors, that many municipalities are not assessing these watercraft as personal property. Some of them are letting them go completely. Other communities are doing a good job. But it is something that needs to be done, and I think this is a step in the right direction. I think we should try to let something like this work, and see if this cannot be resolved so that we do not have the inequities in this system.

I move the Majority Ought to Pass Report, Mr. President.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves that the Senate accept the Majority Ought to Pass as amended Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President and Members of the Senate: I spoke with a local assessor, and I would like to pose a question to the Committee, to anyone who may wish to answer. The issue is basically that, I believe that it was this bill that the assessors should deliver a list, which has nothing to do with the excise tax, and the question was whether this bill would mandate that the assessors would be involved with the excise tax.

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

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I do not know as I understood the good Senator from Androscoggin correctly. He said a list had to be — yes, it is under Section 6, A.

I did not get the rest of his question. If he would like to restate, I would be glad to see if I can help him.

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

Mr. MANGAN: Mr. President and Members of the Senate: The question basically relates to whether the assessors are going to be the ones collecting the excise tax, or whether it is going to be the tax collectors, and whether the assessors will do more than just simply deliver a list of the assessments on watercraft, and whether this is a great change from what is presently in effect.

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

Mr. JACKSON: Mr. President, the tax collector would collect the tax. As I understand it, the assessors would be giving the tax collector a list, and then the tax collector would collect the tax.

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

Mr. TROTZKY: Mr. President, I would like to pose a question through the Chair to any Senator who may care to answer. On Page 4 of this Amendment it says that a Class I boat, which is from 16 feet but under 26 feet, pays tax of \$15.00. Does this mean that to put a canoe into the waters of this State, each year you have to pay \$15.00.

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

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, the answer to that question is no. We tried to keep away from the canoes. We have a lot of problems with them.

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

Mr. PRAY: Mr. President, I would like to make a parliamentary inquiry. Would a motion to indefinitely postpone be in order at this time.

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I so make the motion, and I would like to speak to that.

The PRESIDENT: The Senator has the floor.

Mr. PRAY: Mr. President, noticing on the front of the calendar today that we are in the 96th Legislative Day, and yesterday being the 95th, I happened to visit other parts of the legislative process and saw the outcome of this piece of legislation.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I have just spoken with the Senator from Cumberland, Senator Jackson, and he stated that if you put a motor on the canoe, you have got to pay that \$15.00 tax.

Now I am a little bit concerned about this and I will tell you why. To go fishing in this state and to put a motor on a canoe, what you have to do is this. First of all, you have to license your trailer. Then you have to go get a registration or a license for the canoe and put numbers on the canoe. Then you have got to go buy a fishing license. Then you have got to now pay the \$15.00 excise tax, all to go fishing in the State of Maine.

It seems that we are going just a little bit too far here. So I would support the motion to indefinitely postpone if we are going to force people to pay \$15.00 to put a canoe in the waters of this State and put a small motor on it.

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

Mr. WYMAN: Mr. President, I oppose this motion and I have been here several terms, as you know, and this boat tax bill always comes up, and I think it will keep on recurring, and the bill, I am sure, is not perfect, but I think if we make a start on it, perhaps we can correct it as time develops, and we can get this so that it will

not be before every Legislature taking up a great deal of time, and always ending up being killed and starting over the next Legislature with the same bill. I think it is one of these perennial biennial bills that we should pass, perhaps correct at the Special Session, and get rid of.

Furthermore, there are a lot of big boats which are registered out of state purposely. They form corporations and they register them in Delaware, and I think maybe some of them in Massachusetts, and as a result Maine loses that business altogether, loses the storage, and the boat yards loses the business and loses employment. I am sure this is not a perfect measure, but it does seem to me that it is a start, and it will be only six months before the Legislature will be back, and I think that we should pass the bill and make a start to get this out of every legislative session, and I oppose the motion to indefinitely postpone.

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

Mr. LEVINE: Mr. President and Members of the Senate: I do not own, I have not owned and I do not think in the very near future I will own a canoe. However, I do associate with people that are known to own canoes.

That is not my problem with this bill. My problem with this bill is I think that we may very well be wasting our time in passing this legislation at this time, and becoming embroiled in a battle back and forth, and just in order for us to save a little time, I will support the motion to indefinitely postpone.

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

Mr. JACKSON: Mr. President and Members of the Senate: We had an issue yesterday and previous days in the past week on equity of taxation concerning industrial property. What this bill does is it makes it uniform throughout the entire State of Maine on the taxation of watercraft.

For those people who were so interested yesterday in the State assessing industrial property, value in excess of \$10 million, I am sure that many of you people here are aware that the personal property is also included in the State valuation of a municipality. I think that those who debated the issue yesterday on equity of taxation should concern themselves with this issue also, because municipalities that are not assessing watercraft presently are not including that valuation of those properties in the State valuation.

I feel this is one way, and I think it is a fairly good one, and I think it should be tried, and I am sort of surprised at the Motion to indefinitely postpone a piece of legislation like this. It is a step forward, and I would urge the members of this body this morning to vote against that motion.

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

Mr. PRAY: Mr. President and Members of the Senate: I did not debate the issue yesterday which the Senator from Cumberland, Senator Jackson, referred to, but I would like to remind him, and perhaps any other colleague in this body that cannot remember, that that bill was defeated.

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

Mr. MANGAN: Mr. President and Members of the Senate: Just a couple of quickies. One is that we are going to be mandating "X" amount of dollars by the State to be assessed on municipalities, and this was just the other way around yesterday, the Bill, and, secondly, it is just a minor loss to the General Fund here of \$1.3 million. Even our seven prima donnas assessing from out of the State yesterday only cost us \$122,000.00, if I recall correctly.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I would like to pose a question through the Chair to the Senator from Cumberland, Senator Jackson, and if I understand his explanation correctly, that this particular method that he is proposing replaces the personal property tax with an excise tax, and I am just trying to evaluate what it will do as far as the City of Lewiston is concerned, because we have a very effective, efficient tax system as far as boats are concerned. In fact, I just got a boat recently, a 22 footer, which I am paying an \$85.00 personal property tax on, and if I understand his method computed here, that that same boat, being under 26 feet in length, it would cost me \$15.00. I could see possibility in a municipality such as mine, it would be a substantial tax loss.

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

Mr. JACKSON: Mr. President and Members of the Senate: First of all, I would like to take up the fiscal note on this bill. We sent the information to the Department of Inland Fisheries and Wildlife. The gentleman who did the study of the bill in that Department did not understand the bill correctly, and, as I understand, he has called since then. There is an Amendment being prepared which strikes the fiscal note on this bill. There is no fiscal note on it.

In the case of the good Senator from Androscoggin, Senator Minkowsky, he says they do an excellent job up there assessing, which I am sure they do. They have probably one of the best assessors in the State there. But I ask this question of the good Senator from Androscoggin, Senator Minkowsky, how many of those residents in the greater Lewiston area and the Auburn area move those boats elsewhere, where they are stored. I would be willing to bet that the City of Lewiston would pick up revenue from this, because the people would bring their boats back into that municipality.

I would assume, and I would question as to the cause of these people that do things like this, that move their boats and watercraft to municipalities which do not assess, and I do not have the list here. There are a considerable number of municipalities who are not assessing or are under-assessing on the personal property of watercraft.

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

Mr. CONLEY: Mr. President, I would like to make sure that I have this clear in my mind. The present Committee Amendment "A" before us does away with the property tax on boats, and now establishes just a nice simple excise tax.

I pose a question to the good Chairman of the Taxation Committee, the good Senator from Washington, Senator Wyman, first, I commend him for his consistency of bringing such complicated measures before this branch in the closing days of the session. But, on the other hand, I know how burdensome it has been in that committee over the past six months, with the number of bills they have had.

I would like to get to the meat of the matter, and as I look at Committee Amendment "A" on Page 4, we look at Class IV, 65 feet and over in length. Well, let us just use as an example a \$50,000.00 yacht, who pays personal property tax of \$1,500.00. Now he is no longer going to be paying \$1,500.00, it is my understanding. What he will be paying in that community is a mere \$100.00 instead. Is that correct.

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

Mr. WYMAN: Mr. President, I do not think he is paying \$1,500.00 now, because I think he has his boat registered in Delaware, or some other state, and he does not pay the tax. I do not know what he pays, but much less for a tax. So I just do not think that we are getting the money that it appears we are getting.

I think we are losing a lot of jobs in the boat yards, and I think we are losing a lot of chances to store these boats here in Maine, and I think that the bill overall would be a net income for the working people, and for the boat owners and boat builders, particularly in the Freeport area where there is so many boats built.

There is a great way to avoid this tax, simply by incorporating the boat in another state, and then that is exactly what they were doing, and are now doing.

Now if the good Senator from Cumberland, who made the very kind remarks to me, if he could follow this out, I think he would find that we are not getting much out of those boats now, because the boat owners are too smart to get caught with the Maine tax of that amount.

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. 1537, be indefinitely postponed.

The Chair will order a Division.

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

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

12 Senators having voted in the affirmative, and 9 Senators in the negative, the motion to indefinitely postpone does prevail.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Amend the Employment Security Law to Include Federal Requirements and other Options Available to the State." (H. P. 762) (L. D. 1012)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-821).

Signed:

Senators:

McNALLY of Hancock
PRAY of Penobscot
REDMOND of Somerset

Representatives:

BEAULIEU of Portland
PELTIER of Houlton
LEWIS of Auburn
TARR of Bridgton
BUSTIN of Augusta
ELIAS of Madison
DUTREMBLE of Biddeford

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

Signed:

Representatives:

LAFFIN of Westbrook
FLANAGAN of Portland

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

Which Reports were Read.

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

Mr. PRAY: Mr. President and Members of the Senate: I believe that this is the last Bill that is coming out of the Labor Committee.

In the spirit of the hard work that the Committee has gone through the entire session, I would just like to point out to the members of this body that all three of the Senators were able to agree on this last bill.

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

Mr. CONLEY: Mr. President, I have a grave concern about this Bill, and I notice the gentleman from Westbrook is on the other end, and I think I will be agreeing with him.

Majority Ought to Pass as amended Report accepted, in concurrence.

The Bill Read Once. Committee Amendment

"A" Read and Adopted. Under suspension of the Rules, the Bill Read a Second Time.

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

Divided Report

Eight members of the Committee on Business Legislation on Bill, "An Act Relating to Providing Information Services to Maine Travelers." (H. P. 1505) (L. D. 1738)

Reported in Report "A" that the same Ought to Pass.

Signed:

Senator:

CHAPMAN of Sagadahoc

Representatives:

PEAKES of Dexter
KILCOYNE of Gardiner
WHITTEMORE of Skowhegan
CLARK of Freeport
HOWE of South Portland
JACKSON of Yarmouth
SPROWL of Hope

Four members of the same Committee on the same subject matter Reported in Report "B" that the same Ought Not to Pass.

Signed:

Senator:

FARLEY of York

Representatives:

ALOUPIIS of Bangor
BOUDREAU of Portland
RIDEOUT of Mapleton

One member of the same Committee on the same subject matter Report in Report "C" that the same Ought to Pass as amended by Committee Amendment "A" (H-835).

Signed:

Senator:

PIERCE of Kennebec

Comes from the House Report "A" Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "B" (H-858). Which Reports were Read.

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

Mr. PIERCE: Mr. President and Members of the Senate: This Bill has had a great deal of publicity, and I am sure will be thoroughly and well debated here today.

It is a bill which raises some emotions. It is a measure which is quite controversial.

As a member of the Business Legislation Committee last session, I guess I am the only Senator who has served on the committee which dealt both with the Bottle Bill and with the so-called Billboard Bill, and being a strong proponent of the Bottle Bill, I expected with the similarities that I would be, and I am, a strong proponent of legislation to eliminate billboards.

You will note that there are three separate reports. It is the only bill out of 146 that we dealt with in the committee this year to come out with three reports, and ironically enough there is also one Senator on each Report. I would hope today that perhaps I could explain to you Report "C", which is the one that I signed; Senator Chapman then might be able to explain to you the Majority Report; and then Senator Farley could explain to you Report "B", the Ought Not to Pass Report, which he signed.

This late in the session and on a bill of this magnitude, I guess it would have been a lot easier in many ways for me to join with the majority, since basically that is the position that I favor in signing this Bill Ought to Pass without any Amendments. However, I do feel that any Bill that has ever come out of the Committee which I chair has always gotten from me the very best effort that I could put forth in its defense; if I signed it out, I was willing to defend it on the Floor, and I have done the best I could with it, and when it came to the bottom line here of signing the Majority or working on another Report, I felt that I could not sign the Majority Report, and I would have to make

some changes for what I thought was the best possible legislation.

I feel a very special obligation being Committee Chairman, and I think with that Chairmanship goes certain responsibilities and obligations to other members of the Senate, and that is why I worked at some length on Report "C". I did not urge any other members of the Committee to sign it with me. I do not believe that I have lobbied one member of the Senate on behalf of it. However, I feel that it is the best way to go to adopt legislation of this magnitude.

This is a big bill. It is an important bill, and I guess proceeding in a manner that some may think is too cautious, but I really feel that the majority Report jumps into some areas kind of head over heels and is a little bit precipitous.

So I would like to explain to you what my version of the bill does, and my priorities are very clear, and for the record I favor the amended version very strongly. My next position would be to vote for the Majority Report, and my final position would be the Ought Not to Pass Report.

In my Amended version, like the bill, it sets up a Travel Advisory Council. The only difference is that I have added a few more members to the Council and expanded it. Obviously, from looking at it, the Council is appointed by the Governor, and would be heavily weighted on both Reports for people who favor legislation to eliminate billboards. I did think that it was only proper to have on there one member representing the outdoor advertising industry since these are the people who are most directly affected by the outcome of the legislation. I also added a member representing the historical and cultural organization, and a member representing the general public. In effect I am recommending that this Council make some very important decisions, and some very important recommendations to the Legislature. I also added one House member and one Senator, because too often I have seen Reports or Studies come back here and are usually so much waste paper, and I think that any worthwhile study needs to have an advocate of that group in both Bodies.

I also changed the choosing of the Chairman from being appointed by the Governor, to allowing that Council to choose its own Chairman. I think this is a position that we have taken as a Committee this year with other Boards which we dealt with, and we felt that it was better to allow them to choose their own Chairman and go this route.

In setting up this Council, I have asked them specifically to study some areas which I guess I just feel uneasy about, and I do not feel that I have all the answers for. I do not feel that I have enough of the answers, and it clearly defines their issues for consideration.

First, to determine whether or not there is a need for the Official Tourist Information Centers. It was my understanding that these Information Centers or Plazas have worked well in the State of Oregon and have worked fairly poorly in the State of Vermont. I understand that there are 80 of them in Vermont, with a potential of 80 plaques, advertising signs, in each Plaza, or a total of a potential 6,400 advertising signs. I also understand that only 600 of these are being utilized, and, therefore, they are not very successful. The original bill calls for these to be funded to the extent that funds are available, and I guess that bothers me, too, because I think probably there will be no funds available, and so I think perhaps there may be so much window-dressing.

But if Tourist Information Centers are the route that we should go, then fine, but I really think they need more looking into to see whether or not this is the proper avenue.

Also, No. 2, to determine whether there is a need for and what locations throughout the state the municipalities would benefit by the erection of official business directional signs. I

am uneasy about this area. I do not know exactly how many of these signs are going to be, how many people are going to be affected. The bill calls for them in busy areas to be erected in tiers. I do not know what that means. I do not know in certain areas of the state what this affect is going to be, and that bothers me.

I have asked the Council to determine what official published information we are going to have in the State of Maine, because the original bill calls for guide books, maps, etc., etc., to be provided to the extent that funds are available. Again, I would suggest that probably there are not going to be many funds available, and I do not know if this is so much window dressing.

It also provides for the State to fund these. It allows them to sell advertising, and I do not know if it is proper for the state to get into the advertising business. So I have asked them to look at not only what published information we have, but how are we going to fund them. Should we do it publicly like this, or through private agencies?

I have asked them to look at the broad question of what additional controls are necessary to limit the indiscriminate use of out door advertising. Because you know and I know that out there is a neon jungle, both on-premise and off-premise, that offends me and I think it offends most people. I would hope that in many ways this Council might advise us to go farther than this bill does in certain areas of limiting out door advertising.

I have asked them to look at and to determine the economic impact on land owners. I know many land owners do not get very much for their leased space, a couple hundred dollars each year in many instances, but there are also people who depend very much on that \$200.00. It is important to them, and I think we ought to consider very carefully their stake in this bill.

