

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

Wednesday, July 6, 1977

Senate called to Order by the President.
Prayer by the Honorable Bennett D. Katz of Augusta.

Mr. KATZ: A wise man once said, "Service is the price that we pay for the space we take in this world." May the labors of this Senate in some measure pass along a better world to our children.

Reading of the Journal of yesterday.

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

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

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses. (S. P. 366) (L. D. 1227)

In the Senate June 28, 1977 Passed to Be Engrossed as amended by House Amendment "B" (H-817) as amended by Senate Amendment "A" (H-332) thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "C" (H-884) in non-concurrence.

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

Mr. COLLINS: Mr. President, I move that the Senate insist.

The PRESIDENT Pro Tem: The Senator from Aroostook, Senator Collins moves that the Senate insist.

On motion of Mr. Conley of Cumberland, Tabled until later in Today's Session, Pending the motion of the Senator from Aroostook, Senator Collins, that the Senate insist.
(See Action Later Today)

Non-concurrent Matter

Bill, "An Act to Amend the Child Abuse and Neglect Laws." (S. P. 337) (L. D. 1122)

In the Senate June 28, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (S-283) as amended by House Amendment "A" (H-798) thereto, and Senate Amendment "A" (S-297) in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and House Amendment "B" (H-883) and Senate Amendment "A", in non-concurrence.

On motion of Mrs. Snowe of Androscoggin, Tabled until later in Today's Session.
Pending consideration.
(See Action Later Today)

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

Mr. CONLEY: Mr. President, with respect to Resolution Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses (S. P. 366) (L. D. 1227), I now move that it be removed from the Table, and move the pending question.

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Conley, now moves that L. D. 1227, Tabled until later in Today's Session be removed from the Table. Is it the pleasure of the Senate? It is a vote.

The pending question is the motion of the Senator from Aroostook, Senator Collins, that the Senate insist. Is it the pleasure of the Senate? It is a vote.

Joint Order

An Expression of Legislative Sentiment recognizing that: Robert Charles, a student of Maranacook Community High School, has won the Maine finals in extemporaneous speaking, a win which entitled him to compete in the National Forensic League's county-wide competition in Seattle, Washington. (H. P. 1791)
Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

WHEREAS, it is important that the State play a positive and forceful role in the implementation of the 200-mile limit; and

WHEREAS, the state's marine research activities are critical in providing the information to substantiate the state's position in the implementation of the 200-mile limit; and

WHEREAS, the Department of Marine Resources is developing a 5-year plan of marine research to meet their needs; and

WHEREAS, it would be beneficial to have the input of the fishing industry and the citizenry of Maine in the development of this plan; now, therefore, be it

ORDERED, the Senate concurring, that a Select Committee on Marine Research be established, comprised of 9 members to be constituted and appointed as follows: One member of the Senate to be appointed by the President of the Senate; 2 members of the House to be appointed by the Speaker of the House; 5 members of the fishing industry in this State and one marine scientist, who is not an employee of the Department of Marine Resources, all of whom shall be appointed by joint agreement of the President of the Senate and Speaker of the House; and be it further

ORDERED, that the committee meet with the Department of Marine Resources to give advice on the development of its plan for marine research; and be it further

ORDERED, that the committee shall consider, among other issues, the research required to implement the 200-mile limit and to protect the state's interests in that implementation; marine resources and hazards important or potentially important to the state's fisheries, the research that is necessary in these areas over the 5-year period from 1979 to 1984, the specific goals of that research, the procedures for periodic critical review and oversight of that research, and the procedures required to review the goals of the 5-year plan after its adoption; and be it further

ORDERED, that the committee shall take under consideration the plan and report the same to the Legislature and to the Governor on or before January, 1979, along with any recommended administrative action and legislation to implement its findings; and be it further

ORDERED, that the committee shall hold its organizational meeting upon the call of the President of the Senate, and shall choose a chairman from among its membership, and shall organize its study at that time; and be it further

ORDERED, that the members of the committee shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order be forwarded to each member appointed to the committee and to the Commissioner of Marine Resources. (H. P. 1792)

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

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

Communication

House of Representatives

June 30, 1977

The Honorable May M. Ross

Secretary of the Senate
108th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 180, Legislative Document 242, An Act Relating to an Increase in the Volume, Fees Paid by Major Creditors under the Maine Consumer Credit Code, 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?'

Fifty-two voted in favor and seventy-five 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.

House of Representatives

June 30, 1977

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

Dear Madam Secretary:

House Paper 1016, Legislative Document 1231, RESOLVE, Authorizing John Carlo, Inc., to Bring Civil Action Against the State of Maine or to Resolve the Dispute by Arbitration, 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 Resolve become a law notwithstanding the objections of the Governor?'

Forty-six voted in favor and seventy-four against, and accordingly it was the vote of the House that the Resolve 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.

Office of the Governor

June 30, 1977

Honorable Joseph Sewall
President of the Senate
and
Honorable John L. Martin
Speaker of the House
Dear Joe and John:

This is to formally notify you of our nomination today of William B. Manheimer to serve on the Maine Guarantee Authority.

Mr. Manheimer has been nominated to replace Joseph Budris who recently resigned. In accordance with MRSA Title 10, Section 751, this nomination requires confirmation by the Joint Standing Committee on State Government and by the Senate.

Thank you for your assistance in the area of appointments.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor
(S. P. 587)

Which was Read and Referred to the Committee on State Government.
Sent down for concurrence.

Committee Reports
House
Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Raise the Tax on Beer, Wine and other Alcoholic Beverages to Provide

Funds for the Operation of Alcoholic Treatment Facilities, the Establishment of Education and Treatment Programs for Alcohol Abusers Convicted of Operating under the Influence and other Minor Crimes and the Establishment of a Program of Substance Abuse." (H. P. 731) (L. D. 857)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-596).

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland
MARTIN of Aroostook

Representatives:

MACKEL of Wells
COX of Brewer
CAREY of Waterville
IMMONEN of West Paris
CHONKO of Topsham
POST of Owls Head
TEAGUE of Fairfield

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

Signed:

Representatives:

MAXWELL of Jay
CARTER of Bangor
TWITCHELL of Norway

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" (H-622) and "B" (H-670) thereto.

Which Reports were Read.

Majority Ought to Pass Report Accepted in concurrence.

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

House Amendment "A" Read and Adopted.

House Amendment "B" Read and Adopted.

Committee Amendment "A" as amended, Adopted, in concurrence.

On motion of Mr. Conley of Cumberland, Under suspension of the rules, the Bill Read a Second Time.

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

Senate Ought to Pass

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Additional Appropriations for the Expenditures of State Government, to Make Allocations from the Highway Fund, Title II of the Public Works Act, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (S. P. 588) (L. D. 1895)

Reported pursuant to Joint Order (S. P. 553) that the same Ought to Pass.

Which report was Read.

On motion of Mr. Speers of Kennebec,

Tabled until later in Today's Session.

Pending acceptance of the Report.

(See Action Later Today)

Enactors

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

"An Act to Clarify Election Related Laws." (H. P. 1734) (L. D. 1887)

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

Orders of the Day

The President Pro Tem laid before the Senate:

Bill, "An Act to Prohibit the Practice of a Mandatory Retirement Age." (H. P. 3110) (L. D. 1634)

Tabled — June 28, 1977 by Senator Huber of Cumberland

Pending — Passage to be Engrossed

On motion by Mr. Conley of Cumberland, Retabled and Specially Assigned for Later in the Day.

The President Pro Tem laid before the Senate:

Bill, "An Act to Provide for the Immediate Issuance of Food Stamps for Needy Families." (S. P. 531) (L. D. 1853)

Tabled — June 30, 1977 by Senator Conley of Cumberland

Pending — Consideration

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

Mrs. SNOWE: Mr. President and Members of the Senate: The Committee on Health and Institutional Services heard this bill, and it received the unanimous Ought to Pass Report.

What this bill essentially would do is require the Department of Human Services to issue food stamps immediately to families who are at the zero purchase level. This would indicate that these people have little or no income whatsoever. Currently the practice is that anywhere from two to six weeks a person receives their authorization to purchase card. Even though the Department has the authority to issue food stamps immediately, it does not. Thus, many of these people have to turn to the communities for general assistance, and there have been many instances where they have been unable to obtain general assistance or communities have different practices where they only have their town office, or their overseers office open once a week so it has presented difficulties that way, and these people are in dire need of some kind of assistance.

This bill does not present any administrative burden to the Department of Human Services. It would not require any additional staffing, nor does it require any additional revenue to fund this program. As a matter of fact, the Department is making a transition in their authorization for food stamps, and they are getting onto computerized system by September where they will be able to immediately authorize these cards for those people who do need food stamps.

The veto message does indicate that the Department already issues food stamps on emergency basis, and this is not the case.

I, therefore, do urge you to override the Governor's veto.

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

Mr. CONLEY: Mr. President and Members of the Senate: As the sponsor of this bill, I would like to make clear what is at hand with this legislation, and with the veto.

As I said several days ago, sometimes our Governor takes commendable actions, and sometimes he acts in a manner which suggests a less than thorough understanding of the issue at hand. On those occasions, such as his veto of the proposed medical school for Maine, where his veto message has shown a thorough understanding of the question, I have been willing to change my vote, or consider changing it.

This is not one of those instances. All of us know that the food stamp program is large, and that it has been subject to criticism. It might be tempting to veto any legislation which would appear to liberalize this program, and it might be tempting to vote to sustain such a veto.

But that is not the issue before us. The issue is simply a procedural question regarding issuance of food stamps to persons in emergency situations, and who are destitute. These are the persons in the so-called zero-purchase category, who are issued free food stamps without any required cash offset. Ap-

proximately 3,500, or 10% of Maine's 35,000 food stamp recipients are in this zero-purchase category, and less than 25% of these persons are in emergency situations. So we are talking about less than a thousand people here. To begin with, the Department has also estimated that 1,000 is the maximum number of potential recipients.