I have asked this Council to look into these matters, and any other they consider important, to give them the authority to hold public hearings throughout the state where they feel it would be necessary, and to report back to us in January with an interim report on what their plan is, how they are going to carry it out, and with the Final Report in January, 1979, and to look into any other issues that they feel need looking into before we implement this very important piece of legislation, which is a big step for the people of the State of Maine.

Further Sections of the Amendment say that no State Agency, Commission, Department and so forth, can use out door advertising. I think it is rather ridiculous for us to be proposing to eliminate out door advertising on one hand, and on the other hand having Agencies like the Lottery proliferating it all over the State. So this would prohibit them from doing that.

It further puts a cap on the total number of permits issued, and it says that no person who holds permits now can increase their numbers.

It addresses the question of the billboards that to me are the most offensive, and it is those billboards and signs that are in unzoned commercial industrial areas, — not the billboards that are on Western Avenue, because in my personal opinion these are no more ugly than some of the Golden Arches up here, but the ones that are out in the country. Under the present law, companies can put up as many as 24 panels in each of these areas where it is in conjunction with the business. This Bill would eliminate that provision, and say that you can only have one structure, so a maximum of four panels, and this, in turn, would eliminate approximately 400 to 500 billboards that are now standing, and to me these are the ones that are the most offensive. It actually eliminates these boards faster than in the Legislation itself.

Finally, the appropriation, the total is the same, only it is \$25,000.00 less the first year, and that is added on to the second year, because of the differences in fiscal years.

I think this Amendment would eliminate billboards faster, and it would also, I think, eliminate signs, and signs are another thing that really bother me. I do not know how many signs are out there. No body has been able to tell me how many signs are out there, — not billboards. We have lost sight, I think, of something. Besides billboards, there are a lot of signs — Joe's Restaurant one mile, etc., Chapman and Gray Insurance Agency two miles. I would ask this Council to look into that, how many people are going to be affected, how we go about taking these down, and what affect it would have.

So I guess the two main points of my Amendment are to take down billboards that are to me the most offensive faster than the proposed Bill, and perhaps, most important of all, it would provide for what I consider to be an orderly implementation of this Act, because I think it is an Act of great magnitude and great significance for people of this State, and I think if we are going to do something like this, and I fully support that we should do it, that we should do it on a very cautious, careful, orderly basis, and I think this Amendment provides for that.

I would now move that we adopt the Ought to Pass Report, Committee Amendment "C", and ask for your support, and ask for you to listen to the other two Senators who will present their viewpoints, and any questions you may have concerning my Amendment, I will try to answer, and I am sure any questions concerning the Bill itself, Senator Chapman can address, and I guess Senator Farley can field all others.

Thank you.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Ladies and Gentlemen of the Senate: I would like to read just a little Section from the Statement of Fact of the Bill — "Maine's scenic resources are unique and of great value. They are distributed throughout the State, and have contributed greatly to economic development by attracting tourists, permanent and seasonal residents, new industries and cultural facilities. The indiscriminate scattering of out door advertising throughout the State is detrimental to the preservation of those scenic resources, and to the economic base of the State, and is not an effective method of providing useful information to tourists about available facilities and services. Similarly, the proliferation of out door advertising can be hazardous to highway users by distracting their attention from good driving habits."

This is a Bill to keep Maine beautiful. We have a beautiful State, We know it and we are all proud of it. We put Vacationland on our license plates. That is why many of us live here in Maine, and that is why many of us earn good livings here in Maine, because we do have a beautiful State.

This Legislation is a bold step. The Bottle Bill was a bold step. But there is never a better time than now to take that step. It will never cost less than now to take this step, and if there was ever a Bill that has the people's support, I believe this Bill has the majority of the people's support. They want to keep Maine beautiful.

There are two basic kinds of advertising signs addressed in this Bill — on-premise signs and off-premise signs. This Bill really only directs its attention to the off-premise signs. While you will note in there that there is a mention of on-premise signs, that is only re-statement of current law in effect now on on-premise signs. It was felt that it would be desirable to treat sign laws all in one Section. This Bill is only changing the laws that are applicable to off-premise signs.

There are two basic aspects, as I see it, to off-premise signs. One is a directional indica-

tion aspect, and another is a product advertising aspect. The directional aspect tells you how to get there, tells you what the people want to know, where to find something. The product advertising aspect is primarily our national products. You have all seen them. They are selling liquor, cigarettes, cigars, chains. The brunt of this product advertising comes from that source, and this is telling you what the advertiser wants to tell you.

The thrust of this Bill is to emphasize the directional emphasis, to tell the people what they want to know. This Bill, I want to emphasize clearly, would not change existing statutes of on-premise signs. It does provide directional sign systems useful to the traveller, and essential to tourist oriented businesses. It creates a climate favorable to the development of alternative Traveller Information Systems, especially by the private sector. It allows the State Agency, with the advice of the Tourist Information Council, to provide Information Centers, guide books and related publications by contract with private organizations. I want to emphasize that, and I will come back later to that.

This Bill does not put the State in the sign business. It calls for the construction by private firms of the directional signs that are used in this system. This Bill provides for the real needs of business, while it provides for long-term protection of the natural beauty of our State of Maine.

It calls for the removal of all existing off-premise signs over a period of six years. Signs on the primary roads will be removed within a four year period by compensation. Signs on secondary roads will be amortized over a six year period of time. Land owners who rent space for sign display adjacent to primary roads will be compensated, while land owners adjacent to secondary roads will have a six year amortization period. Amortization is the allowing of these signs to exist on those properties, the revenue to be taken in and the rent paid to the land owners for a period of six years after the effect of this Act.

This bill will be implemented on a region by region basis, so that new directional signs can be established as the billboards are removed.

Now you have all seen in the last few days in the lobby under the dome three directional signs that are the type proposed by this bill. I might emphasize that the colors do not all have to be black. The ones out there are black, but those just happen to be black.

This bill has quite a price tag. Both of these options to perform this objective have high price tags. It is a one-time cost of \$3 million. The State of Maine's share in this cost will be \$750,000.00, one-fourth. The Federal government has funds for the rest. The cost of operating this system once it is in effect will be paid for by the users themselves, those who want the directional signs. Those fees will maintain the on-going cost.

This bill provides for low cost opportunity to place up to four directional signs at turning points within ten miles of a business. I want to emphasize very specifically that this bill also allows for flexibility on these points on the placement of directional signs where there are cases of hardship or geographic problems may arise.

The opponents to this bill are saying that because more permits for off-premise signs have been cancelled in the past three years, and permits issued on new signs, that our present law is working as intended, and so it is. Unfortunately, our present law never intended to provide an effective directional sign system, or to eliminate billboards. The present law allows for off-premise billboards in a number of locations. It allows them on secondary roads, except for certain locations near cemeteries and parks. It allows them on secondary roads in

compact areas, unless there is a local ordinance. It allows them even on scenic highways and in unzoned commercial or industrial areas. It allows them on primary highways, on either side of zoned or unzoned commercial or industrial areas.

The Department of Transportation in 1976 issued 2,639 permits for off-premise signs in these locations. In addition, there are over 300 billboards still standing without permits, plus an unknown number of additional illegal signs. Many of these are up pending Court decisions, and I suspect will soon be removed.

The Department of Transportation has removed, in 1976, 449 illegal signs. Three companies, which own most of the larger signs in Maine, have lost few signs to the Highway Beautification Act. Donnelly Advertising Company, for example, has permits for 378 signs in 1965 when the Federal law passed, and had 435 permits in 1976. If we discount those signs erected by the three biggest firms in non-conforming locations after passage of the Federal law of 1965, we find that they now hold only 147 fewer permits than they collectively held in 1965. At the same time, the share of all off-premise permits held by these three companies has risen to 54 percent of the off-premise permits.

I would like to touch on some of the specific points in the bill. It is rather a complicated bill and in the beginning has quite a few definitions. But it does establish a Travel Information Advisory Council, which will advise the Commissioner of the Department of Transportation relative to the location, size, color and lettering of official business directional signs, and on all other matters necessary and appropriate in the administration of this Chapter. There are a lot of matters that are not specifically decided, which is only right that there should be, because as they come up they should be able to be handled and the problems as they exist when they are brought up. This Council is to advise and direct on those matters.

The Bill requires that it should contain the following representatives, one from the lodging industry, one from the restaurant industry, one from the recreational industry, one representing the Keep Maine Scenic Committee, one representing agriculture, one representing the environmental organizations, and the Amendment which has been filed and adopted by the other Body adds a member from non-profit historical and cultural institutions, and another member from the general public. There will be eight members of the Advisory Council.

This bill establishes or enables to be established Tourist Information Centers, and it does say in here to the extent of funds available, which is prudent. If the funds are not available, we are not going to take these steps. But it says something else that is very important. It says to the extent funds are available for contracts to be entered into with private enterprise, the Commissioner may establish Tourist Information Centers near principal entrance points into the State, or such other locations as are deemed appropriate, contracts can be entered into. I think this is important. It allows the flexibility here not necessarily to spend Federal Funds and so forth, but to enter into contracts with private organizations to do some of these things, to allow them to be done.

The directional signs, as you saw out in the lobby, are to be furnished and preserved by the applicant for those signs, by the business who wishes to have them. He furnishes those signs. These are not furnished by the State. It does not put the State in the sign business. And this means jobs in the private sign industry. Sign makers are going to have to make those signs, and Maine people throughout the State will be gaining employment opportunities they do not have now in making these directional signs.

It does allow and encourage the publishing of information, such as directories, guidebooks, maps and other published information, to make available to the public information that they might like to know. And, again to the extent funds are available, contracts may be entered into. For example, the State could contract with the Maine Publicity Bureau to provide some of this information, or with the Chambers of Commerce, or permit others to provide the necessary directories, guide books and maps, and these can be made available in Information Centers, booths, service stations, garages, hotels, restaurants, and you name it — wherever the information might be best distributed. It indicates that the Commissioner shall cooperate with other State, Federal and local agencies to provide information to travellers under this Bill.

Specifically, the signs that you saw in the hall are not to exceed the size which you saw there, which is 16 inches by 6 feet, but these signs can be readily seen at that size. They are uniform in size and the size of lettering, but the lettering can be of any style. The signs can have logos or symbols. They can be unique in that respect. They do not need to be restricted from that standpoint, and an appropriate symbol may be used to indicate restaurant, as you saw there, a knife and fork, or you might want to have a symbol of Texaco or whatever it might be put in that spot. These signs shall be located in vicinities where a traveller must change direction from one way to another, and they can have up to four signs stipulated by the Bill. Again, provisions for waiver of these requirements specifically incorporate in the Bill in case of hardship due to conditions of topography, physical characteristics and so on.

There are a number of sign situations that are exempt. I will just enumerate them — common carriers, signs on motor vehicles, stop or fare zone for motor buses, signs pertaining to churches and civic organizations, residential directional signs, like going in to cottages you see signs listing where people live, obviously traffic control signs, governmental body signs, public information signs like rest rooms and conveniences, signs for limited periods announcing auctions, public suppers, lawn sales, campaign signs, public events, these type of signs which are up for a specific event and not more than three weeks are permitted, memorial signs, signs for fair and expositions, agricultural product signs, and the Amendment also adds non-profit historical and cultural institution type signs.

Compensation — compensation is paid, and that is primarily what the appropriation under this Bill is for, to compensate those signs that are required to come down on the Interstate primary road system. If the Federal funds should not be available, then payments would not be made, but there is every indication that there are substantial funds available and I think that the sign industry would do all it could to see that funds remain available. It certainly is in their interest. Those signs that are removed by amortization, again I explained that is over a six year period of time to allow those signs that are erected to retain their tax credit, tax deductions and the earnings to the land owner for a six year period of time.

Those who wish to have directional signs applied for them from the Department of Transportation, the fee is not to exceed \$30.00 per sign, and the renewal fee each year is not to exceed \$30.00 per sign. I think this part alone will enable a lot of small people to have directional signs. They will be on the same level of competition with the big fellows who could afford to have the big billboards that we see today, but the fee will be the same for everyone, large or small.

Again, just to summarize, the emphasis of this Bill is on directional signs. They are cer-

tainly served better by this Bill. They are located in the right-of-way. There is no need to negotiate for land leases. The Department of Transportation puts them up. The sign is your own property, and that should be a shot in the arm to the sign industry. You are no longer competing with big business or the national companies for sign space. The small guy pays the same price. It is a job for the Maine sign makers, and it will please a good majority of Maine citizens.

I would like in that respect refer to a survey that was made of the attitudes and opinions of Maine people toward their state in this bill by the State Planning Office. The question was should the state pass legislation to ban billboards on State Highways. Statewide, 61 percent responded yes, 32 percent no, 6 percent had no opinion, and the sampling areas were throughout the state. York County, 59 percent said yes. Cumberland County, 70 percent said yes. Mid-coast region, 69 percent said yes. Downeast, 68 percent said yes. Androscoggin County, 57 percent said yes. Kennebec County, 62 percent said yes. Penobscot, 63 percent said yes. Aroostook came in 38 percent. I do not know what happened up there, but perhaps they do not have as many signs as we do down in the other parts of the state, and therefore, the problem may not be recognized as severely. But I think significantly overall 61 percent of the people favor this bill to ban billboards on highways.

There have been a number of editorials in our papers. The Belfast Republican Journal, "the best solution that we have yet heard of dealing with the aesthetic problems of commercial advertising along our highways." The Press Herald, "Governor Longley's Legislation provides Maine with the opportunity to follow Vermont's attractive example." Maine Sunday Telegram, "As far as we know, tourism is a flourishing industry in Vermont where a very similar statute exists. Vermont has done a first rate job restoring its natural beauty by ridding the country side of billboard blight." Bangor Daily News, "77 percent of all store owners interviewed in the mid-coast region favored removing billboards. According to a state-wide poll, Maine people strongly favor the law banning billboards, highway billboards as we know them." Waterville Sentinel, "It is a responsible and thoughtful proposal, and in the long run all of Maine would benefit from its enactment."

I would like to touch just briefly on a few of the remarks concerning the proposal you have heard from the Senator from Kennebec, Senator Pierce. His proposal, I feel, has the potential for permitting the illusion of doing something, but not really doing it. He estimates that something like 300 signs would come down, but as I see it there is nothing to keep those signs from going up elsewhere. There are more than 300 other eligible places, the unzoned commercial areas where the signs could be placed, and the taxpayer might find himself in a position of paying to take them down in one instance, only to have them going up in another. It would not make a real dent in the problem. As I see it, it would still leave 2,000 highway signs on our roads.

The fiscal note on the bill is substantially the same, and yet it does not really eliminate billboards, and cannot guarantee the elimination of billboards. While allowing some billboards to remain, it would prohibit any new company from getting a permit to put up billboards. I think a discriminatory situation there, treating some one way and others another.

I think at this point I will sit down and we will hear from the other side of the picture, and I am sure there will be questions, and I will attempt to answer them the best I can.

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

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

The PRESIDENT Pro Tem: The pending motion is the motion of the Senator from Kennebec, Senator Pierce, that the Senate accept Report "C", Ought to Pass.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: The two previous speakers have covered the legislation I think very, very well, the two points of view.

Very briefly, the reason for signing the Report that I did was, I think we go back six months and we convened here, and the two paramount problems we were faced with were jobs and State finances. This bill hits at both of these problems. It does nothing to solve it. We are talking between 50 and 70 jobs are going to be taken away at a cost of \$750,000.00 in State money. I believe that we ought to decide here this morning, is that the best way to spend \$750,000.00 of the State's money.

Now Senator Chapman mentioned in his remarks polls taken throughout the state, and I am sure that many, many vast numbers of Maine people are concerned and find billboards offensive. But I think polls are a funny thing. It is the way you approach a question. If the question asked was do you want to get rid of billboards, I am sure the polls are accurate, and I am sure if when they did these polls they said at a cost of \$750,000.00, and anywhere between 50 and 70 jobs, I am sure the polls would not indicate the numbers that Senator Chapman quoted a few minutes ago.

Since signing the Ought Not to Pass Report, I have had the opportunity to look at Senator Pierce's Amendment, and I am going to support that position today. I think it is a good compromise. It does not change the total cost of this legislation, but it does retain some jobs, something that concerns me very, very much. I would hope that it would concern all of us, and support the pending motion of the Senator from Kennebec, Senator Pierce.

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

Mr. KATZ: Mr. President, I oppose the motion to accept the Amended Report of the Committee, and I request a Roll Call.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Katz, now requests a Roll Call.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I request a Roll Call, because I think it is an issue of such significance.

We have just heard three well controlled speeches of three gentlemen who feel three different ways really about this issue, and I have to be completely frank and express my bias on this issue.

I went to the trouble of having just what we are talking about blown up here. It may not look very big in this, but if you can imagine the front of this Chamber covered with a billboard something around 700 square feet. You start where the young lady is sitting and you go up to the break in the wall and come down right smack on the President's head — excuse me, Mr. President. You get an idea of how big these monsters are. But these two billboards have a very important social purpose. One of these is Black Velvet booze, and the other is Winston, and being in the jewelry business I notice that

the Winston man has a chain around his neck, so I suppose that is good for business. But I find it difficult to understand what redeeming social purpose of any type are served by these monsters.

Looking out the window over the head of Senator Cummings, and I see a perfectly beautiful Maine landscape, with trees, and I think God has done a pretty good job in this State. But we who inhabit the State have not done quite as well. There is a visual blight. There are some social problems we cannot take care of in the Senate. Again and again I pointed out that in some cases there is precious little that could be done by passing a law, but, boy, this is one circumstance where it is within the power of this Senate to make a real difference in the beauty of the State of Maine.

I have been walking around for three weeks with this in my pocket, and I will be glad to get rid of it. It is a Roll Call, as I have approached some of you, and I did not put anti-billboard on here. I put for a beautiful Maine, because this is really the issue with me — a more beautiful Maine, — a cost of \$750,000.00 to create a more beautiful Maine.

I would ask the Senator from York, Senator Farley, how many tens of millions of dollars do Maine people spend every year to help make Maine more beautiful. This is a one time cost.

Now I am doing penance here today, because I was here in 1969 when Representative Fuller, then Representative Marion Fuller, now Mrs. Marion Fuller Brown, who is sitting behind me, assumed the leadership that was taken by the good Representative Hughes from Androscoggin in sponsoring this Legislation. And I attempted to be reasonable, even as my very good friend, the Senator from Kennebec, Senator Pierce, is attempting to be reasonable. You have got a problem, but let us be reasonable, and I was one of those who wanted to be reasonable last time. My intention to be reasonable has cost the State an awful lot of money, but I see absolutely no appreciable benefit to the people of the State of Maine because the billboards are still up there. They may be in different locations, but they are still up there. Those who say let us not be hasty, I think it is amazing that the piece of Legislation sponsored by Representative Hughes has come out of Committee, gone through what sometimes is a rather ordeal by fire in the other Body, and is in exactly the same pristine state it was when he dropped it in the hopper — no amendments, no last minute mistakes, no confusing amendments on it. It is in its present form.

My problem with amending this is suggested by my good friend, the Senator from Kennebec, Senator Pierce, is that I would like a little hand in naming the Amendment. I would like to change the title a little bit, "An Act to Appropriate Taxpayers Funds for the Relocation of Billboards", because that is what it will do. It will take them down, and it will pay our just dues to the billboard companies, but they will go up in other places, and it will give an impression that we are doing something. We will spend a lot of the taxpayers money, and we will finance relocation. We will leave up over 2,000 billboards.

I had an unusual experience that I would like to share with you. I was in Albuquerque, New Mexico recently and I headed north, and I was in a State Trooper's car. I was not in custody. I was looking out the right hand window of the State Trooper's car. I had my elbow, I guess they do not air condition them in New Mexico, and I was amazed, because leaving Albuquerque, about five miles later I became conscious of the fact that I had seen no billboards, and I was unaware of the fact that New Mexico had a billboard law. The scenery was beautiful. It was different from Maine. It was not as green, but it was beautiful. Two days later coming back into

Albuquerque, I was also looking out the right window, and I have never seen so many billboards in all my life, a forest, because those who erect billboards thought that justice would be served by catching people as they came into the metropolis, rather than leaving. And the difference in my impression of the beauty of New Mexico underwent a radical change. On the east of the highway was beautiful, on the west of the highway the kind of blight that completely detracted from the good work that God had done over the years.

I ask the Senate today to accept the only Report which accomplishes by statute that which the Senator from Kennebec, Senator Pierce, asks us to accept in his Amendment. The fact is his Amendment will not result in the significant reduction of billboards. The fact is that billboards will come up in other places, and the fact is, and this is the basic question, and I want to look at this again, — I want to look at this again and to ask the Senate to look at it again. You know, we could raise some revenues, some very important revenue, if we agreed to put a Winston sign up right there. I bet it would be worth an awful lot of money, get an awful lot of national attention, and if our only concern is fiscal, boy, a Winston sign up there will bring us some revenue and it will not cost us a penny. It might make some of us sick to our stomach, but it will raise some revenue.

I want the Senate to ask itself what redeeming social purpose are we protecting, and if you agree that there is very little visible social redeeming features to billboards in a State that advertises itself as Maine Vacationland, I ask you on this Roll Call to vote against the pending Motion to accept the completely deluded and diluted position of my long time friend, Senator Pierce, and vote against that, and then let us dispose of this and indicate what we think the State ought to be by supporting the Senator from Sagadahoc, Senator Chapman's Motion, which will be made very quickly.

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

Mr. SPEERS: Mr. President and Ladies and Gentleman of the Senate: I want to thank my very good friend and esteemed colleague from Kennebec, Senator Katz, and to say that I concur wholeheartedly in his remarks.

Several years ago the question of whether or not billboards should be removed from the highways in the State of Maine was addressed, was brought before this Legislature by another very good friend of mine, who is sitting in this Chamber at the present time, who was alluded to by the Senator from Kennebec, Senator Katz, and that question was debated in these halls, and the people speaking through their elected representatives decided that question in favor of removing the billboards from the highways of this State. At least I feel that is the question that they thought that they were deciding.

Several years have passed since that time, and we note that the result which I think was desired at that time, and which I believe the people of this state indicated that they wanted at that time, has not occurred, and so the question is before us again, and we are asked to adopt a policy to insure that the result which has been desired and which we thought was being accomplished would, in fact, now come about, and I would urge this Senate to support the position of the Senator from Sagadahoc, Senator Chapman, to reject the present motion that is before this body so that we can go on to adopt and accept the Majority Report.

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

Mr. CONLEY: Mr. President, I remember back several years ago, as has been alluded to by several speakers, when the Commissioner of Transportation, John Volpe, came to Maine and

we had a great ceremony down in the Freeport area, I believe it was, of taking down billboards. And I wonder how many billboards have been removed or put out of business since that time.

I think everybody in the State knows how well the Chief Executive of the State and I get along. We see eye to eye, I guess, on about every tenth issue. In fact, last evening the Presiding Officer of this Body and the Chairman of the Appropriations Committee had a little get together and invited us all out for a little fun, and invited the Chief Executive over there, and I do not mind saying that I sort of blasted him out, one, for the swamp disease, and the second one because on this morning's calendar there is a veto there of a Bill that was sponsored by myself, and I could not understand it.

But there are two things that I can praise the Governor for. Since he has taken office, I think the appointments that he has made to the Court have just been unquestionable and outstanding people of highest caliber, fine appointments, and when I saw this bill here come in, I began looking at it, and I said, well, it is probably just another political bill that the lobby will be able to dispose of. But that has not been the case, and the reason that it has not been the case is because I think also that the people who are being sent to Augusta are higher caliber individuals who are beginning to think for themselves, and think for the people that they represent.

Several of my friends are employed by the industry to kill this bill, and I never want to mix friendship with the jobs that they are employed with, because I know what their position is, and I have often stated to members of my party on the occasions that they elected me as their Floor Leader, one of the first things that I have said to every new member of the Legislature, sit back and keep an open mind and listen to what people are saying, and when a lobbyist approaches you and talks to you about a particular bill, be warned, keep an open mind, but for one thing do not ever get yourself locked into a position where it is going to be difficult for you to get out.

I can tell you people from both sides of the issue have been on me, and I have kept an open mind and made a commitment to neither. But I have listened to the words of the good Senator from Sagadahoc, Senator Chapman, and I commend him. I commend the good Senator from Kennebec, Senator Pierce, and the Senator from York, Senator Farley. I think that is what makes Government operate, that we have the right to be free thinking people.

But I could not go home today unless I expressed my views, extremely sympathetic to the piece of legislation before us, and to the remarks made by the good Senator from Sagadahoc, Senator Chapman, and I can tell you one other thing. From what I have heard around the halls the last few days, that all the debate that has taken place, that not only does the Senator from Kennebec, Senator Katz, have a Roll Call sheet, but if anyone steps outside of those doors there is another Roll Call sheet, and it is marked up pretty well, too. It is going to be very interesting after the vote is taken as to whom has the right Roll Call.

I would hope the Senate would vote to defeat the pending motion and then accept the motion of the Senator from Sagadahoc, Senator Chapman.

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

Mr. LEVINE: Mr. President and Members of the Senate, this is an issue that is a very important issue for the State of Maine. It is a very important issue for myself. I have very close personal friends on both sides of this issue, and I have been one of those that have been extremely cautious in not allowing myself to be locked into either position. I waited a great deal of

time. I have pondered over this. I have thought about this a good deal, and I have now made my decision and I will make that decision known to the Members of this Senate.

I will vote against the pending Motion of the Senator from Kennebec, Senator Pierce, and I will support the up-coming Motion of the Senator from Sagadahoc, Senator Chapman, and lend my full support to this very important piece of Legislation for the people of Maine.

I know that this may create some problems for people that I have known personally for many years that are involved in this industry, and I am not very happy about that; however, I think this will solve a great many problems for all of the people of the State of Maine. I think this is the proper action, the correct action. I think we should be very forceful in this action, and I would urge all of the Senators to vote against the pending Motion, and await the Motion of the Senator from Sagadahoc, the good Senator, Senator Chapman.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate, I think you will be interested. There was a survey done on April 29th of this year. The survey area included Lewiston-Auburn, Brunswick, Portland, Biddeford-Saco urban concentrations. The roads surveyed included Route 1, Route 95, Route 102, 100 and 35. A count was made of all off-premise advertising on these roads. The overwhelming number of surveyed billboards which advertised out-of-state products served to demonstrate the need for an intelligent and orderly system of directional signs.

I would like to read the names to you of the 12 most often advertised products. I do not think that they are exactly the kind of thing that we want to devote most of our quick eye as we drive by listening to the merits of a newscaster, advertising WCSH, the Maine State Lottery, which now the Governor has said that they would no longer be allowed to advertise, Black Velvet Whiskey was No. 3, United States Navy was another one, Old Gold Cigarettes, WFOR Radio, True Cigarettes, Holiday Inns, WHOM radio, McDonald's, Lord Calvert Whiskey, and cigarettes. These are the things, I think, that are really not what we want to think about most as we are travelling along. There were only two companies that could be considered using billboards for directional purposes. That was McDonald's and the Holiday Inn. The rest just clutter Maine's environment with needless advertising.

There are other effective advertising media available for their use, and I would highly recommend that we do not accept Senator Pierce's Amendment, and go ahead with the other part of the Bill.

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

Mr. TROTZKY: Mr. President, I listened very carefully to Senator Katz' statement, and although I am opposed to billboards on the highways and opposed to putting that large Winston billboard in the front of this Chamber, after looking at the Black Velvet billboard I think I will give it some more consideration.

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

Mr. MANGAN: Mr. President and Members of the Senate, unfortunately it seems to be a bandwagon effect going through this Senate this morning. Everybody seems to be jumping on the anti-billboard approach.

I just have some interesting observations that I would like to have the Members of this Senate at least consider. This Bill will provide for Tourist Information Centers if the money should be available. I know of one that is doing

the job fairly well in the State of Maine, that is in Kittery, and the others are generally closed, especially when I need them the most.

Secondly, this Bill will provide for advertising on the back of moving vehicles, common carriers and motor vehicles, things of this type, and I note, — nothing vindictive about it, but I note one of the sponsor's families is involved in Coca Cola, and I note further that as I go down the Turnpike or Interstate 95 and I am travelling behind a Coca Cola truck for miles on miles on miles, I think that the signs are probably just as offensive as outdoor signs.

Further, there is a limitation on advertising outside of the County. Now I note that in Lewiston, for example the Lewiston Fair, Lewiston is at the eastern part of the County. We do service not only Androscoggin County but also Kennebec and also Oxford County, Sagadahoc County, and I would think that there would be little opposition to advertising County Fairs outside of a County itself.

Further, I notice that 75 percent of the sign removal cost will be coming from the Federal Government, and I seriously wonder whether or not there are not that many strings attached to that package, that little gift. I know that the State of Maine has refused a lot of Federal monies, because of the funds that are received from outside of the State of Maine.

Further, I question whether limitations of signs is not really a violation of the Constitutional right of freedom of speech, and then, finally, people have been saying let us keep Maine beautiful. Well, Maine is not only beautiful because of its scenic beauty. It is also beautiful because of its people, the individuality of its people, because of the people's fierce protection of their own individuality and their own rights, without undue influence from outside, and particularly from the Federal Government or State Government, and I would move at this time to indefinitely postpone this Bill and all of its accompanying papers.

The PRESIDENT Pro Tem: The Senator from Androscoggin, Senator Mangan, moves the indefinite postponement of this Bill and all of its accompanying papers.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: I really had not planned to rise again on this issue unless there were some specific questions that I could address.

However, I do rise now to oppose that motion to indefinitely postpone. I feel very strongly that we must have and should have, properly have some billboard elimination legislation this session, and I wanted above all else to do that at this time, and I think we have had a good debate on this issue. I feel that I have done, I have exercised my responsibility in laying before the Senate my thoughts on this, and I spent a lot of time on it and looked into it, and there were just too many unanswered questions for me to support the Majority Report. There still are, and I feel that way very strongly.

But I still feel just as strongly that we should have some Legislation in this direction, so I would hope that whether you are going to support my motion, which may be too cautious for some, but I feel is an orderly implementation for the Bill, or whether you are going to support the Majority Report. I hope that you will support one of those two motions, and not vote to indefinitely postpone this.

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

Mr. KATZ: Mr. President, a parliamentary inquiry. Does the motion of the Senator from Kennebec have to be disposed of before indefinite postponement.

The PRESIDENT Pro Tem: The pending motion is the motion of the Senator from Androscoggin, Senator Mangan, that this bill

and all accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, my question is of a parliamentary nature. Will the Senate not, according to its rules, have to dispose first of the motion of the Senator from Kennebec prior to dealing with the motion to indefinitely postpone.

The PRESIDENT Pro Tem: The Chair would answer in the negative.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, I will withdraw that motion.

The PRESIDENT Pro Tem: The Senator from Androscoggin, Senator Mangan, now requests leave of the Senate to withdraw his motion to indefinitely postpone. Is it the pleasure of the Senate to grant this leave? It is a vote.

The pending question before the Senate is the motion of the Senator from Kennebec, Senator Pierce, that the Senate accept Report "C", Ought to Pass.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I request to pair my vote with that of Senator Roland Martin, who, if he were here, would vote against the Amendment, and I would vote for it.

The PRESIDENT Pro Tem: The Senator from Hancock, Senator McNally, who would vote yes, requests that his vote be paired with the Senator from Aroostook, Senator Martin, who would vote no. Is this the pleasure of the Senate? It is a vote.

The Senator from Kennebec, Senator Katz, requests a Roll Call. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of the Senators present. Will all those Senators in favor of a Roll Call, please rise in their places to be counted.

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

The pending question is the motion of the Senator from Kennebec, Senator Pierce, that the Senate accept Report "C".

A yes vote will be in favor of Report "C". A nay vote will be opposed.

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

ROLL CALL

YEA — Carpenter, Collins, D.; Danton, Farley, Hewes, Jackson, Mangan, O'Leary, Pierce, Pray, Redmond, Usher, Wyman.

NAY — Chapman, Collins, S.; Cummings, Curtis, Greeley, Hichens, Huber, Katz, Levine, Lovell, Merrill, Minkowsky, Morrell, Snowe, Speers, Trotzky.

ABSENT — Sewall.

13 Senators having voted in the affirmative, and 17 Senators in the negative, with two Senators pairing their votes, and with 1 Senator being absent, the motion to accept Report "C" does not prevail.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President, I now move that we accept Report "A", the Majority Report of the Committee, and I request a Roll Call.

The PRESIDENT Pro Tem: The Senator from Sagadahoc, Senator Chapman, moves the adoption of Report "A", and requests a Roll Call.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President, I withdraw my request for a Roll Call.