The Governor's veto message states that "The Department already issues food stamps on an emergency basis to those with immediate need." I wish that this were true, and I would then join in support of this veto. On the day that this veto message was on the calendar, however, my office called the food stamp offices in several areas of the State, to ask what procedures were followed in issuance of stamps on an immediate basis in emergency cases. We were told quite emphatically that this was not possible; that it takes between 2 weeks and 30 days for stamps to be issued. It was made quite clear that persons with immediate need are referred to local general assistance offices. The director of one food stamp program, in Bangor, made it quite clear that he resented legislative efforts to force immediate stamp issuance rather than relying upon local general assistance.

In other words, the Governor does not know what is happening at the local level, where these programs are being run. His Commissioner, who worked on the Bill before you and advised against its veto, would like to see his Department responding on an emergency basis, in which case this legislation would be unnecessary. But the middle-level and front line administrators are referring applicants to local welfare offices instead. That is why we pass laws in Augusta. Having discovered the attitudes at the local food-stamp office level, I see more clearly than ever before the need for this bill.

The Governor also talks about actions in Washington which would eliminate or change the program. Again, however, that has nothing to do with this legislation. This legislation does not relax eligibility standards. It simply says that in an emergency, the food-stamp office can establish preliminary eligibility by making a phone call to a local person who is familiar with the applicant's situation. The food stamp office then can manually issue an eligibility card, rather than forcing the applicant to wait for the computer to process the card, which takes up to 13 days, because these cards are issued only twice a month. The Department is speeding up its computer program, but that is not the answer to this bill, unless you believe that hungry families should be held hostage to the working of computers.

These emergency procedures are already in effect in at least 22 other states, and these states are not those who are considered to be "soft" on welfare. For example, the great liberal of the Democratic Party, Governor George Wallace of Alabama supports this Legislation, South Carolina, Louisiana, Texas, Mississippi, Wyoming and Tennessee all have programs such as the one before you. I think Maine should and can go along.

In fact, I think there is a real reason why the Southern States have this emergency processing program. They are smart enough to prefer federal food stamps to procedures which place the burden back on local property-tax payers.

And that is what is at issue here. Local officials want this bill, and we have letters to approve it. The Maine Municipal Association says this bill can save our local taxpayers almost a quarter of a million dollars a year.

People who are out to defraud the system are going to be no better off with this bill. Persons receiving this aid will still have to document their full eligibility in order to receive assistance the following month. If there has been

fraud or inaccurate information, there must be restitutions.

If you think that support of this veto is a chance to crack down on welfare abuse, you are wrong.

This bill represents a chance to save local tax dollars by making a federal program more responsive, and that is the real issue before us, and I would hope that the Senate would vote to override the veto of the Governor.

(Off Record Remarks)

The PRESIDENT Pro Tem: Is the Senate ready for the question? The pending question is, shall this Bill become law notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by the yeas and nays.

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

The 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, Hewes, Hichens, Huber, Katz, Levine, Lovell, Martin, McNally, Merrill, Minkowsky, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman.

ABSENT — Jackson, Mangan, Morrell, Sewall.

29 Senators having voted in the affirmative, and no Senators in the negative, and 4 Senators being absent, and 29 being more than two-thirds of the membership present, it is the vote of the Senate, that this bill become a law notwithstanding the objections of the Governor, and will be sent to the House for concurrence.

The President Pro Tem laid before the Senate: Bill, "An Act to Amend the Maine Criminal Code and Related Statutes." (S. P. 574) (L. D. 1892)

Tabled — June 30, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed
This Bill Passed to be Engrossed, as amended.
Sent down for concurrence.

The President Pro Tem laid before the Senate:

Bill, "An Act to Revise the Judicial Retirement System." (S. P. 497) (L. D. 1776)

Tabled — June 30, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed
The PRESIDENT Pro Tem: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I move that this matter be Tabled for One Legislative Day.

The PRESIDENT Pro Tem: The Senator from Knox, Senator Collins, moves that this matter be Tabled for One Legislative Day.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I move that this item be Tabled for Three Legislative Days.

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Conley, now moves that this item be Tabled for Three Legislative Days.

The Chair recognizes the same Senator.

Mr. CONLEY: Mr. President, I withdraw my motion.

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Conley, now asks leave of the Senate to withdraw his motion. Is it the pleasure of the Senate? It is a vote.

Is it now the pleasure of the Senate that this Bill be Tabled for One Legislative Day? It is a vote.

The President Pro Tem laid before the Senate:

House Reports — from the Committee on Transportation — Bill, "An Act Relating to the Maine Turnpike Authority." (H. P. 343) (L. D. 388) Majority Report — Ought to Pass as

Amended by Committee Amendment "A" (H-734) Minority Report — Ought to Pass as Amended by Committee Amendment "B" (H-735)

Tabled — June 30, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report
On motion of Mr. Speers of Kennebec,
Retabled until later in Today's Session.

(See Action Later Today)

(Off Record Remarks)

The PRESIDENT Pro Tem: There being no objection, all matters acted upon will be sent forthwith for concurrence.

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 30, 1977 by Senator Merrill of Cumberland

Pending — Final Passage
On motion of Mr. Speers of Kennebec
Retabled until later in Today's Session.
(See Action Later Today)

The President Pro Tem laid before the Senate:

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

Tabled — June 30, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed
This Bill Passed to Be Engrossed, as amended, in concurrence.

The President Pro Tem laid before the Senate:

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

Tabled — June 30, 1977 by Senator Redmond of Somerset

Pending — Enactment

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

Mr. REDMOND: Mr. President, I move that the rules be suspended for the purpose of reconsideration.

The PRESIDENT Pro Tem: The Senator from Somerset, Senator Redmond, now moves that the rules be suspended. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. REDMOND: Mr. President, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT Pro Tem: The Senator from Somerset, Senator Redmond, moves that the Senate reconsider its action whereby this Bill was Passed to Be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. REDMOND: Mr. President, I present Senate Amendment "A" (S-362) and move its adoption.

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

Senate Amendment "A" Read and Adopted.

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

Sent down for concurrence.

The President Pro Tem laid before the Senate:

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)

Tabled — June 30, 1977 by Senator Speers of Kennebec

Pending — Final Passage
On motion of Mr. Chapman of Sagadahoc,
Retabled until later in Today's Session.
(See Action Later Today)

The President Pro Tem laid before the Senate:

House Reports — from the Committee on Transportation — Bill, "An Act Relating to the Maine Turnpike Authority." (H. P. 343) (L. D. 388) Majority Report — Ought to Pass as

Amended by Committee Amendment "A" (H-734) Minority Report — Ought to Pass as Amended by Committee Amendment "B" (H-735)

Tabled — June 30, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report
On motion of Mr. Speers of Kennebec,
Retabled until later in Today's Session.

(See Action Later Today)

(Off Record Remarks)

The PRESIDENT Pro Tem: There being no objection, all matters acted upon will be sent forthwith for concurrence.

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

After Recess

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

Senator Collins of Knox, was granted unanimous consent to address the Senate on the Record.

Mr. COLLINS: Mr. President, one of the items on the Special Appropriation Table is the Tort Claims Act as amended. The Senate will recall that we debated this very thoroughly two and three weeks ago and finally reached a compromise that was acceptable to everyone, and the matter was enacted in the other body and brought here for final disposition.

Since that time, the insurance industry and the State of Maine Executive Department people in charge of arranging the insurance that would insure all the State employees in this \$10,000.00 liability exposure area have been at work, and they have come back with recommendations of minor improvements in the language, and I have explored these with other persons who were active in the debating of this bill, and believe that these changes would be acceptable to all concerned.

I am hoping that some member of the Appropriations Committee may see fit to remove this from the table, so that I could proceed in that direction, and this would expedite the flow of our legislation.

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

Mr. HUBER: Mr. President, I move that L. D. 1874 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber now moves that the Senate remove from the Special Appropriations Table L. D. 1874 "An Act to Revise the Maine Tort Claims Act" Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, the Amendment that I am going to offer after procedural motions does simply two things. It introduces into the language the words liable for his negligent acts or omissions causing property damage, bodily injury or death. This language has the effect of eliminating such hurt feelings actions as might be involved in libelous slander, and makes the cost and the availability of insurance greater.

The other item relates to some areas where insurance may not be obtainable, and to cover that possibility we have said to the extent that such insurance coverage is not available shall assume the defense of and indemnify such employees to the limit of their liability.

Mr. President, I move that we suspend the rules for the purposes of reconsideration.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate suspend its rules. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. COLLINS: Mr. President, I move that we reconsider the Engrossment of L. D. 1874.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate reconsider its action whereby L. D. 1874 was passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. COLLINS: Mr. President, I move that we reconsider the adoption of Senate Amendment "B".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate reconsider its action whereby it adopted Senate Amendment "B" to L. D. 1874. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. COLLINS: Mr. President, I move the indefinite postponement of Senate Amendment "B".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate indefinitely postpone Senate Amendment "B" to L. D. 1874. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. COLLINS: Mr. President, I now offer Senate Amendment "C" (S-365) and move its adoption.

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

Senate Amendment "C" Read.

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

Mr. HEWES: Mr. President, I pose a question through the Chair to the Senator from Knox.

The PRESIDENT: The Senator may state his question.

Mr. HEWES: Mr. President, do I understand that by this Amendment the State will now indemnify state employees if insurance is otherwise not available?

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

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, the answer to the question from the Senator from Cumberland, Senator Hewes, is that in those areas where the state remains immune, if the state is unable to purchase insurance, the state will indemnify the employee to the extent of the \$10,000.00 exposure.

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

Mr. HEWES: Mr. President, I pose a further question to the Senator from Knox, if I may, would it not be better just to establish immunity for the employee for that particular act or those acts, rather than say that the state is immune, but then in the next breath say that if insurance is not available for the employee, the state will have to pay for the action of the employee. It seems to me, we are circumventing and coming back with a different answer than we should be.

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

Mr. COLLINS: Mr. President, in response to the concern of the Senator from Cumberland, Senator Hewes, I would say that this was part of the compromise that we worked out. There was concern that that ordinary citizen be completely denied any recovery for wrongs that were committed against him by state employees. If you grant complete immunity, both to the state and to the employees, then 99 percent of our population has a very difficult time and has only as its remedy coming to the legislature for a Special Legislative Act for permission to sue the state, and it was the feeling of those who were concerned in this debate, and I think of the Legislature as a whole, that 99 percent of the

population ought not to be entirely denied, and, therefore, there is an increased exposure to the state. This is recognized in the Part II Budget by some appropriation, and of course, was recognized earlier by the Governor in his planning and in his budget, and I think that it is a fair position for the state to have this much exposure even though there is some circumvention of the idea of complete immunity of the state.

Senate Amendment "C" Adopted.

This bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

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

Papers from the House Non-concurrent Matter

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

In the Senate June 30, 1977 Bill Passed to be Engrossed.

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

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

Mr. LEVINE: Mr. President, I move that the Senate recede and concur, and would like to speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Mr. LEVINE: Mr. President and Members of the Senate: Although this is a piece of legislation that I sponsored, I am sure there is no great pride of authorship here. I, of course, felt that it was a good piece of legislation in the long term for the State of Maine, and have since discovered that the majority, by far the majority of the members of the House of Representatives of the State of Maine disagree with that.

I feel we may soon find ourselves with the defeat of legislation of this type. We may soon find ourselves in the same position as New York State, which state has recently passed legislation of this type, of this nature, giving certain property tax exemptions to new businesses and expanding businesses, wherein most of the officers, financial officers of New York State have termed that too little and too late, and I certainly hope that that is not the case in the State of Maine, where we have such a terrible problem with unemployment, and we also have a terrible problem in expanding our tax base.

I assure you, this is not the last that will be heard of bills of this nature, and I fervently hope that we may pass some bill during this session, or very soon thereafter, that will increase employment in the State of Maine, and also broaden our tax base.

The PRESIDENT: The Senator from Kennebec, Senator Levine, now moves that the Senate recede and concur with the House in reference to L. D. 1457. Is it the pleasure of the Senate? It is a vote.

Non-concurrent Matter

Bill, "An Act to Lighten the Burden of Property Taxes on the Elderly Widowed or Disabled." (S. P. 440) (L. D. 1531)

In the Senate June 7, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-186).

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

On motion of Mr. O'Leary of Oxford,

The Senate voted to Adhere.

Non-concurrent Matter

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)

Recalled from Governor's Office Pursuant to Joint Order H. P. 1793.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-887) in non-concurrence.

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

Joint Orders

ORDERED, the Senate concurring, that the Clerk of the House and the Secretary of the Senate be authorized to furnish 100 13¢ stamps for each member of the House and Senate for the purpose of distributing various reports of the departments of state and other public documents such as they may desire to mail to the citizens of the State during the interim between the first regular session and the second regular session of the 108th Legislature. (H. P. 1796)

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

WHEREAS, there has been submitted to the 108th Legislative Session, L. D. 1877 entitled, "An Act to Provide for the Licensing of Denturists;" and

WHEREAS, the Legislature has reviewed, amended and debated this legislation which would establish denture technology as a new auxiliary profession to be practiced under the supervision of dentists; and

WHEREAS, there are presently no existing programs in the State of Maine which is available to students for the professional training in dental technology; and

WHEREAS, there are presently no rules and regulations relating to the licensing in the professional field of denture technology; and

WHEREAS, the 108th Legislature has identified a need in the field of professional denture technology; and

WHEREAS, the 108th Maine Legislature, while realizing that final decisions on the licensing of individuals in the professional field of denturism has not been established, nevertheless recognizes the need for review of a proposed dental technology program; now, therefore, be it

ORDERED, that the Joint Standing Committee on Health and Institutional Services, in cooperation with the Department of Educational and Cultural Services, the University of Maine and the Vocational-Technical Institutes of this State, investigate the feasibility and cost of establishing educational programs to meet the needs of the citizens of Maine in the area of dental technology; and be it further

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

ORDERED, upon passage in concurrence, that a suitable copy of this order be forwarded to members of the committee and to the Department of Educational and Cultural Services, to each Vocational-Technical Institute in this State, and to the Board of Trustees of the University of Maine. (H. P. 1795)

Comes from the House, Read and Passed.

Which was Read.

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

Enactors

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

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

"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)

"An Act to Revise the Statutes Relating to Services for Mentally Retarded Persons." (H. P. 1472) (L. D. 1752)

"An Act to Remove the Commercial License

of Smelt Fishermen." (H. P. 1045) (L. D. 1272)
On motion of Mr. Huber of Cumberland, Placed on Special Appropriations Table, Pending Enactment.

"An Act Relating to Habitual Truants and School Dropouts." (H. P. 1650) (L. D. 1851)

On motion of Mr. Katz of Kennebec, Tabled for One Legislative Day, Pending Enactment.

"An Act Relating to the Adoption Procedures for Children who are not Related to Adopting Parents." (H. P. 416) (L. D. 523)

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

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

(See Action Later Today)

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

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

Mr. HEWES: Mr. President, I move the indefinite postponement of this bill, and will speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. HEWES: Mr. President, as I understand this Bill would establish the Fair Credit Reporting Act, and is somewhat similar to a Federal law which also has a similar caption. The Federal law seems to be working satisfactorily. There is no need for the state to have a similar law which requires more red tape.

Also, under the Federal law, as I understand it, there is an immunity clause that is not present in this particular L. D., L. D. 1526.

I also understand that this particular bill would require, you know, when a person is investigating whether a life insurance policy should be renewed or whether an auto policy should be renewed, the insurance company wishes to know certain facts, and some investigating agency would investigate. Under this bill, an authorization has to be required from the person being investigated before the investigation can even start.

I do not think that it is a good bill, and hope you will vote against its passage.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves that the Senate indefinitely postpone L. D. 1526.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I would oppose the motion of the good Senator from Cumberland, and would like to tell you a little bit about L. D. 1526 and its history.

There are some bills I guess you get pretty involved in as Chairman of the Committee personally, and there are other bills that you handle a little different when they are fairly long and complicated, and you try to stay on top of them in more of a supervisory capacity, and I will be the first to admit that is what I have done in this, involving several committee members and some helpful people in the lobby in working out what I think and the unanimous report of the committee thought was a good bill.

Originally the bill in its first form was pretty horrendous, and it did ring a red tape and other things which the good Senator just brought up. However, in its final form, I think it is a good bill for the consumers of the State of Maine. I think that it is a fair bill, and I think that it is anything but red tape.

Its aim, basically, is strengthening the Federal Fair Credit Reporting Act in the area only of investigative consumer reports, and it will have virtually no effect on straight credit reporting, which merchants rely on. Most investigative reports are used by the insurance industry, which has not opposed this bill, and does not oppose this bill. In fact, some insurance industry representatives have in-

dicated to the sponsors of the bill that they believe the consumer reporting industry needs some cleaning up with respect to the accuracy of its reports and its investigative techniques.

There are several good things, I think, are in the bill, which in my past I have been involved in a couple of times in having some erroneous things put in files which you do not even know exist until somebody, usually through an accident, brings it to your attention. This assures that a consumer has the right to visually inspect his file, and it enables the consumer to request a copy of the report through the mail if they live too far, by paying a fee, from the reporting agencies office, and it provides that the user of the report, upon request of the consumer, gives the consumer specific reason for an adverse action which often is taken and then the consumer does not even know why they are taken. The bill certainly, I know, from keeping on top of it, that many, many hours were put into the bill, primarily by Representative Howe and Representative Higgins after they first brought the bill to the committee. They met with the heads of several credit bureaus to work out some problems that they had with it. They met with several members of the lobby and the banking industry, and as far as I can ascertain, there are only one or two of the investigative reporting agencies in the state that still feel that this is not a good bill, and I do understand that these one or two bureaus have hired five or six lobbyists to come up here to see if they could just kill this bill.

But I think that the bill was submitted in response to actual Maine instances where consumers were either unable to view their reports or had credit denied or insurance policies summarily cancelled because of erroneous credit reports, and these reports frequently amounted to a little more than backyard gossip. Investigators are under pressure to discover adverse information, and are charged with conducting so many investigations in the course of a given work day, that often they are willing to put most anything into a report as long as they get some information back to the people that employ them. This bill is designed to clean up that section, that segment of the industry, which I think needs cleaning up, and certainly is a benefit to the people of the State of Maine, and I hope you will not indefinitely postpone it.

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

Mr. CHAPMAN: Mr. President and Members of the Senate: The Senator from Kennebec, Senator Pierce, has done an excellent job to explain what is going on in the committee, and as a member of the committee, I want to state that I concur. The original bill did appear to have problems, but an awful lot of work went into that bill, and I think it is a fair thing to say that the bill we have before us is one that is generally accepted by all parties involved, even though some of them would just as soon not have it, but I think that from my view point and the insurance industry, some of the situations that I have seen, there is a need for some modification, and I think that this bill addresses it rather nicely.

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

Mr. HEWES: Mr. President, maybe as an attorney, I should not be opposing this. I note that the cost for attorney fees are included in two different categories here, in addition to damages. As I read the Section 1323, there need not be any damages per se for the part of the consumer, the party being reported about, to recover damages, and it is not less than a \$100, but each item of erroneous information, even though there is no damage done to that particular person. In other words, there could be an award, as I read here, of \$5,000.00 and there is no damage done to the consumer being in-

vestigated. I do see where there is three times the actual damages when there is wilful violation, but in the negligence non-compliance, there is also damages awarded to the consumer when there are no actual damages done to him or her, plus payment of attorney fees.

It seems to me, in effect, the good citizen is the one who is ultimately going to have to pay a little bit more penalty for his insurance than the party being investigated, because the investigation will not be as successful in uncovering information in the future as they have been in the past, and who pays ultimately, the whole public pays, and I think it is a bad bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a division.