The PRESIDENT Pro Tem: The Senator from Sagadahoc, Senator Chapman, now requests leave of the Senate to withdraw his request for a Roll Call. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

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

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Jackson, now requests a Roll Call. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present. Will all those Senators present 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.

Is the Senate ready for the question? The pending question is the Motion by the Senator from Sagadahoc, Senator Chapman, that the Senate accept Report "A".

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I would make an inquiry through the Chair. Since there has already been a pair with the Senator from Aroostook, Senator Martin, as to whether or not the Senator from Hancock, Senator McNally, plans to make that request again.

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

Mr. McNALLY: Mr. President, I request to pair my vote with Senator Roland Martin, who if he were here would vote against the Bill, and I shall vote for it.

The PRESIDENT Pro Tem: The Senator from Hancock, Senator McNally, who would vote yes, requests that his vote be paired with the Senator from Aroostook, Senator Martin, who would vote no. Is this the pleasure of the Senate? It is a vote.

Is the Senate ready for the question? The pending question is the Motion by the Senator from Sagadahoc, Senator Chapman, that the Senate accept Report "A".

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

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

ROLL CALL

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

NAY — Carpenter, Mangan.

ABSENT — Greeley, Sewall.

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

Mr. CARPENTER: Mr. President, I ask permission to change my vote from nay to yea.

The PRESIDENT Pro Tem: The Senator from Aroostook, Senator Carpenter, now changes his vote from nay to yea.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, in an attempt to have unanimity on this, I would request to change my vote from nay to yea.

The PRESIDENT Pro Tem: The Senator from Androscoggin, Senator Mangan, now changes his vote from nay to yea.

29 Senators having voted in the affirmative, and none in the negative, with two Senators pairing their votes, and with 2 Senators being absent, the Motion to accept Report "A" does prevail.

(Off Record Remarks)

The Bill Read Once. House Amendment "B" Read and Adopted. On motion by Senator Katz of Kennebec, under suspension of the rules, the Bill read a Second Time. The Bill, as amended, passed to be engrossed, in concurrence.

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

Mr. KATZ: Mr. President, I move reconsideration.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Katz, having voted on the prevailing side, now moves that the Senate reconsider its action whereby the Bill was Passed to be Engrossed.

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

(Off Record Remarks)

Mr. SPEERS: Mr. President, I now move that all matters acted upon this morning be sent forthwith.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Speers, now moves that all matters acted upon this morning be sent forthwith. Is this the pleasure of the Senate? It is a vote.

On Motion of Mr. Speers of Kennebec, Recessed to the Sound of the Bell.

(Recess)

After Recess

Senate called to order by the President.

Out of Order and Under Suspension of the Rules: On motion by Mr. Speers of Kennebec, Ordered, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House for the purpose of electing a State Auditor, at 12 o'clock.

Which was Read and Passed.

The PRESIDENT: The Chair will appoint the Senator from Kennebec, Mr. Speers, to deliver the message.

The Senate will be at ease pending the return of the messenger.

The PRESIDENT: The Senate will come to order.

Mr. SPEERS: Mr. President.

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

Mr. SPEERS: I have delivered the message with which I was charged.

The PRESIDENT: The Chair hears the message and thanks the messenger.

The PRESIDENT: The Chair recognizes the gentleman from Durham, Representative Tierney.

Mr. TIERNEY: Mr. President and Members of this Honorable Body: I bring a message to you that the House concurs with your calling of a Joint Convention, and awaits your attendance forthwith.

The PRESIDENT: The Chair hears the message, and thanks the Messenger. The Senate will form in the rear of the Chamber and proceed to the House of Representatives.

The Senate then retired to the Hall of the House of Representatives where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report.)

In Senate

Senate called to order by the President.

Out of Order and under suspension of the rules,

On motion by Mr. Huber of Cumberland, ORDERED, the House concurring, that when the House adjourns, it adjourns to nine-thirty in the morning on Wednesday, July 6; and that when the Senate adjourns, it adjourns to ten o'clock in the morning on Wednesday, July 6. (S. P. 586)

Which was Read and Passed.

Sent down forthwith for concurrence.

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act to Remove the Commercial License of Smelt Fishermen." (H. P. 1045) (L. D. 1272)

have had the same under consideration, and ask leave to report: that the House pass the Bill to

be engrossed as amended by Committee Amendment "A" (H-538).

that the Senate recede from acceptance of the Majority "Ought Not to Pass" Report of the Committee on Marine Resources, read the Bill once, adopt Committee Amendment "A" (H-538), read the Bill a second time and pass the Bill to be engrossed as amended by Committee Amendment "A" in concurrence.

On the part of the House:

Representatives:
POST of Owls Head
FOWLIE of Rockland
BUNKER of Ashville

On the part of the Senate:

Senators:
CHAPMAN of Sagadahoc
LEVINE of Kennebec
HEWES of Cumberland

Comes from the House, the Report Read and Accepted.

Which Report was Read and accepted in concurrence.

Senate

Ought to Pass in New Draft

Mrs. Snowe for the Committee on Health and Institutional Services on, Bill, "An Act Authorizing Emergency Services to Children and Youth." (S. P. 447) (L. D. 1644)

Reported that the same Ought to Pass in New Draft under new title: Bill, "An Act to Authorize Family Crisis Workers and Short-term Emergency Services for Children, to Require the Designation of Return to Family Workers and to Enact Objectives and Priorities for Services to Children." (S. P. 579) (L. D. 1893)

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

Under suspension of the Rules the Bill read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Second Readers

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

House — As Amended

Bill, "An Act Relating to the Administration of Medication." (H. P. 1236) (L. D. 1389)

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

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)

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

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

Bill, "An Act to Require that Persons or Agencies Placing Unrelated Children for Adoption be Licensed." (H. P. 416) (L. D. 523).

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

Sent down for concurrence.

Senate

Bill, "An Act to Amend the Maine Criminal Code and Related Statutes." (S. P. 574) (L. D. 1892)

Which was Read a Second Time.

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

Mr. COLLINS: Mr. President, I present Senate Amendment "A" (S-360) and move its adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now presents Senate Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. COLLINS: Mr. President, the Amendment simply puts in a Section inadvertently omitted concerning escapes from the Maine Youth Center.

I would like to say just a few more words about this Criminal Code Amendment Bill. An important feature of this Bill is that it redefines the homicide laws. When we adopted the Criminal Code a couple of years ago, the scheme was that homicide was divided into several different degrees. In actual practice, these several different degrees have been found to be confusing to Juries, and because we are very anxious that the prosecution in this area be clear, and that Juries understand the material with which they must deal, the interim Commission which was to review the workings of the Code, struggled with wording and eventually came to the idea that we would do better to go back to certain older terminology, but to carefully define it within the Code, so that we have adopted the language of murder, of felony murder, and manslaughter, carefully defined it, and we believe that this material will be more effective in helping our Judges to correctly charge Juries.

There is another item in this Bill having to do with intoxication as a defense in criminal matters. Section 58 A of the original Code dealt with this. In one or two cases Judges have said that they are a little concerned about charging Juries on this point. We have slightly changed the wording on it, after consulting with several Judges, as well as the prosecutors and defense lawyers, and people in the Attorney General's Office who specialize in this material.

There are a few other odds and ends of definitions that are not as much interest to the average person. A couple of questions have surfaced here in the Legislature since this new draft was printed. One of these questions relates to firearms. I will not give you detail, but I think we have not changed the law about firearms. We have redefined certain parts of the law about dangerous weapons. Our Staff has met today during the recess with certain Members of the Legislature who had a particular concern over the right to bear arms, and I think we have satisfied their questions.

There has been a further question surface concerning the sentencing of criminals who have committed murder. When the original Criminal Code came to the floor, there was a House Amendment put on it which made a mandatory sentence in the worst type of murder situation. We have not changed the effect of that, although we have reordered the Sections and the definitions and a life sentence now means that. It means a life sentence. There was a time when a life sentence meant with all of the good time provisions and so forth something more nearly like 11 years and a few months. But this new draft correction does make some small change in that area.

I am hoping that the Senate this afternoon will want to adopt this simple Amendment that I have offered, and probably I will then ask that the matter be Tabled so that if there are other questions that arise or concerns, that they may be brought to the Judiciary Committee. We welcome these inquiries. We do have the services of good draftsmen, if there are those who want to have Amendments. In many cases it is simply a matter of explaining the relationship of one Section to another in a very complicated area.

Thank you, Mr. President.

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

Mr. CONLEY: Mr. President and Members of the Senate, I would like to pose one question to the good Senator from Knox, Senator Collins. I note that in the last Session of the Legislature, and I am not sure if it was dealing with the Criminal Code or not, but we gave the right to any one to shoot any one on their property, and

is that still part of this Bill. I notice there are several sections in here that are repealed, and I do not know just what part of the law they are repealing, and I wonder if the good Senator might be able to respond to that.

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

Mr. COLLINS: Mr. President, we did not change the Sections about shooting people. We had a separate Bill that would have permitted the use of deadly force in the protection of property other than the residence, but the Committee rejected that Bill, and the Legislature went along with your rejection, so those areas have not been changed in effect. You may protect your residence with deadly force under many circumstances, not all circumstances. I will not try to get into a technical lecture here, but substantially I think the answer is that we have not changed that area, and the Legislature went along with your rejection, so those areas have not been changed in effect. You may protect your residence with deadly force under many circumstances, not all circumstances. I will not try to get into a technical lecture here, but substantially I think the answer is that we have not changed that area.

Senate Amendment "A" Adopted.

On Motion of Mr. Speers of Kennebec,
Tabled for One Legislative Day, Pending passage to be engrossed.

(Off Record Remarks)

Enactors

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

"An Act Providing for Changes in the Laws Relating to Property Taxation." (S. P. 479) (L. D. 1742)

"An Act to Increase Payments to Foster Homes for Children and to Small Boarding Homes for Adults." (H. P. 1358) (L. D. 1602)

On motion of Mr. Huber of Cumberland,
Placed on Special Appropriations Table,
Pending Enactment.

"An Act Relating to Residency Requirements of Municipal Employees." (S. P. 192) (L. D. 589)

"An Act to Provide Home Health Care Coverage in all Health Care Policies and Contracts." (S. P. 341) (L. D. 1125)

"An Act Requiring Immunization of Children Prior to Entering Grade School" (H. P. 1072) (L. D. 1264)

"An Act Relating to Campaign Reports and Finances." (H. P. 1739) (L. D. 1888)

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

"An Act to Provide for no Smoking Areas in All State Offices." (H. P. 818) (L. D. 991)

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

Mr. TROTZKY: Mr. President and Members of the Senate: L. D. 991 says that no person shall smoke in the office of any Department, Agency or Commission of the Executive, Legislative or Judicial Branches of the Government of this State, or any office of the University of Maine, except in designated smoking areas.

The Governor of our State, James B. Longley, sent down an Executive Order on July 12, 1976, which states: "I, James B. Longley, Governor of the State of Maine, direct all Agency heads to identify non-smoking areas for employees who choose to work in a smoke-free environment."

I would, therefore, suggest that this legislation is unnecessary, and I also believe that people who are working in the offices in State Government, who do smoke, should have that privilege, if they are not infringing upon the rights of others. I think this Executive Order takes care of that. I think it is overkill.

I hope that the Senate would not enact this bill.

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

Mr. DANTON: Mr. President and Members of the Senate: It is a pleasure to get up and support the good Senator from Penobscot, Senator Trotzky.

You have to remember one thing here, that when we say no smoking, it is difficult enough now to get into the cafeteria to get a cup of coffee or a sandwich, or whatever we may want, now as you go through some of these offices here, especially in the Educational Building, which I am sure the good Senator from Kennebec, Senator Katz, is very familiar with, some of those have just one little office. Now where would that person designate an area. What we are asking that person to do is to leave that office, leave his work where he works all alone, step out of the office, have his cigarette. Meanwhile, John or Jane comes along. They join them and they have another cigarette. Now we are talking about man hours. Thousands and thousands and thousands of dollars that this one little bill is going to cost us.

So I would hope after the Chief Executive of the State, the Governor, and I admire him for that Order that he sent out, and send the Order out and we kill this bill.

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

Mr. PRAY: Mr. President, a parliamentary inquiry. What is the pending motion at this time.

The PRESIDENT: The pending motion is passage to be enacted of L. D. 991.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I move the indefinite postponement of this bill and all its accompanying papers.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I rise to oppose the motion made by the good Senator from Penobscot, Senator Pray.

With respect to my dear seatmate, who has taken thousands of hours off my life over the last several months by blowing into my lungs, the smoke from his cigarettes of every brand that you can think of, it is Camels one day, Marlboros the next, right down the line, and I am getting fed up with it. He has even threatened to bring in those Italian cigars, Parodees. That is the one, and that is the killer of them all.

Apparently the Senator from York has not visited the cafeteria recently, but there are designated areas in the cafeteria for non-smokers, and I enjoy going there. The only problem is when I visit the cafeteria, I visit it with my friend from York, who drags me into that area that is infiltrated with all of the soot and smoke that can be expounded from his mouth into mine.

I think there are a lot of people who would like to see this law passed, and the only people that I know who are against it primarily are those who unfortunately cannot quit smoking and those people in the tobacco industry.

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

Mr. DANTON: I would like to remind my Honorable Leader that when I first came to the Maine Senate as a very young man, that I was a non-smoker, and he would get me into these smoke-filled political caucuses of his, and blow smoke into my face, and that is how I started smoking. Now there is nothing worse than a reformed alcoholic, or someone that used to

smoke and has decided after he has blackened his lungs for years.

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

Mr. CONLEY: Mr. President, I rise on a point of personal privilege, and I wish that the Chair would warn the Gentleman to watch his remarks.

The PRESIDENT: The Chair would ask the Gentleman to Keep his remarks more in line.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President, I apologize, and I apologize to my Honorable Leader.

But it is true, Mr. President and Members of the Senate, after some individuals have smoked for years and have blackened their lungs, and finally have decided that they should not smoke, and I can guarantee you most of those people go back to smoking. I would almost be willing to make a wager that before we adjourn tonight that one individual might be smoking right in this Chamber that is not presently smoking.

But when we talk about the cafeteria, I agree. They should have an area set aside and have no smoking, and I would like to go and sit in that area when I can find a seat. Now if I cannot find a seat now, when we ask all these employes to go there, hour after hour, we will never be able to find a seat, and I would hope we would kill this Bill. I am quite sure that the Department heads are very, very capable, and they can handle it within their own Department.

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 point out to the good Senator from Cumberland, Senator Conley, Rule 30, Rules of the Senate, "Members of the Senate may exchange seats on consulting the President and obtaining his permission."

If the Senator from Cumberland has a problem because of his assistant smoking, I would perhaps maybe he follow the rules and get away from those individuals that smoke.

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

Mr. HICHENS: Mr. President, I do not know how long it has been since the good Majority Leader from Cumberland has been in the cafeteria, but it was shortly after the Governor's decision we had signs in one portion of the cafeteria which said no-smoking area. About two months after that the signs were taken down, and I asked the operator of the cafeteria why. He said nobody pays attention to them, so we decided we might as well take them down.

I have not seen any signs in the cafeteria which says no-smoking area all this 108th Session so far, and it is sort of obnoxious sometimes to sit down and have your dinner with smoke permeating the food that you are trying to eat, but if I can find a no-smoking area in the cafeteria — it is not there, that is all.

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

Mr. SPEERS: Mr. President, I would like to point out to the good Senator from York, Senator Hichens, that that is Majority, spelled M-i-n-o-r-i-t-y.

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

Mr. TROTZKY: Mr. President, if I am not mistaken, this Bill would prohibit smoking in this Chamber.

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

Mr. DANTON: Mr. President, I would like to ask a question through the Chair.

The PRESIDENT: The Senator may state his question.

Mr. DANTON: Mr. President, I wonder if this Bill violates Joint Rule 28. There must be a fiscal note on this Bill, Mr. President.

The PRESIDENT: The Senator from York, Senator Danton, 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, the fiscal note would come to me, I am afraid, if I get the disease that I think I am going to get.

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. 991, be indefinitely postponed.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President, 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 present in favor of a Roll Call, please rise in their places to be counted.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, this is a serious Bill. I am afraid of the Constitutional implications of this Bill. The First Amendment of the Constitution is one of free speech, so I have serious reservations whether we will get any further coverage of our proceedings from the Associated Press if this Bill passes.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Pray, that L. D. 991 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.

ROLL CALL

YEA — Carpenter, Collins, D.; Cummings, Danton, Farley, Huber, Katz, Levine, Lovell, Mangan, Martin, Merrill, Morrell, O'Leary, Pierce, Pray, Snowe, Trotzky, Usher, Wyman, Sewall.