Will all those Senators in favor of the motion that L. D. 1526 be indefinitely postponed, please rise in their places to be counted.

Will all those Senators opposed to the motion that L. D. 1526 be indefinitely postponed, please rise in their places to be counted.

6 Senators having voted in the affirmative, and 18 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 by the Secretary presented to the Governor for his approval.

(See Action Later Today)

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

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

Mr. CONLEY: Mr. President and Members of the Senate: This bill before us is a perennial bill that has been here, I believe, almost as long as I have. I notice that it is a 17 page bill, and I assume that it is a result of a study probably undertaken by one of the committees, and I assume that this bill came from Legal Affairs, and, therefore, was a study of that committee.

Over the weekend we had a very sensitive and dramatic episode take place down in South Portland, and primarily it dealt with a situation dealing with private security guards. I thank God, that I was not one of those who was at the Jordan Marsh Shopping Center last Saturday afternoon when a gentleman took it upon himself to come in and follow apparently two of these private security guards on their exit from the store with the money that was being transferred, I believe, to the bank, when an opening exchange of weapons, firing weapons took place, and I do not know what the facts were, but I know in reading the details in the Sunday Telegram it was very shocking as to what happened there, and this is why I took it upon myself to re-read the bill that is presently before us and nowhere in the 17 pages do I see anything dealing with training.

Now even from the local policeman to the State Police, right down to the County Sheriff, we have mandated that anyone carrying firearms or acting in the purpose of, I would assume exercising the protection of the rights of citizens, we mandate that they go to the criminal justice program at Waterville, and I am not exactly sure as to how long a period that is, but I know that at least they are given a great deal of experience, or they are taught at least what the problems are that they might come up against, and I am sure that discipline is exercised upon them as to using judgment and so forth relative to the execution of their duties in filling their performance as an officer of the law.

There is nothing that deals with private security guards, and it scares me, and it always has scared me to think that we license these people without any real background check, other than the fact of the guy who becomes the licensee is generally checked out by the State

Police. A licensee then goes out on the street and hires Tom, Dick, Harry and so forth to fulfill the duties of the security watch guard forces.

Just recently I was reading in the Boston Sunday Globe, the week before last Sunday, dealing with the many thousands and thousands of private security guards that are being established throughout the country, and the reasons that they are being established is because that no longer can the local property taxpayer afford the establishing or enlarging of the numbers within the Police Department of the local communities, and, therefore, business is now required to go outside, and hire these private agencies to perform the duties that normally their taxes would normally take care of.

I am concerned about a bill like this, and I know that there is the present statute, and I am sure that this replaces that entire law that is currently on the books, but I just wish that something was done in this whole study dealing with the training of individuals that are going to be walking around our streets and our stores and our banks. It scares me just a little, and I think that it scares a lot of other people.

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

Mr. HEWES: Mr. President and Members of the Senate: I have no great personal feelings for or against the bill. I would point out that under Section 3762, which is on Page 2 of the bill, it says that the Commissioner of Public Safety shall have the authority to promulgate rules and regulations which are reasonable, etc., and that he has the authority, the Commissioner of Public Safety, to set forth these rules and regulations.

I have seen under the present law watchmen directing traffic, or they think like the sheriff on the Chrysler Plymouth ads a few years ago, they are sloppy and I think are a disgrace to a uniform of sorts, and it was the intent of this bill to help coerce or make them be better dressed and better watchmen, better security guards. I may be in error in pushing passage of the bill, but I hope that you will vote to pass it, and the second part of the bill, of course, deals with private investigators, and once again the Commissioner of Public Safety has the authority to set rules and regulations for them, and we did set forth certain requirements as to being residents of the state, citizens of the United States, and things of that nature. I think there is a need for some kind of a law. Maybe this is not a good one, maybe the Special Session, the next Session, is the better time to pass it. I do not know, but a lot of work went into it. I was not on the study that studied this. It was in the previous session of Legal Affairs, and some of the gentlemen like Don Burns put a great many hours into this, and we think that it is a good bill.

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

Mr. CONLEY: Mr. President and Members of the Senate: I think perhaps that is one of our greatest problems that we have, not only in dealing with private security guards, but we have problems with the Marines, and we have the problem with the State Police, and we have the problem with our local police, who think that the uniforms we put out are very fine looking. In fact, we have members of our National Guard in the Senate who think that the uniforms are nice.

However, this is one of the reasons though, as actually the good Senator from Cumberland, Senator Hewes, has stated, that probably trying to dress them up, may clean them up, but it does not give them any real common sense in a sense. That does not come with the law. I think that it is a training program that is needed to make sure that people's lives such as what could have happened last Saturday afternoon in South Portland, we can just count our blessings that no one was seriously injured.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I would hope that you would oppose the motion to indefinitely postpone this bill. As a member of the Legal Affairs Committee, I know of the amount of work that went into this particular bill.

I do think that it is needed, and I think that the Senator from Cumberland, Senator Conley's opening remarks about the particular incident in South Portland, are well taken; however, I would just point out to you that the whole incident in South Portland, from the newspaper accounts I would say that the watch guards reacted correctly. If they are charged with a specific duty, and they are fired upon, which the newspaper accounts indicate that they were, and they did return the fire, and the suspect is now in custody, I would hope that you would not allow this particular nasty, gory, if you will, incident to prejudice you in terms of this bill, because these people apparently did re-act with some discretion, and did re-act properly, and this really is not what we are talking about with this bill. If you will look at the bill, it specifically says that the Commissioner of Public Safety, the Chief of State Police, if you will, will make the rules and regulations governing the actual persons that are hired by these agencies. So, I do not think that it is quite as bad a bill my good colleague, the Senator from Cumberland, Senator Conley, feels that it is, and I would hope that you would vote against indefinitely postponing it.

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

Mr. CONLEY: Mr. President, first, there was no motion to indefinitely postpone. Secondly, I would like to state that I would not let this bill become enacted without echoing my concerns for the safety of people. I think that one of the best reasons or the best things that we can do is to insure that the individuals that are going to be carrying these guns and exercising these duties are given psychiatric exams, are put through a good training course in dealing with what they are going to be dealing with. Those are the concerns that I have, and too many times legislation such as this, a 17 page document, is just swept right through both Houses without one word being uttered, and the only word that I can recall that was uttered on this was when the bonding provision was left out of the bill, had been taken out of the bill, and nothing relative to the other 17 pages, which is a tremendous amount of power and duties that are given.

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

Reconsidered Matter

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

Mr. CONLEY: Mr. President, with reference to "An Act Relating to the Adoption Procedures for Children who are not Related to Adopting Parents" (H. P. 416) (L. D. 523), "An Act Concerning Penalties for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs" (H. P. 1362) (L. D. 1667), and "An Act to Establish the Fair Credit Reporting Act" (H. P. 1262) (L. D. 1526) I now move that the Senate reconsider its action whereby these Bills were passed to be enacted, and urge the Senate to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby L. D. 523, L. D. 1667 and L. D. 1526 were passed to be enacted.

A viva-voce vote being had,

The motion to reconsider does not prevail.

Emergency

"An Act to Increase the Salaries of the

Judiciary." (H. P. 310) (L. D. 401)

Comes from the House, Indefinitely Postponed.

On motion of Mr. Speers of Kennebec, Tabled.

Emergency

"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)

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

Emergency

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

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

Emergency

"An Act to Require Filing and Authority for Subsequent Disapproval of All nongroup Rates Utilized by Health Insurance Companies and Non-profit Hospital and Medical Service Organizations." (H. P. 1539) (L. D. 1769)

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

Bond Issue

"An Act to Appropriate Money for Improvements to Airports and to Authorize General Fund Bond Issues in the Amount of \$1,800,000." (H. P. 1409) (L. D. 1684)

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

Constitutional Amendment

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)

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

Papers from the House

Non-concurrent Matter

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

In the House June 30, 1977 Passed to be Enacted.

In the Senate June 30, 1977 Indefinitely Postponed.

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

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

Mr. TROTZKY: Mr. President, I move that the Senate Adhere.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves that the Senate Adhere.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I am sure that many of you, if not all of you, remember this bill. Even when the good Senator from Hancock, and myself joined forces, we were unable to overcome the strength of the Senator from Kennebec, Senator Katz, but with persistence we were able to resurrect this measure, only again to see it go under the tide of influences of people in this body who have a first hand knowledge of the many aspects of fact finding.

Mr. President, I also understand that a number of my colleagues are fact finders, and this is where they gained their first hand knowledge. Now, I do not know how many of them, or if any of them would be affected by this bill; but since I am concerned with their welfare, as well as the welfare of the individuals who would seek fact finding, and I have been told that we lack a quorum if I raised this issue, I would hope that the President would be kind of fast with the gavel, and we could send this bill to its demise.

The Senate voted to adhere.

Enactors

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

"An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas." (H. P. 1385) (L. D. 1573)

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

Mr. O'LEARY: Mr. President, I move that we recede from our action whereby this Bill was Passed to be Engrossed, and I would like to speak briefly to my motion.

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

Mr. SPEERS: Mr. President, a point of order, is this bill up for enactment at the present time?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the same Senator.

Mr. SPEERS: Mr. President, are we out of concurrence with the House?

The PRESIDENT: The Chair would answer the Senator that this bill has been enacted in the House.

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

Mr. O'LEARY: Mr. President, I move that we suspend the rules.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that the Senate suspend the rules. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Trozky.

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

The PRESIDENT: A Division has been requested.

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

Mr. O'LEARY: Mr. President, a parliamentary inquiry.

The PRESIDENT: The Senator may state his inquiry.

Mr. O'LEARY: Mr. President, is it possible to debate this issue at this present time?

The PRESIDENT: The Chair would answer in the negative, the suspension of the rules is not debatable.

A Division has been requested.

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

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

Mr. O'LEARY: Mr. President, I request leave of the Senate to withdraw my motion to suspend the rules.

The PRESIDENT: The Senator from Oxford, Senator O'Leary requests leave of the Senate to withdraw his motion to suspend the rules. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the same Senator.

Mr. O'LEARY: Now, Mr. President, I can address the Senate as to why I would suspend the rules.

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the same Senator.

Mr. O'LEARY: Mr. President, I still have a

certain amount of concern over this piece of legislation, and what I would like to do is not change the intent of what this bill is going to do, however; I would like the opportunity to amend out one section of the bill that bothers very much, and I think that with the help of the good Senator from Cumberland, Senator Morrell, we can address the problem that he has with it, and I think that if the Senate would vote to suspend its rules, then I think we could take care of these problems very easily.

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

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

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that L. D. 1573 be tabled until later in Today's Session.

The Chair recognizes the Senator from Penobscot, Senator Trozky.

Mr. TROTZKY: Mr. President, I request a division.

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

Will all those Senators in favor of Tabling L. D. 1573 until later in Today's Session, please rise in their places to be counted.

Will all those Senators opposed to Tabling L. D. 1573 until later in Today's Session, please rise in their places to be counted.

14 Senators having voted in the affirmative, and 15 Senators in the negative, the motion to Table until later in Today's Session does not prevail.

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

Mr. O'LEARY: Mr. President, with much trepidation, I move the indefinite postponement of this bill and all of its accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that L. D. 1573 be indefinitely postponed.

The Chair will order a Division.

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, please rise in their places to be counted.

The Chair recognizes the Senator from Penobscot, Senator Pray.

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

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that this be tabled until later in Today's Session.

The Chair recognizes the Senator from Penobscot, Senator Trozky.

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

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

Will all those Senators in favor of tabling this item until later in Today's Session, please rise in their places to be counted.

Will all those Senators opposed to tabling this item until later in Today's Session, please rise in their places to be counted.

14 Senators having voted in the affirmative, and 16 Senators in the negative, the motion to table later does not prevail.

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

Mr. O'LEARY: Mr. President, there is one section of this bill that really bothers me. It is on Page 3, and I would like anyone here who is a lawyer to give me an interpretation of what this last sentence really does to those who want to convert. It says "in the event of a malfunction, the owner of the converted seasonal dwelling

shall repair or replace the existing sewage system so as to bring the system into substantial compliance with the Maine State Plumbing Code." That is acceptable for me to that point, but then it says, "and insure that the system will not endanger the quality of adjacent water bodies or the adjacent private water supplies." My problem is with the word insure, so will somebody that has the knowledge of law please tell me just what this is going to do to our laws, and how anyone can be in compliance and to put in a sewage septic system.

The PRESIDENT: The Senator from Oxford, Senator O'Leary has posed a question through the Chair to any Senator who cares to answer.

The Chair recognizes the Senator from Penobscot, Senator Trozky.

Mr. TROTZKY: Mr. President and Members of the Senate: This is the last section of the bill which has to do with variances, and this allows for a little bit of flexibility for the local plumbing inspector, and I think that it really means to reasonably insure that the system will not endanger the quality of the adjacent waters. I think that in most of our laws the word is understood as to reasonably insure this.

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

Mr. O'LEARY: Mr. President, I am not a lawyer, and I cannot read anything into the law that is not there. The way that I interpret this right here, it says "and insure," is to say to guarantee, so that is my problem with this bill.

I just wish that you would do one of two things, either table this bill and let me get an Amendment to get that section of it out, or kill it, one or the other. I do not have any hang-up on this bill after this, but this is really the crux of my real concern on this bill. I believe, honestly, that the word insure means guarantee.

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

Mr. COLLINS: Mr. President, when the time comes when the court has to decide what the word insure means here, what we are saying right now will have a great deal to do with that interpretation. If I were trying to construe it, I would say that it means to present a reasonable amount of evidence. I think that is all that can be expected of any Plumbing Inspector. He has to use his special training and knowledge and look at the material that is available. This may mean a soil evaluation by a competent engineer or soil scientist or geologist, and this material will have to be presented to the appropriate official for that locality, and if that official thinks that that evidence is reasonably satisfactory to show that there is not going to be pollution, then things will go ahead.

I do not think that the word insure in this context means a guarantee.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, there are few measures that I have seen in my three years of legislature that I am so sick and tired of as L. D. 1573, and I could ask a series of questions through the Chair to a series of Senators, and I doubt that many of us would really know what we are doing.

I just want to read you one statement that maybe sums up my interpretation of that statement, and maybe sums up my feelings about this bill. "For the purpose of this Sub-section, conversion of a seasonal dwelling to a year-round dwelling means the installation of sufficient insulation, heating systems for year-round water supply, to make the dwelling suitable for year-round habitation." Once again the great father in Augusta is sitting here about to enact a law to protect the poor people of the State of Maine from themselves. Nobody in all of the deliberation on this bill, and I know there has been lots, and I know you are all sick and tired about hearing about it, but nobody has

given me evidence of any great overriding need for this piece of legislation, and I will vote to indefinitely postpone it today, as much as I dearly love the sponsors of this bill, because I do not think that it is needed. I do not think that we need another instance of Augusta protecting us from ourselves, which we are very good at down here. We have done it many times this session, and I just want you all to remember come about the first of October when this thing goes into affect, and starts to affect a whole lot of your constituents, especially any of you who happen to represent any rural areas. That is why I am glad that we are going to have a roll call so that everybody will be properly recorded, and I just hope that you will vote to indefinitely postpone what I consider to be a very mixed up, very confusing, very unnecessary piece of legislation. Thank you.

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

Mr. MERRILL: Mr. President, I would just like to say for the record that it would certainly be my feeling, as someone who has supported this bill, that in most instances evidence that one was in compliance with the Maine State Plumbing Code would be sufficient evidence of the fact that the system would not endanger the quality of an adjacent private water supply, that being one of the purposes of the Plumbing Code in this regard.

Secondly, let me say that there is probably no matter where there is greater amount of law in the State of Maine than the matter of one man's use of water as it affects his neighbors rights. I do not want anybody to be led to believe by the previous speaker that what we are doing here is anything new. As a matter of fact, if you pull out case law in the State of Maine all through the 19th Century, and you opened any case, there is a better chance than anything else that you will be reading a case that has to do with one person's water rights as opposed to the person who is down stream or whatever. So this is an age old problem of land use management, and as it applies to one person on a body of water and his rights as they affect another, and we are not trying to protect anybody from themselves in this bill. It may or may not be a bill that is needed. That is certainly something that the Senate can vote on, but the people who live around a lake and all the people in the State of Maine have rights in that lake, and what we are involved in here is an attempt to balance interest.

Now certainly the Senator from Aroostook, Senator Carpenter, and others can believe that we are balancing the interest too much on the side of general interest versus the private concerns, but this is a very traditional problem that man has faced, especially in the State of Maine where we are blessed with so many bodies of water, and the opportunities that they provide us, and it is not going to go away if we defeat this bill, and we are certainly going to have to deal with these sorts of problems for a long time to come. So, there is nothing new, there is nothing unique, it is just one more step in a long progression of one neighbor's activities encroaching on another. You know, the old definition of when your right to swing stops is when it meets your neighbors chin, and the sponsors of this bill think that some people's use of the land in regard to the use of waste disposal has gotten to that point. If you believe so, you ought to vote for it. If you do not, you ought to vote against it, and I am completely certain, that there are going to be people who will be disadvantaged. All I can say is that this bill has been put in about as good a shape, I think, as it can be, to take a step in that direction, and still leave as much flexibility for the individual owners as possible. So if you think there is a problem, I think you ought to vote for the bill. If you do not, I think that you ought to vote against it.

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

Mr. FARLEY: Mr. President and Members of the Senate: I would concur with the remarks of the good Senator from Aroostook, Senator Carpenter, whose history on this particular piece of legislation has started off by legislation passed locally, putting a moratorium on buildings in a certain area to deal with a certain water supply in a certain section of this state. Now this can be taken care of by a local ordinance. We do not need a piece of legislation here to apply for every lake and pond in the State of Maine, because a few areas of the state that do have problems and are local water supplies. They got themselves into a problem by putting a moratorium on building. Now let them get themselves out of the problem by passing a local ordinance to solve that problem.

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

Mr. PRAY: Mr. President and Members of the Senate: I realize that I have debated this issue to great lengths. I want to read just a short article that I came across in one of the newspapers, and I cut it out, and I am not sure as to which paper it came from, but the title of it is—

If Creation had Required a Permit

In the beginning, God created Heaven and Earth.

He was then faced with a class-action lawsuit for failing to file an environmental impact statement with H.E.P.A. (Heavenly Environmental Protection Agency).

God was granted temporary permit for the Heavenly portion of the project, but was issued a cease and desist order on the Earthly part, pending further investigation by H.E.P.A.

Upon completion of his construction permit application and environmental impact statement, God appeared before the H.E.P.A. Council to answer questions.

When asked why he began these projects in the first place, he simply replied that he liked to create.

This was considered inadequate reasoning and he was told to substantiate this. H.E.P.A. was unable to see any practical use for Earth since the Earth was void and empty and darkness was upon the face of the deep. . . then God said, "Let there be light."

He should never have brought up this point, since one member of the council was active in the Sierra Angel Club and immediately protested, asking, "How was the light to be made? Would there be strip mining? What about thermal pollution? Air pollution?"

God ordained the light would come from a huge ball of fire.

Nobody on the Council really understood this — but, it was provisionally accepted, assuming: (1) there would be no smog or smoke resulting from a ball of fire, (2) a separate burning permit would be required, and (3) since a continuous light would be a waste of energy, it should be dark at least one-half of the time.

So God agreed to divide light and darkness and He would call the light "day" and the darkness "night!"

It appeared everything was in order — until God stated He wanted to complete the project in six days.

He was advised that His timing was completely out of the question. H.E.P.A. would require a minimum of 180 days to review the application and the environmental impact statement. Then there would be the public hearings, the water would have to be tested that would be used, and the soil would also have to be tested, and so on and so on.