NAY — Chapman, Collins, S.; Conley, Curtis, Greeley, Hewes, Hichens, McNally, Minkowsky, Redmond, Speers.

ABSENT — Jackson.

21 Senators having voted in the affirmative, and 11 Senators in the negative, with 1 Senator being absent, the motion to indefinitely postpone L. D. 991 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 would hope that you would 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. 991.

A viva voce vote being had, The motion to reconsider does not prevail. Sent down for concurrence.

RESOLVE, to Require the Department of Human Services to Provide the Legislature with Information Relating to the Determination of Need under the Aid to Families with Dependent Children Program. (H. P. 1124) (L. D. 1342)

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

Emergency

"An Act to Eliminate Tax on Marine Worms and Replace it With a Fee for Inspection and to Specify Certain Offenses Concerning the Sale of Marine Worms and Other Commodities." (H. P. 913) (L. D. 1119)

On motion of Mr. Huber of Cumberland,

Placed on Special Appropriations Table, Pending Enactment.

Orders of the Day

The President laid before the Senate: Bill, "An Act to Revise the Judicial Retirement System." (S. P. 497) (L. D. 1776)

Tabled — June 28, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed On motion of Mr. Speers of Kennebec. Retabled for One Legislative Day.

The President Laid before the Senate: 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 29, 1977 by Senator Speers of Kennebec

Pending — Final Passage On motion of Mr. Merrill of Cumberland, Retabled for One Legislative Day.

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 — June 29, 1977 by Senator Collins of Knox

Pending — Consideration On motion of Mr. Collins of Knox, The Bill Substituted for the Report, in concurrence.

The Bill Read Once. House Amendment "A" Read, and on further motion of the same Senator, House Amendment "A" Adopted in concurrence. Under further suspension of the rules, the Bill, as amended, Read a Second Time.

On motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, Pending passage to be engrossed.

The President laid before the Senate:

House Reports — from the Committee on 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 29, 1977 by Senator Pierce of Kennebec

Pending — Motion of Senator Jackson of Cumberland to Reconsider Acceptance of Majority Report.

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby it failed to accept the Majority Ought to Pass as amended by Committee Amendment "A" Report of the Committee.

The Chair will order a Division. Will all those Senators in favor of that motion, please rise in their places to be counted.

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

27 Senators having voted in the affirmative, and none in the negative, the motion to reconsider does prevail.

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

Mr. PIERCE: Mr. President, I would now move that we accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate accept the Majority Ought to Pass as amended by Committee Amendment "A" Report.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I urge adoption of

the pending Motion. If you remember, back this morning we passed a Joint Order and sent it along on its way, for the Business Legislation Committee to report out a Bill that hopefully will clarify the other problem that we had with Committee Amendment "B".

Majority Report accepted, in non-concurrence.

The Bill Read Once. Committee Amendment "A" Read and Adopted. Under suspension of the Rules the Bill Read a Second Time. The Bill, as amended, Passed to be engrossed, in non-concurrence.

Sent down for concurrence.

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

Mr. SPEERS: Mr. President, directing the Senate's attention to the printed calendar, I move that the Senate take from the Table L.D. 1312.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate remove from the Unassigned Table.

Bill, "An Act Converting Hammond Plantation into the Town of Hammond." (H. P. 1088) (L. D. 1312) which was tabled on May 25, 1977 by the Senator from Kennebec, Senator Speers, pending enactment. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Arrostook, Senator Carpenter.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I wish to thank the good Majority Floor Leader, the Senator from Kennebec, Senator Speers, for Tabling this Bill for me.

I have a little bit of a sad feeling this afternoon as I see this Bill go on its way to enactment. It was my Bill. It was put in at the request of the people of Hammond Plantation, which is where I was born and raised, and so I do have sort of a soft spot in my heart. It is a little hamlet about eight miles out of Houlton, where I went to a one-room school house for eight years, and where my farm was, and because of the problems we are having with a certain State Agency, specifically the Land Use Regulation Commission, the residents of the Town have decided that they wish to become a Town, rather than stay a Plantation.

So it is with mixed emotions that I see this Bill go on to enactment this morning, and the other reason being, it may change the minds of some of the people up there if they do not like being a Town. This was the only community in my Legislative District back in November of last year 38 votes were cast, and I got all 38 of them, so I have a soft spot in my heart for that reason, too.

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

Mr. CONLEY: Mr. President, I just cannot let the opportunity go by. It appears to me that this one person is doing all of the thinking up there.

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

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Unassigned Table.

Bill, "An Act to Establish a Property Tax Exemption for New and Expanding Businesses." (S. P. 416) (L. D. 1457)

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate remove from the Unassigned Table L.D. 1457. Is this the pleasure of the Senate? It is a vote.

Which was Passed to be Engrossed.

Sent down for concurrence.

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Unassigned Table.

Bill, "An Act to Establish a Tax Credit to Aid Businesses Providing New Jobs in Areas of High Unemployment." (S. P. 436) (L. D. 1513)

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L.D. 1513. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I offer Senate Amendment "E" (S-359) and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment "E" and moves its adoption. The Secretary will read Senate Amendment "E" (S-359).

Senate Amendment "E" Read.

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

Mr. PRAY: Mr. President, and Members of the Senate, just to explain what this Amendment does briefly.

We have discussed this Legislation earlier, a Bill relating to areas with unemployment exceeding 7 percent. With the realization of the dollars that are available for Legislation, I have done two things to this Bill with this Amendment; (1) I have decreased the areas which would be covered by this assistance to 9 percent unemployment, and the piggy back on the Federal Jobs Credit Legislation which was passed. I also added a fiscal note, which brings the fiscal cost of this Bill by tax revenues to \$200,000.00.

It is my belief, as I debated earlier, on this issue when it went through the First Reading and acceptance of the Ought to Pass Report, that it is not taking into account additional jobs that will be created and what I consider to be the additional revenues.

I would hope that the Senate will go along with the engrossment of this Bill, so that we can assist these areas of the State which are hurt worse by the economic depressions in the State of Maine.

Senate Amendment "E" Adopted.

The Bill, as amended, Passed to be engrossed.

Sent down for concurrence.

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

Mr. SPEERS: Mr. President, I move the Senate take from the Unassigned Table.

House Reports — from the Committee on Transportation — Bill, "An Act Appropriating Funds for the Acquisition and Construction of a Site and Facilities for Certain Casco Bay Island Ferry Services and to Repair other such Ferry Facilities." (Emergency) (H. P. 844) (L. D. 1029) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-715)

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L. D. 1029, which was tabled on June 23, 1977 by the Senator from Kennebec, Senator Speers, pending the Motion of the Senator from Cumberland, Senator Conley, to accept the Majority Ought to Pass as Amended Report of the Committee.

Minority Report accepted, in Concurrence.

The Bill Read Once. Committee Amendment "A" Read and Adopted. Under suspension of the Rules, the Bill Read a Second Time.

On Motion of Mr. Hewes of Cumberland, Tabled until later in Today's Session, Pending Passage to be Engrossed.

(See Action Later Today.)

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

Papers from The House Non-concurrent Matter

Bill, An Act to Reform the Regulation of Watch, Guard and Patrol Agencies and of Private Detectives. (H. P. 1741) (L. D. 1889)

In the Senate June 28, 1977 Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-342) and House Amendment "A" (H-806) in non-concurrence.

Comes from the House, Bill Passed to be Engrossed as amended by House Amendment "E" (H-872) and Senate Amendment "A", in non-concurrence.

On Motion of Mr. Hewes of Cumberland, The Senate voted to recede and concur.

Non-concurrent Matter

Joint Order (H. P. 1785) Re: Study of Budgetary Priorities.

In the House June 29, 1977 Read and Passed. In the Senate June 29, 1977, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Adhered.

On Motion of Mr. Speers of Kennebec, Tabled, Pending Consideration.

Joint Orders

An Expression of Legislative Sentiment recognizing that: Edith Smith, a recent graduate of Winthrop High School and Maine's Representative at the 1977 National High School Debate and Speech Tournament in Seattle, Washington, was elected Speaker of the House in the National Student Congress and placed 5th in the overall scoring from over 750 participating students. (H. P. 1790)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence. (See Action Later Today.)

Communication

June 30, 1977

The Honorable May M. Ross
Secretary of the Senate
108th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House today voted to Adhere to its action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Taxation on Bill "An Act to Repeal the Personal Property Tax on Commercial Fishing Vessels and Equipment" (S. P. 233) (L. D. 730)

Respectfully,

(Signed) EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports

House

Ought to Pass — As Amended

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution Allowing the Legislature to Impose a Different Rate of Taxation Upon Properties Outside of Incorporated Municipalities and Plantations. (H. P. 1009) (L. D. 1212)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-659)

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Report was Read.

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

Mr. COLLINS: Mr. President, I would like to call the attention of the Senate to this Resolution, which proposes a Constitutional Amendment. There is a very difficult situation that exists in the tax laws that needs to be addressed, and this Bill was an attempt to correct that.

The Resolution amends the Constitution to

allow a property tax to be levied solely on the unorganized territories. Presently the State tax assessed against property in municipalities and the unorganized territories is made up of two components, the Uniform Property Tax and a local and State property tax of 10 3/4 mills. This Resolution would have no effect on the State Property tax for education.

Under the Constitution, all property taxes must be assessed equally, thus the State has by Statute created the State and local property tax. This tax is primarily designed to provide revenues for services in the unorganized territories. However, because of the equal assessment provision, this must also be assessed against local governments in organized communities.

Municipalities are allowed by statute to credit the amount of this tax against the committed local property tax. Thus the State and local property tax has no effect on municipalities unless they raise less than 10 3/4 mills.

The problem that arises at this point is that there are 108 communities in the State that are not raising this minimum tax, and an Attorney General's opinion dated June 13th indicates that municipalities which do not commit for collection the full amount of the State and local property tax in raising local taxes for local services, could be in violation of statute and of the Constitution.

This Amendment would resolve this problem by allowing the property tax for local services to be levied against the unorganized territories alone, thus in effect municipalities will not be required to raise any minimum for local services. This will not alter the required Uniform State Property Tax for education. Legislation under this Constitutional Amendment would be required to implement the unorganized territory property tax. This tax will provide revenue for local services in the unorganized territory.

Unfortunately, today the House indefinitely postponed this bill. They did it with a very substantial margin, and I suspect it was done because of fears and concerns and misunderstandings, and I am today going to indefinitely postpone it in the Senate, because I am sure in this session it has no future, but I think it is something that has to be addressed. I am hopeful that the Legislature will address it and will arrive at some language that is suitable to all concerned.

Mr. President, I move that this bill and accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Aroostook, Senator Collins, now moves that L. D. 1212 be indefinitely postponed. Is this the pleasure of the Senate? It is a vote.

Papers from the House Enactor

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

Emergency

"An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (S. P. 66) (L. D. 137)

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. GREELEY: Mr. President, I have had a request from the Governor's Office to hold this Bill up for a few minutes, and I wish somebody would Table it.

On motion of Mr. Minkowsky of Androscoggin.

Tabled until later in Today's Session. Pending Enactment.

(See Action Later Today)

Communication

June 30, 1977

The Honorable May M. Ross
Secretary of the Senate
108th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

House Paper 1447, Legislative Document 1673, An Act to Require the Maine Human Services Council to Hold Public Hearings on Maine's Title XX Plan of Social Services, 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?'

Eighty-three voted in favor and Fifty-three against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Reconsidered Matter

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

Mr. MERRILL: Mr. President, I would like to move that the Senate reconsider its action whereby it passed Joint Order, H. P. 1790, expression of Legislative Sentiment recognizing Edith Smith, and I would like to speak to the motion.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate reconsider its action whereby it passed H. P. 1790.

The Chair recognizes the same Senator.

Mr. MERRILL: Mr. President, I would like to speak to the motion.

The PRESIDENT: The Senator has the floor.

Mr. MERRILL: Mr. President, this is a Joint Order which recognizes a young woman that I have heard a great deal about. She is from Winthrop, and as you can see from reading the Joint Order, she is an excellent politician, and she is a good debater, and I am informed by communications from the Majority Leader, the Senator from Kennebec, Senator Speers, that she is also a Republican, which makes me conclude that I am probably getting out of here just in time. I have always been fearful that there would be a Senator from Winthrop who was a good debater.

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

Mr. SPEERS: Mr. President, I appreciate the attention being brought to this Joint Order by the Senator from Cumberland, Senator Merrill.

I am only very sorry that Edith Smith is not here in the Chamber this afternoon. She was among the Halls earlier today when this Order was being passed in the other Body. But I think it worthy to take a close look at this Order, because it represents the recognition of really a very exceptional young lady. Edie was elected Speaker of the House in the National Student Congress, and I would like to point out that she did finish fifth in the over-all scoring out of 750 participating students, and I think she brings a great deal of honor to the State of Maine, and I am sure by the time that she will have some interest in running for this body, that the good Senator from Cumberland, Senator Merrill, will be making his reelection bid to this body, and perhaps he will have that opportunity.

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

Mr. MERRILL: Mr. President, I withdraw my request for reconsideration.

The PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Levine.

Mr. LEVINE: Mr. President, a point of order, is it allowable under the rules that we should have a round of applause in absentia for the young lady.

The PRESIDENT: The Chair would make an exception in this case and say no.

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

Mr. MINKOWSKY: Mr. President, in reference to "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (S. P. 66) (L. D. 137), which was Tabled until later in Today's Session, I move that it be brought to the attention of the Senate at this time.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that the Senate remove from the Tabled Later Table L. D. 137, which was tabled earlier in Today's Session by the Senator from Androscoggin, Senator Minkowsky, pending enactment. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I wonder if I might ask through the Chair as to the condition of this particular Bill, as to whether the town road improvement or what other aspects have been done with regard to this Bill to place it in its present form.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to any Member of the Transportation Committee who might care to answer.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, last Monday we put an Amendment on the allocation Bill, L. D. 137, and the Amendment number was 330-A.

In the Amendment there was \$1 million set up each year of the biennium. There was also \$1.4 set up for re-surfacing State Aide Roads. That is \$700,000.00 each year of the biennium, and that was supposed to do around 107 miles each year of the biennium. This is extra beyond the 940 miles that is in your re-surfacing program that you saw when you first came in the Session.

There is also set up in that Amendment \$900,000.00 which will match \$1.9 million of Federal funds, and will give you a project of re-surfacing and advanced construction of about \$2.8 million.

Now yesterday after we put this Amendment on in Committee, we found out that there was talk of increase in State employees' salaries of \$10.00 across the board, and also to do away with the 60/40. So to take care of the increase in salaries, we had to come up with \$3.4 million, and to take care of the 60/40, we had to come up with \$1.3 million, which is a total of \$4.7 million. To finance that, we took \$1.5 million out of the contingent funds, which has always been \$3 million for years and years on account of emergencies, but right now the emergency contingent fund, after you take this out, is \$1.5 million.

We also had a meeting and called in the Bureau of Taxation, and due to the extra increase in the sale of the gasoline, we have increased the estimates for the biennium of \$2.9 million, and due to the increase in revenue from the Title Search Fund in the Secretary of State's Office, it will amount to \$300,000.00. So the \$1.5 million, \$2.9 million and the \$300,000.00 will come up with a \$4.7 million that we had to come up with yesterday. So that is the status of the Bill.

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

Mr. HUBER: Mr. President and Members of

the Senate, I would like to agree with the Senator from Waldo, Senator Greeley, and confirm that the Appropriations Committee will recommend in the Part II Budget the raising of the Highway Fund estimates in the amount of \$1.5 million in the first year, and \$1.7 million in the second year, which along with the \$1.5 million already mentioned from the Highway Contingency Fund, and the \$600,000.00 reduction in the spending in the highway budget, will amount to the \$5.3 million estimated to be required for the Department of Transportation salary increases.

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

Mr. O'LEARY: Mr. President, up in Northern Oxford County we have Route 17 which is perhaps one of the most scenic areas in the State of Maine. The Federal Government, over the past few years, has put in as much as \$70,000.00 clearing out trees, brush and such so that you can over-look the mountains, the lakes, and you can see way over into New Hampshire, and, Mr. President, we have presently 10 1/2 miles of cow path. It is a piece of road that you cannot traverse your automobile at the rate of 35 miles per hour and expect to stay on this highway. If you are riding in a four-wheel drive vehicle, I guarantee you better put on your seat belts, because you will have all you can do to stay in there.

Mr. President, there is one Section of the road right on a curve, the last time I was on this road, right in the dead center of it they had planted a bush with colored strips around it, and people had to go off the side of the road on each side of it to get by. This is the most terrible piece of road that there is in the State of Maine, and I would ask the Senator from Waldo, Senator Greeley, if there is any of this money going to be used on this highway.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, has posed a question through the Chair to the Senator from Waldo, Senator Greeley, who may answer if he so desires.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, you remember when you first came in the session, the Department of Transportation gave you a couple of books with the construction programs and the maintenance programs. Now the Legislature never has got involved with which projects are set up. It has been left up to the Transportation Department.

Now when we lost the gas tax yesterday, we had it so that it would match \$10,996 million Federal funds down in Washington, and with what we have now, it is only matching about \$1.9 million.

So I cannot answer your question about the certain particular road. I do not know if it is a State aide road, or what kind of a road it is. But if it is a State aide road, for a good many years, since 1953, I had a bill in this Legislature to set up a reconstruction program through State aide funds, and the State would give you a 20 percent bonus if you appropriated four units. Since that time we have increased the units to six units and a 40 percent bonus. If this is a State aide road, the towns do have a way of improving their own roads, but I cannot answer the question, what the status of the road is, whether it is a secondary highway or a State aide road.

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

Mr. CONLEY: Mr. President, I was just reviewing this Part "B" in the Bill, Section 123, MRSA, Chapter 4208, and it talks about a defensive driving course, and I have noticed a new chapter and it is a \$5.00 fee to be raised for purposes of conducting this course.

It is my understanding that currently today we have drivers, or whatever they call them, defensive driver training courses. Aren't they already available for nothing, conducted under

the auspices of the Secretary of State's office. I pose that question through the Chair to the Chairman of the Highway Committee.

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

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, it is under the auspices of the Motor Vehicle Division, and they thought they should be reimbursed with a \$5.00 fee and we went along with it.

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

Mr. CONLEY: Mr. President, here we go again. \$6 million last year, no tax increase, but a lot of fees coming in.

This being an Emergency Measure, and having received the affirmative votes of 30 Members of the Senate, and the negative vote of 1 Member of the Senate, and 30 being more than two-thirds of the entire elected membership of the Senate, this Bill is passed to be enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

(See Action Later Today)

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

Mr. HEWES: Mr. President, with reference to House Reports — from the Committee on Transportation — Bill, "An Act Appropriating Funds for the Acquisition and Construction of a Site and Facilities for Certain Casco Bay Island Ferry Services and to Repair other such Ferry Facilities." (H. P. 844) (L. D. 1029), which was tabled until later in Today's Session, pending engrossment, I now move passage to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves the Senate take from the Tabled until Later Table L. D. 1029, which was tabled earlier in Today's Session by the Senator from Cumberland, Senator Hewes. Is this the pleasure of the Senate? It is a vote.

This Bill passed to be engrossed, as amended, in concurrence.

Papers from the House Enactors

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

"An Act to Assist Municipalities in the Acquisition and Development of Land or Interests in Land." (H. P. 1407) (L. D. 1565)

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

"An Act to Establish the 1977 State Valuation Omnibus Reform Act" (S. P. 465) (L. D. 1608)

Comes from the House, Indefinitely Postponed.

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

Mr. WYMAN: Mr. President, I move that this Bill be Indefinitely Postponed.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves that this Bill and all its accompanying papers be indefinitely postponed in concurrence.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, if I understand this particular bill correctly, the bill is now contained in a Committee Amendment, and I would request the filing number of the Committee Amendment.

The SECRETARY: Committee Amendment "A" is (S-300)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SPEERS: Mr. President, I would oppose

the motion to indefinitely postpone this bill.

This matter has been debated in this body and I would simply remind the Senate that this is the bill that would allow various towns to value property in various classifications in order to take care of the very serious problem that exists, particularly along the coastal communities, whereby the property in the inland areas of the communities are valued along the same lines as the property directly on the coast, and I would hope that this Body would reject the motion to indefinitely postpone, and pass the Bill to be enacted and send it down to the other branch.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Washington, Senator Wyman, that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, this Bill, I don't feel too strongly on it, but this Bill simply complicates the matter of assessment, and dividing the towns into zones, and it just seems to me that it was too much at this time.

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

Mr. KATZ: Mr. President, after sitting hour after hour listening to educational funding mechanism, again and again and again people in so-called paying communities, mostly along the coast, expressed their dissatisfaction with the present system, and I think they are the ones who motivated this approach, the fact that when you have a water frontage here and a hill, that if you are on the wrong side of the hill you are apt to get stuck with high taxes because of the implications of the assessment on the waterfront property, and this is what this Bill addresses itself to.

If you really feel that there is need for better assessing practices in those communities who may be getting stuck with higher taxes, this is the vehicle that was identified to solve that problem.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Washington, Senator Wyman, that L.D. 1608 be indefinitely postponed.

The Chair has ordered a Division.

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

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

5 Senators having voted in the affirmative, and 23 Senators in the negative, the Motion to indefinitely postpone does not prevail.

Which was passed to be enacted, and having been signed by the President, was sent down for concurrence.

Reconsidered Matter

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

Mr. O'LEARY: Mr. President, having voted on the prevailing side on "An Act to make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (S. P. 66) (L. D. 137), I would now move reconsideration.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that the Senate reconsider its action whereby it passed to be enacted L.D. 137.

The Chair recognizes the same Senator.

Mr. O'LEARY: Mr. President, through the courtesy of the good Senator from Hancock, Senator McNally, I have here in my hand Highway Maintenance and Paving Program, and I notice that the area that I am speaking about is Area 7, and there is nothing in this Area 7 north of Route 2 in Oxford County, or in the en-

tire County of Franklin, where there is going to be any work done on this paving program.

Now I notice that the good Senator from Waldo, Senator Greeley would use his influence was perhaps an additional \$1.3 million that was going to be, in addition to what is already printed in this book, available for more road work.

So I would hope that the good Senator from Waldo, Senator Greeley, would use his fluence with the Commissioner of the Department of Transportation to see what could be done with this one section of highway that I speak about.

Now, Mr. President, I will withdraw my Motion.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now requests leave of the Senate to withdraw his Motion to reconsider in reference to L.D. 137. Is it the pleasure of the Senate to grant this leave? It is a vote.

SENATE APPOINTMENTS COMMITTEE OF CONFERENCE

The PRESIDENT: The Chair will appoint three Senate conferees on a matter which is in non-concurrence with the House, L.D. 851, Bill, "An Act to Clarify and Limit of Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish."

The Senator from Sagadahoc, Senator Chapman

The Senator from Cumberland, Senator Hewes

The Senator from Cumberland, Senator Huber

The PRESIDENT: The Senate will be at ease approximately five to ten minutes pending the reception of additional papers from the House.
(At ease)

The PRESIDENT: Is it the pleasure of the Senate that all matters acted upon by the Senate thus far be sent down forthwith? It is a vote.

Out of order and under suspension of the rules, the Senate voted to consider the following:

Enactors

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

An Act Authorizing an Increase in Payments to Foster Homes and Boarding Homes. (S. P. 444) (L. D. 1536)

An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility. (H. P. 1230) (L. D. 1475)

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

An Act to Improve the Administration of the Maine Tree Growth Tax Law. (H. P. 1509) (L. D. 1734)

An Act Concerning Administration of the Judicial Department. (H. P. 635) (L. D. 838)

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

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

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

An Act to Amend the Powers and Duties of the Maine Committee on Aging. (H. P. 229) (L. D. 292)

An Act to Add a Dental Hygienist to the Board of Dental Examiners. (H. P. 1168) (L. D. 1398)

An Act Relating to Electric Companies' Fuel Charges. (H. P. 1179) (L. D. 1407)

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

An Act to Provide Legislative Oversight of

Appropriated Fund Transfers. (H. P. 1391) (L. D. 1618)

An Act to Improve the Effectiveness of the State's Development Financing Mechanisms. (H. P. 1727) (L. D. 1886)

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

An Act to Regulate the Dispensing of Prescription Drugs. (S. P. 407) (L. D. 1415)

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, this particular Bill, L. D. 1415, was a Bill that I had sponsored. It is a far cry compared to the engrossed Bill we are faced with today. I am really disappointed to see exactly the influence of some lobbyists insofar as this particular matter is concerned.

A very serious problem arose back in December 1976 where nurses, nurse practitioners and physician's assistants were writing prescriptions without the authority of a doctor. In other words, they were using the Doctor's license as an extension to write their prescriptions. They even went to the point of writing these prescriptions for controlled drugs, which many doctors in the State of Maine do not have this Federal authority to do.

The intent and purpose of this Legislation originally as drafted was to spell out clearly where the liability should lie insofar as if a citizen of the State of Maine who had a prescription filled by a pharmacist that was written by a nurse or nurse practitioner, and this person should become ill or even die, does this mean the liability would be on the pharmacist or upon the doctor in the State of Maine.

We had quite a comprehensive hearing before the Committee on Health and Institutional Services, and many problems were brought forth by many pharmacists in the State of Maine as to how a doctor was allowing his license to be used by people not duly licensed or qualified to practice medicine in the State of Maine.

My major concern at the time when I sponsored this piece of Legislation was to protect the citizens of the State of Maine and not the vested interests of the medical profession. But somehow or other they were able to wrangle around this particular thing, and come up with a watered down version of this Bill, which is meaningless, in my estimation.

I really believed at one time that many of these people were concerned for the welfare and the safety of the people, but what has happened is many of these physicians are now affiliated with clinics in various parts of the State of Maine, and these people, such as nurse practitioner or a physician's assistant, are the people that conduct the full physical examination, diagnose what is wrong with the patient, write prescriptions, and these physicians have never seen these patients, and that is what I am trying to prove, that it is an extension of the medical profession's license.

We felt before a very serious problem arose where a person died from a prescription that was illegally written by a nurse practitioner or a physician's assistant, that we would try to correct this particular measure. But, unfortunately, as I can see in this engrossed copy, that it is a far cry compared to the dilemma that we were faced with originally. It is also very amazing how these fat-cats, and I don't mind using that terminology, or better still possibly these elite prima donnas can actually utilize these clinics, which I am not against, but it is the method of operation which I am against, and hire a person for a salary of maybe \$250.00 or \$300.00 a week who has about four months experience, and yet when they submit their Medicare and Medicaid forms for physical examinations and many other things, these people are getting their full fee, and this

is wrong.

This particular Bill was well thought out and drafted by the Attorney General's office, and much consideration had been given for a long span of time because the medical profession would not address the problem themselves. At that time the Attorney General's office would not address it, and everybody was going around in circles with reference to this particular matter, but apparently the almighty dollar with their influence with certain lobbyists in this particular Session has really changed to protect their interest, compared to taking care of or protecting the interest of the people of the State of Maine.

Some of the correspondence that I have in reference to this particular bill spelled out the following: "It is now illegal for a nurse practitioner or physician's assistant to prescribe drugs", and that is just exactly what they are doing at the present time, prescribing drugs. This issue was ducked by the Attorney General's office. The Board of Medicine has made this plain by issuing this statement: "The statutory prescribing authority has been granted to physicians. Selective prescribing to dentists, podiatrists and veterinarians. Neither the Board nor the individual physician may grant this privilege to agents unless it is expressly permitted by statute," and they are continuing with this useless piece of Legislation at the present time to have their way.

Since this particular bill, Mr. President and Members of the Senate, does not accomplish the purpose that I intended to have it accomplish, which is the welfare and the protection of the people of the State of Maine, and since apparently the message was not clear to the Committee on Health and Institutional Services, the exact seriousness of the situation that exists, that I am really disappointed in their evaluation and how they can be influenced by other people.

All we were asking for in this particular measure, which this thing does not address at all, which is the original bill said the following: "The pharmacist's liability — A pharmacist who compounds, dispenses or sells drugs, medicines or poisons upon a prescription which is medically improper and written or orally transmitted by an unauthorized person," meaning the nurse practitioner or the physician's assistant, "shall not be liable for claims arising from the medically improper nature of the prescription, unless he knew or should have known that the person transmitting the prescription was not authorized to perform these acts." This is the guts of the entire bill that I really wanted, and this atrocity does not address the particular measure at all, and I would move the indefinite postponement of L. D. 1415.

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

Mrs. SNOWE: Mr. President and Members of the Senate: I oppose the motion to indefinitely postpone L. D. 1415, and I also regret to hear the remarks made by the Senator from Androscoggin, Senator Minkowsky. I think he is attempting to impugn the integrity of the Committee on Health and Institutional Services.

We in no way were influenced by a lobbyist. We were well aware of the situation involved here. We had another bill long before L. D. 1415 came along. We sat down with various interest groups, doctor and physician's assistants, to attempt to find out what the problem was and how we could appropriately resolve it, and this is what we came up with.

We asked for an Attorney General's opinion, and they, too, admitted that the problem was confusing in the State as to who could prescribe drugs. Therefore, we clearly specified in this bill as to who could prescribe drugs. Now the physicians are liable for the physician's assistants and nurse practitioners. We felt this was a built-in safety if any of these nurse prac-

tioners or physician's assistants were inappropriately prescribing drugs.

There is no other way we could handle this situation, and I want to read an answer from the AG's office in respect to L. D. 1415, and the question was raised, "Does either L. D. 1516 or L. D. 1415, or both, appropriately clarify the liability of pharmacists who dispense prescriptions either originating from or transmitted by a physician's assistant or nurse practitioner and other agents of licensed medical practitioners", and their answer was "We are not exactly sure what is meant by the words 'appropriately clarify' in your question. Without an absolute rule, the pharmacists are either liable or not liable in all circumstances. There are certain to be many questions left for interpretation in specific factual situations. For example, much is left to interpretation with the use of words such as 'knew or should have known', 'medically improper', 'unauthorized person' as those terms are stated in L. D. 1415. We can neither anticipate all of these questions, nor suggest how they might be resolved by a Court in advance of a specific situation arising. Accordingly, we do not believe it possible to answer the second part of Question 5."

Also, there have not been any Court cases arising out of this problem of liability on the part of pharmacists who fill prescriptions that were prescribed by family practitioners or physician's assistants. It seems to me that the doctor is very much in command of the situation. If he is in jeopardy, if his profession is in jeopardy, it seems to me that he would be in total control of the physician's assistants and nurse practitioners who are under his supervision, and we felt this is where the safety came in.

But I do stress that in no way were we influenced by a lobbyist. Everyone had equal participation. We had a well-attended public hearing, and the Committee on Health and Institutional Services was very much knowledgeable about this situation.

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

Mr. PRAY: Mr. President and Members of the Senate: I also must rise in defense of the Committee, though I feel that it does not need defense. The Committee sat in session on this one particular matter until one evening until after 10:00 in the evening, discussing this matter with all parties concerned, as the Senator from Androscoggin, Senator Snowe, pointed out.

I guess my objections to the remarks by the Senator from Androscoggin, Senator Minkowsky, would be to what I consider his poor timing to address this issue, since through the legislative process we allow these issues to be addressed at three different times, and that the time to amend or change a particular bill or attempt to change it to satisfy one's position on it would be in the Second Reading, and I would have wished that the Senator from Androscoggin, Senator Minkowsky, would have raised his objections at that time, and offered an Amendment to satisfy his concerns about this legislative matter.

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

Mr. LOVELL: Mr. President and Members of the Senate: In my opinion, this bill one way or another does not make an awful lot of difference.

I shall vote for the bill, being a pharmacist and handling doctors for many years. The pharmacist goes five years to college, and learns a good deal more about medication, how to give it, than the doctor does, and if prescriptions are called in by physician's assistants, or by nurse practitioners, the doctor is liable for that prescription, but, nevertheless, it has always been the policy of all pharmacists in the State of Maine that I know of to accept the liability of

the prescription, because of their knowledge of the medication, the very, very poor writing that many doctors have, and it takes almost an expert, which a pharmacist is, just to read that writing, but in reading the writing he has to know the directions on that medication. He has to know just what it is going to be used for, and he has to know the different strengths, because sometimes you cannot even read the figure the doctor might write. Some write half Latin, some write in half English, so in my actual personal opinion, I will vote for the bill, but as far as its importance is concerned one way or another, I do not think it will affect pharmacy very much in the State of Maine.

Thank you.

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

Mr. MINKOWSKY: Mr. President, I have heard the good Senator from Cumberland make the motion for the question, and on that particular basis I will withdraw my motion for indefinite postponement.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now requests leave of the Senate to withdraw his motion for indefinite postponement. Is it the pleasure of the Senate to grant this leave? It is a vote.