It would take 10 to 12 months before a permit could be granted.

To all of this, God said: To Heck with It. Well, God did not have to go through this, what we are putting man through, and God did a pretty good job in the State of Maine. We have

22,000 square miles of water. We have 2,500 lakes, and we have over 5,000 streams, and the other day when this issue was addressed I asked if it also related to unorganized territories, and the Senator from Penobscot, Senator Trotzky, who is Chairman of the Natural Resources Committee, kept repeating the section of law which is referred to in the Bill, and as I read at that time, it relates to every inland body of water.

As I see this piece of legislation, if an individual presently had water in his camp, and wanted to insulate it and put a stove into it, he would have to get a permit. He would have to have his soil tested. It does not make a difference where the facilities are. Those could already be constructed. They could be a 150 feet back from the water, but that has nothing to do with the fact that the individual is only going to put a stove and insulate it.

Now I understand the problem that individuals in high populated areas are faced with, and I understand their attempts to get at that problem, but I do not think that this legislation is the proper tool, and it is not in the proper position, or properly written at this time to do exactly what the sponsors want.

So I am going to support the motion made by my good seatmate, the Senator from Oxford, Senator O'Leary, and I would hope that the Members of this body would follow suit.

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

Mr. TROTZKY: Mr. President and Members of the Senate: Senator Pray had two objections to the bill, and one, yes, it applies to the unorganized territories, and the LURC territories, and I have a memorandum from Don Hoxie, the Director of the Division of Health Engineering, in which he states that it is not his belief that it applies to the territories under LURC, and also he checked with one of the Assistant Attorney Generals, who is of the same opinion.

We also put an Amendment on the bill to satisfy the Senator from Penobscot, Senator Pray, that stated that if a person does not occupy the camp on a year-round basis, or it is not the principal dwelling of the occupant, he does not have to get that permit, and that should satisfy the snowmobiler who wants to winterize a camp for use, let us say, during part of the time during the winter.

This bill, in my opinion, is the most important environmental law coming before this Senate this session. It is a very simple bill. All it states is that if people want to move in to a camp which has been used only on a seasonal basis, and want to use it year-round, they either have to be in compliance with the Plumbing Code or they have to have a site evaluation done to show that if the system fails, they will be able to build a system which will not pollute the lakes, the waters of the State.

So I hope that the Senate would enact this bill.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that L. D. 1573 be indefinitely postponed.

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

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

The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that L. D. 1573 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 — Carpenter, Chapman, Danton,

Farley, Greeley, Hichens, Levine, Lovell, Martin, McNally, Minkowsky, O'Leary, Pray, Redmond, Snowe, Wyman.

NAY — Collins, D.; Collins, S.; Conley, Cummings, Curtis, Hewes, Huber, Katz, Merrill, Morrell, Pierce, Speers, Trotzky, Usher.

ABSENT — Jackson, Mangan.

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

Mr. SPEERS: Mr. President, I wish to change my vote from no to yes.

The PRESIDENT: The Senator from Kennebec, Senator Speers, changes his vote from nay to yea.

17 Senators having voted in the affirmative, and 13 Senators in the negative, the motion to indefinitely postpone does prevail.

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

Mr. SPEERS: Mr. President, I move that the Senate reconsider its action whereby this bill was indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Speers having voted on the prevailing side, now moves that the Senate reconsider its action whereby this bill was indefinitely postponed.

On motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, Pending the motion to reconsider.

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

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, prior to this particular L. D. going on the Appropriations Table, I just want to make a couple of comments. This is the Lifeline Bill for senior citizens. We know that it is going to the Appropriations Table for a price tag of \$750,000.00. I suspect that we will see it back again, and I just would hope that the members of this body within their own hearts ask themselves whether they wish this bill to be enacted so that we may provide some relief to our senior citizens, and that I would hope that when it does come back off the table, either in enacted form, if the money is available, or if it comes back off the table lacking of funds, I would assume that there would be a move made to amend the bill back to a previous stage, and I would hope that in searching your heart in the next day or two, that you could find it in your heart to feel that the low income senior citizens of this state deserve this type of assistance, and that we could amend the bill perhaps at a later date. Thank you.

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

Papers from the House Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses. (S. P. 366) (L. D. 1227)

In the Senate June 28, 1977 Passed to be Engrossed as amended by House Amendment "B" (H-817) as amended by Senate Amendment "A" (H-332) thereto, in non-concurrence.

In the House June 30, 1977 Passed to be Engrossed as amended by House Amendment "C" (H-884) in non-concurrence.

In the Senate July 6, 1977, Senate Insisted.

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

On motion of Mr. Collins of Aroostook, The Senate voted to Insist and Join in a Committee of Conference.

Non-concurrent Matter

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)

In the Senate June 30, 1977 Passed to be Engrossed.

In the House July 6, 1977 Passed to be Engrossed as amended by House Amendment "A" (H-888) in non-concurrence.

On motion of Mrs. Snowe of Androscoggin, The Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the Senate June 29, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-688) as amended by House Amendment "A" (H-850) thereto, in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" and "B" (H-885) and "C" (H-889) thereto, in non-concurrence.

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

Mr. KATZ: Mr. President, the Senate will remember that the Legislature thought that it would be a good idea to limit the number of absentee ballots any one worker could carry around in his back pocket during an election, and we succeeded admirably in doing that to 40.

I move that the Senate Recede and Concur with the House, and thereby adopt another Amendment which says that these absentee ballots which these zealous workers have taken from the City Clerk must be returned prior to the final hour of the election.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate Recede and Concur with the House. Is it the pleasure of the Senate? It is a vote.

Committee Reports House

The Committee on Judiciary on, Bill, "An Act to Establish the Maine Juvenile Code." (H. P. 1244) (L. D. 1581)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1794) (L. D. 1894)

Comes from the House, Recommended to the Committee on Judiciary.

Which was Read.

On motion of Mr. Collins of Knox, Ought to Pass in New Draft Report Accepted, in non-concurrence.

The Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Communication House of Representatives

July 6, 1977

The Honorable May M. Ross

Secretary of the Senate

108th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

House Paper 1662, Legislative Document 1858, An Act to Promote the Sale of More Hunting Licenses to Nonresidents Hunting Deer or Bear, 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?'

Forty-five voted in favor and ninety-two against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Signed:

Respectfully,

EDWIN H. PERT

Clerk of the House
Which was Read and Ordered Placed on File.

Enactors

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

Emergency

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

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

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

Mr. SPEERS: Mr. President, I move that all items acted upon at this point be sent forthwith to the House.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate suspend its rules and send forthwith to the House all items acted upon previously this afternoon. Is it the pleasure of the Senate? It is a vote.

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

(Recess)

After Recess

Senate called to order by the President.

Orders of the Day

The President laid before the Senate: Bill, "An Act to Amend the Child Abuse and Neglect Laws." (S. P. 337) (L. D. 1122)

Tabled — Earlier in the Day by Senator Snowe of Androscoggin

Pending — Consideration

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

Mrs. SNOWE: Mr. President, I move that we recede from passage to be engrossed.

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

The Chair recognizes the same Senator.

Mrs. SNOWE: Mr. President, I now move that we recede from adoption of Committee Amendment "A"

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

The Chair recognizes the same Senator.

Mrs. SNOWE: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" (S-368) and move its adoption.

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

Senate Amendment "A" Read and Adopted.

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

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.

The President laid before the Senate:

Senate Report — from the Committee on Appropriations and Financial Affairs pursuant to Joint Order (S. P. 553) — Bill, "An Act Making Additional Appropriations for the Expenditures of State Government, to Make Allocations from the Highway Fund, Title II of the Public Works Act, and Changing Certain Provisions of the Law Necessary to the Proper Operations of

State Government for the Fiscal Years Ending June 30, 1978 and June 30, 1979." — Ought to Pass (S. P. 588) (L. D. 1895)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Acceptance of Report Ought to Pass Report Accepted.

The Bill Read Once. Under Suspension of the Rules, the Bill Read a Second Time.

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

Mr. KATZ: Mr. President, I offer Senate Amendment "A" (S-366) and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now offers Senate Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read.

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

Mr. KATZ: Mr. President and Members of the Senate: Although this is a Part II Budget, the Section of the bill which I seek to strike out is not an appropriation measure, although it will and can have some financial implications for the State of Maine, but if it does have financial implications, they are at least seven to eight years down the road.

The subject at hand is the question of what do we do about those Maine youngsters who we send away to medical school, and dental school. There was a bill in before the Legislature this session which was sent to the Committee on Education covering the same subject. The Committee on Education held a Public Hearing as was appropriate. We had working sessions, we discussed it. We agonized over it, and put out a bill which this legislature has adopted and has enacted into law. The effect of this section of the Appropriations Bill completely repeals that which we did earlier in the session. It runs completely contrary to the policy laid down by the Legislature in the adoption of the previous bill, and I am in the unique and very awkward situation today of, for the first time, attempting to amend an Appropriations Bill. I have been instructed by the full membership of the Education Committee to make this presentation to you, and ask that this be struck from the bill.

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

Mr. HUBER: Mr. President, I rise to oppose adoption of Senate Amendment "A" which will strike Section L as offered by the Senator from Kennebec, Senator Katz.

The Appropriation Committee feels strongly that this is an Appropriations matter. We have an ever-growing program in these grants, and we feel that we have got to get this under control and under control now. As the Senator from Kennebec, Senator Katz, has related, the ultimate appropriations, in effect, will be delayed, as the repayment schedule would be effective only for the entering students and not the students already in place.

We do feel that this is an Appropriations matter. It is a program which has to come under control, and I hope that the Senate will reject this Amendment.

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

Mr. CURTIS: Mr. President, in matters of students in situations like this attending medical school or dental school and so forth, we have been very careful not to affect their plans as they presently exist, and have usually made any changes in the law prospective.

I would like to make inquiry as to whether or not the students, for example, at least one of my constituents, who relied upon the previous action of this Legislature in making their determination of where to apply and attend school beginning in September, whether or not they would be affected by the change in the Part II Appropriations Bill.

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

Mr. KATZ: Mr. President, unfortunately, the Section L in the Appropriations Bill is effective with the students who enter medical school in September. They have all been depending upon the contractual relationship as was enacted by this Legislature earlier in the session to make their plans. From that point of view, it is an untimely change in the law.

I think that perhaps for just a moment I would like to go into the substance of the change. The Education Committee has agonized rather carefully how do you control the program and still create an incentive for these Maine youngsters to come back to Maine to practice. The procedure we followed was to make them repay all of their obligations to the State if they chose voluntarily to practice outside of the State of Maine, but if they chose to come back to the State of Maine, we put a forgiveness clause in one year for each year that they return to practice.

Getting down to the substance of the Appropriations approach, although that really is not the basis I am asking your support today, the Appropriations Committee approach is to charge them the full amount if they choose to practice elsewhere in the United States, but if they come back to the State of Maine forgive them only 20 percent of their obligation. In other words, they will have 80 percent of all the money that the State has laid out for them. I feel very strongly that this is not an incentive to get them back.

You must remember that these youngsters are not just paying tuition, we are not just talking about their tuition. We are talking about the capitation, or the amount of money that the State is putting out just to buy the space. A youngster who goes to the finest medical school in the United States will not pay in total nearly as much as the Maine kid who is going on the contract program. I do not have the figures in my hand, but we are talking about \$12,000.00 a year, and it does not cost \$12,000.00 a year to go to the Yale or Harvard Medical School, so we are heavily penalizing our youngsters at the same time we are asking them to come home. But it is the time limits they ask.

I feel that this is an issue that we have been dealing with every session, and there is no question that next year we are going to be dealing with it again, and hopefully make some changes because every year we get new information about where we need the doctors and where we need the dentists, but I ask your support primarily because one Policy Committee has already acted this session, after going through all the procedures, the same procedures that Health and Institutional goes through or any other substantive committee, and here on the Appropriations Bill, what we have done is completely repealed by a Committee sitting on the Appropriation matter.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would just like to make sure that the issue is clear before we vote on it. The change in the procedure would affect those who are beginning medical school this year and those who follow. Those who are in the pipeline, so to speak, at the present time, would go ahead on the previous system.

I might also say that this language shows up in the bill. I suppose as a compromise on the part of different members of the Appropriations Committee, some of whom wanted us to make a great effort in this bill to increase the number of slots available at Vermont and at Tufts, and people from Vermont and Tufts and people from the medical community here in Maine came to the Appropriations Committee and we took time to meet with them, took one meeting and set it aside completely to deal with this subject matter, and there was a great deal of hotly contested discussions on both sides of the issue, and what you see here, I think, is a

major commitment on the part of the Appropriations Committee and, if enacted, on the part of the Legislature, to get more slots, and we were given assurances by members of the medical community here in the State that the medical community would provide some more money for the slots, and we will be in a position, if this bill passes, with this compromise worked out, for more young people, who now have conditional acceptances to medical school, to be able to go, and we will be in a position where half of the Maine students who apply to Vermont and to Tufts will be accepted, and will be able to go if we pass this compromise.

You do not always prevail on exactly what you want on a Committee, but I think if our major concern here is to treat fairly those students who are going to start medical school this year. I think that if we pass this bill in its present form, there will be some medical students that will be very, very happy as a result of the steps taken by the Appropriations Committee in this matter.

Now certainly there are merits on both sides of the argument as far as the forgiveness program for students who return to Maine. I have always been in favor of a program like that, and that is the approach that I tried to get the Legislature to take when we were discussing the medical school, and I certainly would be misleading you if I did not suggest that it was today, but most people who talk about this matter, including the people who came before us on the Appropriations Committee, say that the major factors are not this economic forgiveness, but other factors, including whether or not there are teaching hospitals back here, and whether or not people are doing internships back here. Tufts is making a great effort in that regard, and we certainly want to encourage Tufts as much as we could and to provide them with the funds for more students where it is possible. So what you see in this case, I think, is a compromise of those interests, some of which did not want to see us put any more money in, many of us who wanted to put more money in in an attempt to say, well, we will put the money in, but they will have to pay it back. Let us make no mistake. The money that we invest, although we are very happy to pay for the people who would like to be doctors and pursue a career in medicine is really invested because those of us here in Maine are concerned about the health care that is provided our people and want to see more doctors. The approach that we have taken, I think, will maximize the number of people that we are able to train to practice medicine back here in the State.

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

Mr. MORRELL: Mr. President and Members of the Senate: I appreciate the comments of the good Senator from Kennebec, Senator Katz. I certainly appreciate the feelings of his Committee relative to this program.

However, I would remind the Senate that the program is no small item. The total commitment suggested for 1977-78 is in the area of \$987,000.00, and for the following year of \$1,177,000.00, and it seems to us very appropriate that the Appropriations Committee show some real concern. My personal concern would be that the very size of this program could well be its undoing down the road if we did not show some sensitivity now as to how to return some of those funds over a period of time. I think as the Senator from Cumberland has indicated, the prime reason that a doctor comes back to his home state, or ends up in any particular location, is the reason that he has interned in these particular spots, and we have been assured by a number of different sources that making the change that we suggest to you in this Part II Budget will not affect the number of Doctors coming back.

So I would urge you to defeat the Amendment as suggested by the Senator from Kennebec.

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

Mr. PIERCE: Mr. President and Members of the Senate: I, too, can appreciate the problem which the Appropriations Committee had to grapple with, because it is a large one. It is one which I have been involved with very closely for well over a year, and you remember when we had the original bill which came through here, there was a great argument on whether or not we should include optometrists, along with the doctors, dentists and the veterinarians, and those who felt that we should or we should not, it was not because we did not want to, it was because we were afraid that there were not enough funds available, and the truth of the matter is, although we fund programs for doctors, for dentists, and for veterinarians and now in Part II for the optometrists, we had the podiatrists ask us, but what we really do not have is a real good handle on exactly what the medical care and what the medical facilities, what we need here in Maine. However, I think that we are very close, and we are on the verge of getting the best handle we have had in a long time on that. Medical care development, along with the University of Maine, the Department of Education, are presently undergoing some very good studies on what we need and these will be available, we expect, prior to the Special Session, just a few short months away.

So I, too, would question the timeliness of this Amendment. This has nothing to do with the number of students, because while I can appreciate the Appropriations Committee concern about how many people are getting involved here I share their concern. Maybe the program is getting too big, maybe it is getting out of hand, but I think that we are going to have the answers to those questions within a very short period of time, within the next few months, so that in the Special Session we can address the question with much more information at hand, because I really think it does not do us any good to put 10 doctors through, or 20 doctors through or 40 doctors through this program, if they are all going to Beverly Hills or Boston and practice. What are we funding that for is the State of Maine. The real incentive and what we have got to find is how much of an incentive is this forgiveness program, and it does involve a lot of money. I think it is quite an incentive, but certainly, if you are going to forgive 10 or 20 percent of it, obviously they are not going to come back, and I think that it is a question of timeliness, and if we could just wait those few short months when we have some, I think, much harder information it would make more sense, and if this is the answer, then we could address that in the Special Session.

So I would support the Amendment.

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

Mr. CONLEY: Mr. President, I would like to pose a question through the Chair to any member of the Appropriations Committee, relative to this particular section, and I would like to know if it was an L. D. or whether or not the Appropriations Committee just took it upon themselves to institute this language.

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President, in this document we do provide in Section "A" four additional students as an expansion of this program. Because of the expansion of the program to a total of 18 students from the 12 students provided in Part I each year, we did feel that this limitation or the repayment principle should be instituted with the expanded program.

The PRESIDENT: The pending question before the Senate is the Adoption of Senate Amendment "A".

The Chair will order a Division.

Will all those Senators in favor of adopting Senate Amendment "A", please rise in their places to be counted.

Will all those Senators opposed to adopting Senate Amendment "A" please rise in their places to be counted.

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

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

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

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I want to phrase the question that perplexes me a little more clearly than I did. I am not going to try to appeal to your reason as to which was the better approach, the approach that was arrived at after a bill was submitted, a public hearing was held after the legislation was enacted by the Legislature, signed by the presiding officers of both bodies, and signed by the Governor, or the language on the Appropriation Bill.

If the committee process is to have any integrity at all, it seems to me that the policy making committee should make the policy. Now were the Appropriations Committee to come in and completely cut down on the number of spaces and reduce the appropriation, I would say that is an appropriate action for the Appropriations Committee to do. But to come in and completely second guess the committee which has been appointed to have this responsibility, I say makes me very nervous about the future of the committee system.

Now if the Appropriations Committee is concerned about the size of the program, I would certainly support an Amendment to cut the appropriation, but I would ask you as you vote on this roll call to concentrate more properly on the procedure that is being followed, on the one hand an L. D. with a public hearing and the whole weight of going back and through the gamut of the whole legislative process, and on the other hand some language in the Appropriations Bill which completely negates everything that we have done up to now.

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

Mr. CURTIS: Mr. President, after listening to the debate and the answers that were provided to my question, I am going to vote for the Amendment, and the reason primarily is because I hate to see this Legislature reverse in one month what it had accomplished the previous month, and in particular I know of some students who have relied upon the legislation which we enacted just recently, in making their plans and their decisions as to what to do in September, and it appears to me that we may be about to change the rules on them once they have relied upon our efforts, and I think in good faith we ought to be consistent, at least, for a few months.

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

Mr. MERRILL: Mr. President and Members of the Senate: I think that the previous speakers, especially the Senator from Kennebec, Senator Katz, makes a very impassioned appeal for the Education Committee, and I certainly recognize it and we have made special efforts on the Appropriations Committee, I think, more than in the past to try to deal with the committees, the policy making committees, and try to get their input on bills. Several times we have even asked other committees to become involved before we have gone on, so I want to make it clear that we are not in a position

where we are trying to second guess every other committee in the Legislature.