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

"An Act Revising the Disqualification Periods for Prsons who Voluntarily Quit Work or are Discharged for Misconduct." (H. P. 113) (L. D. 143)

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

Mr. SPEERS: 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 on this matter, please rise in their places to be counted.

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

The pending question before the Senate is enactment of L. D. 143.

A yes vote will be in favor of enactment. 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.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Huber, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman.

NAY — Hewes, Hichens.

ABSENT — Jackson.

29 Senators having voted in the affirmative, and 2 Senators in the negative, with 1 Senator being absent, this Bill was passed to be enacted, and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Mr. MERRILL: Mr. President, having voted on the prevailing side, I move reconsideration and hope you will vote against me, and I would also add that I have had these pins for some time. I knew some time I would cast a vote where I felt comfortable wearing them. Today seems to be a good opportunity.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate reconsider its action whereby the Senate enacted L. D. 143.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate: I am reluctant to inquire about this bill at 6:00 in the evening, but as I read, a person, if their spouse gets a job in Florida, Arizona, California or some such place, they could leave their employment and go where their spouse is working, and the State of Maine would have to pay unemployment compensation for the maximum period of time, and it does not seem to me that that is fair.

I would inquire of someone if they could inform me if I understand this bill correctly.

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

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I would like to inquire through the Chair what the good Senator from Cumberland, Senator Hewes, was looking at.

The PRESIDENT: The Senator from Hancock, Senator McNally, has posed a question through the Chair.

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

Mr. HEWES: Mr. President and Members of the Senate: In response to the gentleman's question, it is the engrossed copy of L. D. 143, and it mentions "nor shall leaving work be considered voluntary without good cause, if the leaving was necessary for the claimant to accompany, follow or join his spouse in a new place of residence, and he can clearly show upon arrival at his new place of residence a contact with the new labor market, and in all respects is able, available and actively seeking suitable work."

I would submit that if the spouse leaves the state to work elsewhere, that the working claimant follows his or her spouse, and I used either Florida, Arizona or some such place, because people often leave from Maine to go to a warmer climate, may be entitled to unemployment compensation benefits.

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

Mr. PRAY: Mr. President and Members of the Senate: I just would like to reassure the Senator from Cumberland, Senator Hewes, that the reason "he" and "his" is in there, is that some of us are still a little bit chauvinistic.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that the Senate reconsider its action whereby L. D. 143 was enacted.

A viva voce vote being had,

The motion to reconsider does not prevail.

"An Act Concerning the Administration of Property Tax Laws Administered by the Bureau of Taxation." (H. P. 244) (L. D. 318)

On motion of Mr. Redmond of Somerset, Tabled for One Legislative Day, Pending enactment.

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

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

Mr. TROTZKY: Mr. President and Members of the Senate: L. D. 1670 concerns labor management negotiations. The present law states right now that when an impasse is reached, the problem is referred to a fact finding panel which consists of three members, one member who represents the interest of labor, the second member who represents the interest of management, and the third member who is neutral.

This tri-part type panel allows input from both sides on the issue, and results in trust and harmony in the negotiations. What this bill, L. D. 1670, does is it simply mandates the change

from the tri-part commission representing both interests, to a single member fact finder.

I believe that the University of Maine employees and MSEA employees are not desirous of being put in a position where they can have a labor representative on a fact finding panel; and, therefore, in the interest of trust and harmony in these labor negotiations, I move that L. D. 1670 be indefinitely postponed.

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

Mr. PRAY: Mr. President, I would ask the Secretary to read the legislative history of this bill.

The PRESIDENT: The Secretary will read the history.

History of bill read.

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

Mr. PRAY: Mr. President and Members of the Senate: First of all, I would like to welcome the Senator from Penobscot, Senator Trotzky, to a labor position, if I understood his statements correctly.

Second of all, I would just like to point out that I realize the fate of this bill, so I would not oppose the pending motion, but I would point out that this legislative action seems to yo-yo quite a bit in these final days.

I am a little bit concerned about the position we are going to be taking on this matter. I explained the other day when we turned around the Report of the Chairman of the Committee who had signed the Ought Not to Pass Report and had changed his position and moved the Majority Report, and we finally had the bill advanced through the legislative process to where it is coming to us at this time.

I am upset at one point. When the Senator from Penobscot, Senator Trotzky, set the bill aside, I walked across the back of the Chamber and I asked him as to what his intentions were. He informed me at that time that his intention was to amend the bill. I looked through the books to find any Amendments that may be coming, and I saw none, and definitely by his action when he stood up and addressed the Chamber when he was recognized on setting the bill aside, it could clearly be seen that he had no intentions of amending the bill.

I would hope that in the future in the legislative process that we could operate on the basis of honesty.

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

Mr. MERRILL: Mr. President and Members of the Senate: I knew when I put these buttons on I was taking a chance, but now I find myself voting with Trotzky against Pray. I am going to take them off.

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

Mr. COLLINS: Mr. President, I hope that we will not get into impugning motives at this late hour. I think that there has been some ambivalence on the part of many of us with respect to this bill. I know that has been my own case.

I think we should commend the Senator from Penobscot, Senator Trotzky, for his interest in fair play here. It is difficult to say, I think, whether three fact finders can really do a better job than one fact finder. I have had slight experience with both types of things, and there is indeed an argument in favor of having three fact finders so that conflicting opinions may be heard and brought out for the neutral person to be assisted in making that decision. I do not mean to say that I have a strong position on this bill, but it is not quite that easy.

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 L. D. 1670 and all its accompanying papers be indefinitely postponed. Is this the pleasure of the Senate? It is a vote.

(See Action Later Today)

RESOLVE, Authorizing and Directing the Commissioner of Marine Resources, the Commissioner of Inland Fisheries and Wildlife and the Atlantic Sea Run Salmon Commission to Take the Steps Necessary to Assure the Construction of a Fishway on the Dam Obstructing the Kennebec River at Augusta. (H. P. 1267) (L. D. 1494)

On motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, Pending Final Passage.

Reconsidered Matter

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

Mr. REDMOND: Mr. President, concerning "An Act Concerning Dispute Resolution under the Municipal Public Employees Labor Relations Statutes" (H. P. 1422) (L. D. 1670), I move we reconsider our action whereby this matter was indefinitely postponed, and I hope you vote against me.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now moves that the Senate reconsider its action whereby it indefinitely postponed L. D. 1670.

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

Emergency

"An Act Relating to the Powers of Plantations." (H. P. 1396) (L. D. 1635)

Emergency

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

These being emergency measures, and having received the affirmative vote of 25 Members of the Senate, were passed to be enacted, and having been signed by the President were presented by the Secretary to the Governor for his approval.

Emergency

RESOLVE, to Authorize the Conveyance of the National Guard Armory in Auburn to the City of Auburn. (H. P. 1249) (L. D. 1471)

This being an emergency measure, and having received the affirmative vote of 26 Members of the Senate, was finally passed, and having been signed by the President was presented by the Secretary to the Governor for his approval.

**Papers from the House
Joint Order**

WHEREAS, under state law certain counties have become prime sponsors under the Comprehensive Employment and Training Act of 1973, PL 93-203, and other counties and most municipalities participate in CETA programs indirectly; and

WHEREAS, both the state and county CETA programs have a large and unexamined effect on municipal and county budgets; and

WHEREAS, the individual funding decisions under CETA programs accumulate into a de facto pattern of priorities in state, county and municipal programs which may or may not be consistent with state policies; and

WHEREAS, the administrative costs of these programs has not been fully examined since these programs were established; and

WHEREAS, the CETA programs should be reviewed to study these issues; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized to study, through the Joint Standing Committee on Local and County Government, the CETA programs in this State, and to particularly study:

1. The funding of CETA programs since their inception, identifying the levels of government allocating funds, the categories of allocations and the amount involved;

2. The proportion of municipal and county budgets derived from CETA programs;

3. The nature and scope of continuing obligations under these programs;

4. The apparent de facto priorities and policies reflected in the allocation of CETA funds; and

5. The administrative costs of these programs; and be it further

ORDERED, that for the purposes of this study, the committee may solicit and receive information from individuals and agencies expert in the field; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977 or no later than 90 days prior to the First Regular Session of the 109th Legislature and submit to the Legislative Council within either 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 and to each county and to the State CETA office. (H. P. 1782)

Comes from the House, Read and Passed. Which was Read.

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

**Committee Reports
House
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 Relating to Habitual Truants and School Dropouts." (H. P. 1650) (L. D. 1851)

have had the same under consideration, and ask leave to report: that the House recede from passage to be engrossed as amended by House Amendment "A" (H-582) and House Amendment "D" (H-636), reconsider adoption of House Amendment "A"; indefinitely postpone House Amendment "A"; reconsider adoption of House Amendment "D"; indefinitely postpone House Amendment "D"; read and adopt Committee of Conference Amendment "A" (H-882) submitted herewith, and pass the bill to be engrossed or amended by Committee of Conference Amendment "A"; that the Senate recede from passage to be engrossed, read and adopt Committee of Conference Amendment "A" (H-882) submitted herewith, and pass the bill to be engrossed as amended by Committee of Conference Amendment "A" in concurrence.

On the part of the House:
LYNCH of Livermore Falls
TRAFTON of Auburn
BAGLEY of Winthrop
On the part of the Senate:
PIERCE of Kennebec
KATZ of Kennebec
DANTON of York

Comes from the House, Read and Accepted.

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

Mr. KATZ: Mr. President, the Report of the Conference Committee is so clear that I will not take the Senate's time to explain it. Of course, I understand it completely myself.

But if the Senate will turn to filing H-882 and refer to a rather lengthy Statement of Fact, you will find that the Conference Committee looked upon this problem as an extremely complicated one, and we offered a lot of bits and pieces, which individually do not amount to very much, but together might make a contribution to this problem.

For the first time, we have defined what an excusable absence is, and we have set in motion

some procedures which, among other things, will permit youngsters as early as 14 years old to be eligible for alternative programs. In combination with other legislation already enacted pertaining to adult education, we make it possible for youngsters who are turned off by daytime programs to have access to evening programs.

I think I will let my comments go at that, and if there are any questions, I would be glad to answer, but the Senate might find it a little easier to wait until the engrossed copy gets before you to make a proper evaluation.

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

Mr. COLLINS: Mr. President, I think that the Conference Committee has contributed a very valuable Report to us. If I knew any better solutions, I would certainly be offering them to the Senate.

I do not know whether this is really the answer to our truancy problem, but it probably is worth a good trial period and I note that there is a year delay mechanism in the process, and I take it this is with respect to the withdrawal of financing in case a certain percentage of attendance is not reached by the School Unit in question.

As a matter of developing just a little bit of legislative history for this, I would like to ask the Chairman of the Education Committee if he would outline to us what he would think it means by the term "all persons having children under their control"?

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

Mr. KATZ: Mr. President, it has been several days since I dealt with this. My impression is that the phrase "all persons who have children under their control" refers to the groups mentioned in the heading of the paragraph, parents and guardians, and it attempts to lay some rather heavy responsibility on these two groups of people, and in some occasions, of course, the State may actually be the guardian.

I would like to say two things to the Senate that I think are of some significance, which would be a change of pace. The first, I suspect, that your superintendent is not going to be happy with this bill, because for the first time there is a financial sanction against School Units who do not succeed in keeping kids in school. That is the section we are delaying for a year, and we are sending it more as a message than anything else. The fact is there are a lot of shadow children, if you read the excellent front page story in the KJ today, a lot of shadow youngsters being carried on school rolls for which subsidy money is being paid, but they may be only walking in the front door and out the back door.

But I suggest you tell your school people that you are attempting to send them a signal that to whatever extent they can, we hope that that little bit of extra effort to keep these youngsters in school and in the control of the Department of Education and under Title 20, rather than letting them go onto the rolls of Human Services or Mental Health and Corrections, where they get very expensive indeed.

The second point I would like for you to carry home with you is this one of those social problems which the Legislature can do very little with, and as the Senator from Knox, Senator Collins, indicated, we have nibbled at the problem and done the best we could. We have not found a solution, but maybe we have made a contribution.

Committee of Conference Report accepted, in concurrence.

Enactor

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

"An Act Relating to Charitable Solicitations." (H. P. 1451) (L. D. 1736)

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

Mr. PRAY: Mr. President, I move the indefinite postponement of L. D. 1736.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that L. D. 1736 be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: This issue was very healthily debated, and I cannot recall if it was earlier this week or last week.

I think what it does primarily is what most of us are concerned with. We would like to know exactly how all of this money is being spent, how much of it is staying in the State, and how much of it is being spent on administrative costs, and how much of it is actually going to help charity.

I think there are good reasons that this bill should become enacted, and these are some of the reasons. If anyone else would like to comment, I think this is the time to do it.

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

Mr. HEWES: Mr. President and Members of the Senate: I would be glad to comment.

I feel that this requires a lot of bureaucratic reporting that is unnecessary. If a person wants to give money, they know pretty much to whom they are giving their money. This requires the listing of 15 different items in certain reports, a registration fee of \$10.00, a filing fee for the report of \$25.00 every six months as I look at Section 5005.

I think the Senator from Knox, Senator Collins, is on the right track when he proposed an Amendment which did not pass. I think the bill goes too far. I support the motion of the good Senator from Penobscot, Senator Pray, for indefinite postponement.

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

Mr. LEVINE: Mr. President, I rise to oppose the motion of the Senator from Penobscot, Senator Pray, for indefinite postponement.

I will tell you a little story, a little anecdote here. Two little boys were going down one side of the street and up the other. They had about ten streets to cover, and they started off going door to door, and one of the little boys said "we are here to collect for the Jimmy Fund," and they went from door to door collecting their contributions, and just as they were leaving the last house on the last block after collecting contributions from virtually everyone who came to the door, because everyone believed in them, one little boy turned to the other and said "Okay, Jimmy, are you ready to go to the store?"

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

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to the previous speaker, as to how this legislative matter, if passed, would take care of Jimmy.

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

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE: Mr. President, would it be pos-

sible for the Senator from Penobscot to repeat his question.

The PRESIDENT: The Senator from Kennebec, Senator Levine, has posed an additional question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I was paying attention to the Senator from Kennebec, Senator Levine, as he was speaking. My question through the Chair to the Senator from Kennebec was if this bill, if passed by this Legislature, how will it take care of Jimmy.

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

Mr. LEVINE: Mr. President and Members of the Senate: I have looked this bill over a number of times, and I am in very great agreement with the bill.

This bill, if passed, will help Jimmy perhaps in one respect. It will not only help Jimmy, but it will help all of those people that like to give of the bounties that they have received in their life to aide other people, and I believe this bill will make them feel freer in that giving in that they will indeed, if this bill is passed, have an understanding of where this money is going, how it is being used, and they will have no longer to consider at all the fact that perhaps most of it has been used for administrative costs and, therefore, they will know which charitable organizations they feel they are best able to support, which organizations will help people the most.

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

Mr. PIERCE: Mr. President and Members of the Senate: To specifically answer the good Senator's question from Penobscot, I would direct his attention to Section 5014 of the bill, which is one of the many areas which we did address in the committee when we looked and took a long look at this legislation, and that is for the first time we are going to have legislation on the books which will prohibit the unauthorized use of people's names or charities names when, in fact, you do not represent them, and that is, I think, an important provision.

It also, I think, is a great help to the good charity and probably it is not going to make the ones who are not so good very happy. But I would ask you if any of you have had your phone ringing off the wall from charities to oppose this legislation, and I think that the answer will be no. Certainly at the hearing, all that were there were there in favor of it.

It is a good piece of legislation. Twenty-nine other states have adopted similar legislation, and, in fact, I not only think that it goes too far as the good Senator from Cumberland, Senator Hewes would indicate, but I think probably the legislation does not go far enough, but I think it is a good piece of legislation. It is a step in the right direction, and I would repeat one thing that I said the other day, and that is there is only so much money out there to go around for charity, and it is getting pretty thin. You know and I know that we are all solicited time and time again, and it is about time we have got to have disclosure from these organizations, and how effective a job they are doing, so that we can pick and choose the ones which we feel are doing the best to get to the people to actually help them, and not going to the direction of the ridiculously high administrative costs and matters like this.

I hope you will oppose the pending motion.

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

Mr. COLLINS: Mr. President, the other day after we had our debate, I was interviewed by an investigative reporter, and among the questions that came along were questions about, well, how else do we protect the public from embezzlers. I submit that this bill never protect

the public from embezzlers. Embezzlers falsify records, and false records get filed with the Secretary of State.

Then another question was how do we protect the public from the false use of names. Well, there is already legislation in the books which will prevent that. We have laws that relate to false representation and deceit. We have criminal laws, and the duty of enforcing those laws, of course, lies with the enforcement establishment.

I suggest that we already have at work a mechanism that is better than any law that we could put on the books in protecting the public and helping the public to know the causes to which they are giving charitable money, and that mechanism is known as the free press, and there is one other adjunct to that mechanism, and it is known as the community busybody, and the community busybody makes inquiries and talks and passes the word of the day around, and when they see things that do not just add up, it gets talked over, and eventually someone from the press picks it up, and that is when you find out when something that is wrong in charitable giving and soliciting is going on, and that is the way you find out about it. All of these reports that we are going to file in Augusta, according to the principles of the Certified Public Accounting Board, according to this goal and that standard and the other, how are those going to help the poor naive, never inquiring person, that never looks at any report. I just do not see how we are going to save those people by this act. If I did, I might vote for it, but I just do not think that you help those people by this mechanism. I prefer to rely on the free press and the investigative reporter and the community busybody.

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

Mr. LEVINE: Mr. President and Members of the Senate: I concur with the Senator from Knox, Senator Collins, in that the free press is a great instrument for us to discover problems in this area. However, as far as relying on the neighborhood busybody, I love that person in my neighborhood dearly who is considered the busybody, but I am afraid I do not have much faith in their judgment in many matters. I think it would be much easier for the free press to get this information and get proper and correct information from the Agency which collected this.

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 if I can.

The PRESIDENT: The Senator may state his question.

Mr. MANGAN: Mr. President, primarily the question relates to if we look at the Boy Scouts of America who have now got paid executives administering their programs out of Portland. The Abnaki District, for example, is going to donate something like \$12,000.00 to the Council. Each of the troops may hold cake sales, etc. to amass a sum of \$12,000.00. Do each of the troops participating jointly have to report and file a \$10.00 fee, or does the Council do this, or does the District do this, or if one troop has over \$2,000.00 must they file.

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, in response to the good Senator's question, since I am a member of the Executive State Board of the Boy Scouts of America, I wanted to be very sure that this problem was taken care of, and each individual troop does not have to file a report. One can be filed for the entire state, unless your troop is going to collect over \$10,000.00, and if it is, it is different from the ones in my District.

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

Mr. PRAY: Mr. President and Members of the Senate: I look at this piece of legislation as a piece of legislation that questions the integrity of many organizations that we have in our state that are community organizations, organizations that serve a community with the dollars raised by their solicitation that go to charitable activities within that community.

I belong to a number of organizations, and I am sure that every member in this body belongs to several organizations which contribute money to charitable causes.

The point raised by the Senator from Knox, Senator Collins, in reference to the neighborhood busybody, and the reply by the Senator from Kennebec, Senator Levine, I think kind of excused the question, but I think it is a very important point that he made. When these dollars are returned to community events or for community causes, we all see what good they do. We all see the assistance given to the causes which organizations such as the American Legion and the VFW on some occasions may raise money to this volume.

I will just restate that I think it is a question the integrity of your neighbors, or the man down the street or the woman down the street, or next door or across the street, or perhaps even yourself, if you take part in these affairs and you assist them in raising money for that cause that you feel is worthy of the investment of the solicitation, and as we vote on this I am glad that a Roll Call was requested, that you clear your minds on the integrity of these organizations to which you will be voting.

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

Mr. MERRILL: Mr. President and Members of the Senate: I will be very brief, because I, like the rest of the members of the Senate, am anxious to rejoin my family and it would be nice if we could do it while it was still daylight.

But I would like to make a point. The passage of this bill does not impune the integrity of the thousands of individuals who engage in work for charities in this state any more than the requirement that the members of this Senate and those of us who ran for the Senate having to file campaign reports and making public where we raised our money and how we spent our money impunes our integrity. We do it because we are public officials and candidates for public office, and with that right and with that opportunity and with that privilege goes certain responsibilities for openness in reporting and candor about what we are doing. This bill puts the same source of obligations on the charities. It does not impune their integrity, and that is the reason why most of the charitable organizations in this state, the most reputable ones, the ones that are doing the most, raising the most money, support this bill.

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I will be very brief.

I think what most of us want to know dealing with this particular bill is the money that is raised, we would like to know what the administrative costs are. If you take, for example, the United Jewish Appeal, it raises \$4 million, and four percent of that is used for administrative costs. That is what we are asking. And this bill, that is all it does. That is all it does, it just makes it perfectly clear how much

money is being raised and exactly how it is used.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray, that this bill, L. D. 1736 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.

ROLL CALL

YEA — Collins, D.; Collins, S.; Curtis, Hewes, Huber, Katz, Lovell, McNally, O'Leary, Pray.

NAY — Carpenter, Chapman, Conley, Cummings, Danton, Farley, Greeley, Hichens, Levine, Mangan, Martin, Merrill, Minkowsky, Morrell, Pierce, Redmond, Snowe, Speers, Trotzky, Usher, Wyman.

ABSENT — Jackson.

10 Senators having voted in the affirmative, and 21 Senators in the negative, with 1 Senator being absent, the motion to indefinitely postpone does not prevail.

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

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

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

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate reconsider its action whereby it passed this bill to be enacted.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: Just a few minutes ago before this item came up the Senator from Cumberland, Senator Conley, talked to me in the back of the Chamber, and asked me if I had any problem with the bill.

Unlike other individuals in this body, I told him at that time that I was going to move the indefinite postponement of this bill. At this time I will go along in opposition to the motion being made by the Senator from Kennebec, Senator Pierce.

A viva voce vote being had,

The motion to reconsider does not prevail.

Bond Issue

"An Act to Authorize Bond Issue in the Amount of \$11,500,000 for the Highway and Bridge Improvement Program." (S. P. 65) (L. D. 136)

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

Mr. O'LEARY: Mr. President, I have the engrossed copy here of this Bond Issue, L. D. 136. I notice it is going to raise bonds for the year 1977-78 of \$5.010 million, 1978-79 for the sum of \$6.490 million, but as I look through the bill I do not see any roads that this is going to be on.

I just hope that they will find some of it for Route 17.

Thank you.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of the Senate: This bond issue of \$11.5 million, along with the \$6.4 million of money that was in the original allocation bill, will match \$76.696 million worth of Federal funds. That money is allocated for the projects that was in the red book that was distributed at the beginning of the Session.

Today we also set up \$900,000.00 more, to match \$1.9 million of Federal funds, which is a total of \$2.8 million of money to be spent on the

roads. As far as I know, this money has not been allocated.

Mr. President, I move that this Bond Issue be tabled on the Special Highway Appropriations Table.

On motion of Mr. McNally of Hancock, Placed on Special Highway Appropriations Table, Pending Enactment.

Orders of the Day

The President laid before the Senate:

Bill, "An Act to Repeal Certain Laws Relating to Conservation." (S. P. 363) (L. D. 1224)

Tabled — Earlier in the Day by Senator O'Leary of Oxford

Pending — Adoption of Committee Amendment "A" (S-276) as amended

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

Mr. PRAY: Mr. President, I offer Senate Amendment "E" (S-361) to Committee Amendment "A" and move its adoption.

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

Senate Amendment "E" Read.

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

Mr. PRAY: Mr. President and Members of the Senate: This afternoon after we recessed, the Legislative Assistant for the Committee on Fisheries and Wildlife came down to me in reference to this Amendment that is before us, and told me that the Department had just called him up on a law that was on the books that I had put in in the 107th Legislature, and under the recommendation of the Commissioner of that Department, we put it under Title 30 for the reason the only reference in the statutes relating dumps are under Title 30, and the violation at that time in the 107th was that individuals would not be allowed to shoot bears on dumps, which has happened in a number of areas when people are sitting around in their automobiles and somebody else would drive up in a car, get out and shoot the bear. From people bringing this to my attention, I put this bill in last session.

The other day I understand a Game Warden had arrested an individual for violation of this law, and found that there were no penalties attached to it, so the purpose of this Amendment was to attach a penalty.

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

Mr. REDMOND: Mr. President, I move that we indefinitely postpone Senate Amendment "E" to Committee Amendment "A".

The PRESIDENT: The Senator from Somerset, Senator Redmond, now moves that the Senate indefinitely postpone Senate Amendment "E" to Committee Amendment "A".

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: If the motion presently before us prevails, it will still be according to Maine statutes illegal for a person to hunt bear within 200 feet of any dumping area in the unorganized plantations of this State. That is presently under Title 30.

What this bill does is put it under the Fish and Game laws, and attach the penalties of that section, which I believe is a minimum of a \$50.00 fine for individuals that break this law.

If the motion does not prevail and we adopt this Amendment, we are going to put a penalty on something that we are already saying is illegal to do.

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

Mr. REDMOND: Mr. President, the problem I have with this Amendment is that dumps are

not necessarily only city dumps. Every camp in the woods has a dump, and during hunting season when someone is hunting, walking by at 200 feet from a camp with a loaded gun, this would make him break the law, and other than that, I believe there are in the statutes provisions, I couldn't tell right now, but there are provisions where if the County or municipality wanted to prohibit shooting in an area, they can call a hearing and do that. This is why I am opposing this.

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

Mr. HICHENS: Mr. President, I do not usually get into these debates, but I was involved with this hunting near dumps. I put an Amendment in during the last Legislative Session, and I believe as the good Senator from Penobscot has determined, we cannot do anything by this Amendment as far as hunting near the dumps. This is just assessing a fine as to the penalty for that.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Somerset, Senator Redmond, that Senate Amendment "E" be indefinitely postponed.

The Chair will order a Division.

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

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

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

Senate Amendment "E" Adopted.

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

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

Sent down forthwith for concurrence.

(Off Record Remarks)

The PRESIDENT: The Senate will recess for a few minutes pending the sound of the Bell.

(Recess)

After Recess

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate voted to consider the following additional papers from the House:

Communication

June 30, 1977

The Honorable May M. Ross
Secretary of the Senate

108th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House today voted to Adhere to its action whereby it Indefinitely Postponed An Act to Establish the 1977 State Valuation Omnibus Reform Act (S. P. 465) (L. D. 1608).

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Enactor

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

Emergency

"An Act Appropriating Funds from the General Fund for the Purpose of Developing a Parking Lot in Lincolnville." (S. P. 410) (L. D. 1418)

On motion of Mr. Huber of Cumberland, Placed on Special Appropriations Table, Pending Enactment.

Papers from the House

Joint Order

ORDERED, the Senate concurring, that the

following be recalled from the Governor's Office to the House: Bill, "An Act Permitting the Director of Public Lands to Sell Small Parcels of Public Reserved Lands with Legislative Approval." (H. P. 1681) (L. D. 1875) (H. P. 1793) Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Papers from the House

Non-concurrent Matter

Joint Order (S. P. 585) Re: Committee on Business Legislation to Report out Bill pertaining to non-profit associations, etc.

In the Senate June 30, 1977 Read and Passed.

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

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I do not intend to fight the battle any further. I simply wanted to go on record and to thank my colleagues here in the Senate for being willing earlier to discuss this issue on its merits, and voting for the Joint Order so that the Committee could report out a bill that we might discuss this issue on its merits.

I am very upset, very upset, probably as upset as I have been all session, over any particular issue, because we were not allowed to discuss this issue on its merits, even though it is late in the session. We have seen bills come in and be passed to be engrossed and enacted without even reference to a Committee; however, the members of this Legislature did not see fit that this bill should be heard or debated at this time.

What I find particularly offensive are the actions of certain members of State Government, none of whom are present in this Body, none of whom are members of this body, who are very unwilling to take on the corporate giant of the insurance industry in the State of Maine, and I have learned a lot in the last couple of days, the last 48 hours. I have learned that certain sections of State Government are not running certain sections of the State. They are being run by, and I am very disappointed in that, and I am very disappointed in these particular individuals, who I will not bother to name by name, but I am sure that it will all come out as to who they are.

This is not the last that you will hear of this issue, I promise you that, — be it in this Session or in subsequent Sessions of the Legislature, and, as I said, I am very disappointed. As I think I made fairly clear the other day, this was made out to be a parochial issue dealing with the A. R. Gould Memorial Hospital in Presque Isle, which is not in my Senatorial District, by the way, and it is not a parochial issue, because that is a moot point. This particular hospital will now have to undergo further planning and review.

But please remember this, Ladies and Gentlemen for further reference, that should Blue Cross and Blue Shield, Associated Hospital Services of Maine, decide that a hospital in any one of your towns does not meet their standards, regardless of what the State or Federal Government say, they can close you down, and I think this is an issue that must be addressed, and I only regret that we cannot address it now. I am sure it will be addressed in other Legislatures, and I just hope I am around to help in that fight in some small way.

Thank you very much for your consideration.

I now regretfully move that the Senate recede and concur.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate recede and concur with the House. Is this the pleasure of the Senate? It is a vote.

Non-concurrent Matter

Bill, "An Act Establishing a Consumer

Complaint Office within the Public Utilities Commission." (H. P. 170) (L. D. 208)

In the House May 19, 1977 Bill Passed to be Engrossed as amended by House Amendment "A". (H-369).

In the Senate May 20, 1977 Majority 'Ought Not to Pass' Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having In-stated.

On Motion of Mrs. Cummings of Penobscot, The Senate voted to adhere.

COMMITTEE REPORT

House

The Majority of the Committee on Transportation on, Bill, "An Act Relating to the Maine Turnpike Authority." (H. P. 343) (L. D. 388)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-734).

(Signed)
Senators

GREELEY of Waldo
MINKOWSKY of Androscoggin
McNALLY of Hancock

Representatives:

JACQUES of Lewiston
LITTLEFIELD of Hermon
HUTCHINGS of Lincolnville
McKEAN of Limestone
STROUT of Corinth
ELIAS of Madison
BROWN of Mexico

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "B" (H-735).

(Signed)
Representative:

JENSEN of Portland

Come from the House, Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" (H-881) thereto.

Which Reports were Read.

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, Pending acceptance of either Report.

Papers From The House

Non-concurrent Matter

"An Act to Provide for no Smoking Areas in All State Offices." (H. P. 818) (L. D. 991)

In the House, June 29, 1977 Passed to be Enacted.

In the Senate June 30, 1977, bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Adhered.

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

MR. O'LEARY: Mr. President, I move we adhere.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that the Senate adhere.

The Chair recognizes the Senator from Kennebec, Senator Speers.

MR. SPEERS: Mr. President, this matter was discussed with considerable clarity earlier this afternoon. I think perhaps the Senate has calmed down somewhat, and in the interest of time I would move that the Senate recede and concur with the House.

The PRESIDENT: 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.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I see the smoke coming up from the teepees around the Chamber here. I wonder if those that are possibly holding them in their hands might just have an apparent conflict of interest.

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.

11 Senators having voted in the affirmative, and 20 Senators in the negative, the Motion to recede and concur does not prevail.

The Senate voted to adhere.

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

MR. PRAY: Mr. President, having voted on the prevailing side, I move reconsideration and urge the Members of this Body to vote against me.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate reconsider its action whereby it voted to adhere on L. D. 991.

The Chair recognizes the Senator from Cumberland, Senator Conley.

MR. CONLEY: Mr. President, one final gasp of breath, I move for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

MR. SPEERS: Mr. President, I request a Roll Call.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now requests a Roll Call. 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 Penobscot, Senator Pray.

MR. PRAY: Mr. President, I request leave to withdraw my Motion for reconsideration.

The PRESIDENT: The Chair would advise the Senator from Penobscot that his request is out of order. The Roll Call has been ordered.

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray, that the Senate reconsider its action whereby it voted to adhere on L. D. 991.

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

Yeas: Chapman, Collins S.; Conley, Curtis, Greeley, Hewes, Hichens, Minkowsky, Pierce, Redmond, Speers, Usher.

Nays: Carpenter, Collins D.; Cummings, Danton, Farley, Huber, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Morrell, O'Leary, Pray, Snowe, Trotzky.

Absent: Jackson, Wyman.

12 Senators having voted in the affirmative, and 18 Senators in the negative, with 1 Senator being absent, the Motion to reconsider does not prevail.

Enactors

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

"An Act Relating to Providing Information Services to Maine Travelers. (H. P. 1505) (L. D. 1738)

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

"An Act Concerning the Administration of

Laws by the Bureau of Taxation. (H. P. 394) (L. D. 498)

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

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland, Adjourned to July 6, 1977 at 10:00 in the morning.