But there comes a time when you face the problem with major expansion of a financial question, where people have concerns about that expansion and people want to identify what the state interest is and what the state interest is in spending the money, and there were people who were tentatively admitted to medical school, and the question before the Appropriations Committee was, should we come up with the extra money to make it possible. That raised the question as to why we are spending the public's money for these programs, what is the states interest, and I think that the decision that was made by the people who had the responsibility to make the decision about the money was to define the state interest maybe a little bit more narrowly than Senator from Kennebec, Senator Katz, would suggest, but I think this is not a case of over-reaching on the part of the Appropriations Committee. It is a case of the fact that there are legitimate overlaps in the functions that we ask the different committees to perform, and what you see here for language that would be removed by this Amendment is the result of an effort to increase the size of this program and to make it possible for these students, a lot of these students to go to medical school.

I might say that the Dean of Vermont Medical School, when he was before our committee, spoke to us about the Maine students that are presently at Vermont, and he said that those students were unique in their desire, certainly not universal, but their desire and the number of them that desired to return to the State of Maine. So I think that this is a good program, and I think that if we get these Maine students into medical school, and we get the slots for them, and put our money up front, and also I might point out that there is not only the 20 percent forgiveness provisions, but there is the forgiveness of all interest which is a considerable piece of generosity on the part of the people of Maine, that we do not have to be ashamed of the job that we are doing, and I am sure that if you talk to those medical students who are the people who will be able to go to medical schools as the result of this, if it holds together, they will see it as a very generous step indeed.

Now we are talking about people that through the generosity of the State of Maine, whether they come back to Maine or not, will earn considerable incomes in their lifetime, and I certainly do not want to deny them that. It is good that they will be able to, but I just want to make a point that the people of Maine who are funding this program, who are asking to fund this program at a greatly increased level, are people who are doing so for the most part out of incomes that are much, much smaller than the people who are going to have to be paying these monies back, this increase to 80 percent.

So I would hope that the Senate would recognize that there are two hands in this process, and I think that on the whole, if we got all the students together who had applications to Tufts and to Vermont, and we raised Senator Curtis' concern, on the one hand, and then raised what we were able to do with the compromise that we made in the Committee on the other, I think they would urge Senator Curtis to change his mind.

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

Mr. CONLEY: Mr. President and Members of the Senate: I know that during the time that the Appropriations Committee has met, and I do not envy their job, since last January, but the Appropriations Committee did adopt a new policy of having three members from the other Joint Standing Committees present on various L. D.'s, and I guess the thing that disturbs me more so than anything on this particular section of the Part II Budget is that before the ink could

dry on the law that we passed, it has been repealed.

It would just seem to me that in the spirit of fair play that three members of the Education Committee, Joint Standing Committee on Education, should have been consulted, and it is apparent to me at least at this time, that no member of the Education Committee had any knowledge of this being in the Part II Budget until it was printed.

The PRESIDENT: The pending question before the Senate is the Adoption of Senate Amendment "A" to L. D. 1895.

A yes vote will be in favor of adopting Senate Amendment "A". A nay vote will be opposed. The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA — Conley, Curtis, Danton, Farley, Hewes, Hichens, Katz, Pierce, Redmond, Speers, Trozky.

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Cummings, Greeley, Huber, Levine, Lovell, Mangan, Martin, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pray, Snowe, Wyman.

ABSENT — Jackson, Usher.

11 Senators having voted in the affirmative, and 19 Senators in the negative, with 2 Senators being absent, Senate Amendment fails of Adoption.

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

Mr. SPEERS: Mr. President, I offer Senate Amendment "B" (S-369) and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Speers now offers Senate Amendment "B" to L. D. 1895 and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: First of all, I want to commend the Appropriations Committee for the work that they have done on Part II of this Budget. I think that they have done a commendable job in presenting a very difficult document to the two branches of the Legislature, and I would support their efforts.

However, I do feel that it may need a little bit of fine tuning here and there, and I offer this Amendment in all seriousness to address a very serious problem in the state. In many ways, it is the same problem that we have just been discussing in the discussion on the previous Amendment, although that I hope that the fate of this particular one will not be the same as that Amendment. What this Amendment attempts to do is to provide for four positions for students to the New England College of Osteopathic Medicine. Many of you may not know that this is a college of medicine which is about to open its doors located at St. Francis College in Biddeford.

I am sure many of you recognize the fact that we did have a very hotly debated and emotional issue before the last session of the Legislature with regards to providing a medical school for the State of Maine, and the issue basically was concerned with the idea that we needed to provide more doctors for the State of Maine, not only in the larger municipalities but more particularly in the rural areas of the State. That need still exists at the present time, and it was that need that gave rise to the proposition that we should have a medical school in the State of Maine, and the only reason that bill failed at the time was because of the cost involved with creating a brand new medical school in the State of Maine.

While all of this was going on, we had a group of individuals who set about to bring about a medical school in the State of Maine, and that medical school is on the verge of existence.

Faculty has been chosen, students have been selected, and that college will open its doors one year from this September. They have requested that the New England states band together and provide for contract student slots in much the same manner in which we provide for student slots in veterinarian colleges, other medical schools, dentistry, and even now optometry in other schools outside of the State of Maine, and what they are asking is that the State of Maine provide at least as much for a school within the borders of this state as they provide for schools outside of our own borders. This is a school in osteopathic medicine, and I could cite you many figures, many statistics, but I would only cite one, and that is that statistics have shown that individuals schooled in osteopathic medicine are more apt to practice their medical profession in rural areas than are those who are schooled in allopathic medicine, and are less apt to go into highly specialized areas of medicine. In other words, it is these individuals who are most apt to provide the family medicine type of practice that we most fervently need in the State of Maine.

This body and the other body passed a bill earlier in the session that would provide for up to ten spots per year for students to go to the New England College of Osteopathic Medicine, and what we are asking by this Amendment is not necessarily the full funding of those ten positions, but at the very least the funding of four positions guaranteed funding not for this coming fiscal year, but for the second year of the biennium. Now the argument will be made that we are coming back here in January, and that the problem can be addressed at that time, but I would point out to the members of this body, that it is very important for this college to know, and to know now, that it at least has the support of the Maine Legislature to provide for contract spots for students who are applying now, and who are awaiting word now as to whether they can make their plans to enter the school in September of 1978.

We talk an awful lot about priorities, and I think that the bill in its present form provides for two new spots for another new program for contract students, those two spots to be in the school of optometry. I do not particularly wish to remove those two spots in that field, but I would point out to the members of this body that if we are talking about priorities, then it is my feeling that we should most assuredly be talking about a higher priority in the field of medicine than perhaps in some of the other fields that have been provided for in the bill as it presently stands.

What we are requesting is four spots to be provided for the New England College of Osteopathic Medicine at a cost of \$7,000.00 per spot, which raises the appropriations in the second year of the biennium by \$28,000.00, and I would hope that this body would go on record in full support of a medical school which has quietly but very effectively come into existence within the State of Maine.

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

Mr. CONLEY: Mr. President and Members of the Senate: I wish to commend the Majority Floor Leader for the position he has taken.

I would also like to call the Senate's attention back several weeks ago, L. D. 502, that sat on the Appropriations Table, and at that time, when it was removed from the table, the moneys for that particular document were removed, and the bill was enacted into law, and prior to the vote being taken on reconsideration of engrossment of this bill, I posed a question through the Chair as to whether or not the money would be put into Part II Budget to fund these positions. Probably the language will not be perfectly clear, but at least it was my understanding that the Appropriations Committee at the time of putting Part II together were to take

this under consideration. I felt, at least as one member of this body, that there was a very positive feeling amongst the Senate that this would be part of the Part II Budget.

I would just like very strongly to get up today to take issue with perhaps a few irregularities, I would call them, that are in the Part II Budget. I know that, as I stated earlier, the good Chairman and the other two members of the Appropriations Committee representing the Senate have done a tremendous job, and certainly have worked extremely hard in trying to put together a package that could come as a compromise. But I would like to also state, just for the record, that a Part II Budget is just not put together. The Presiding Officer of this body, the Presiding Officer of the body at the other end of the hall, that the Leadership that makes up the Legislature, sit down and also reviews what is to be put in or what is to be considered in Part II. Now I can assure this Senate today, whether it was erroneous or whether it was just omitted by error, but I can assure this Senate today, that less than a week ago the Leadership sat down with both the Senate Chairman of Appropriations and the House Chairman of Appropriations, with all members of Leadership present with the exception of one, and I believe that it was pretty much unanimous, it certainly appeared unanimous, I heard no dissenting voices raised, that these positions would be installed in the Part II Budget, and, lo and behold, when the printed document came out on our desk this morning, I heard fury not only because of the fact that these positions were not in the budget, but several other areas that were discussed the other evening were also currently just neglected.

I for one feel that these three positions are very important, and I also feel that and as I know that my good Democratic member of the Appropriations Committee, and we are not always in agreement, but we do take issues on opposite sides on occasion, and I am not sure and perhaps it was negligence on my part that I did not notify him as to the position taken by Leadership with respect to several of these items, but I just assumed that when these things were discussed, and that the vast majority of the Leadership agreed to them or disagreed, that those actions would be considered and more than likely adopted.

I feel that this is one item that is extremely important and should be part of the package. I think that the hospital that has been established in southern Maine looks forward to these slots, and I think not to do it and particularly after a time when the bill was taken from the Appropriations Table and the money is removed was more or less an indication at least in good faith that this was going to be part of the Part II package, and I would hope that the Senate would vote to adopt Senate Amendment "B".

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

Mr. HUBER: Mr. President and Members of the Senate: I would oppose the fine tuning presented by the Senator from Kennebec, Senator Speers, in the form of Senate Amendment "B".

As he stated, the School of Osteopathic Medicine will go into operation in September of 1978, and the Legislature will be back in session in January of 1978. I think at that time we will have a better picture of our revenues. After passage or hope for passage of Part II, we will have a biennial surplus available for other L. D.'s of \$7,847,000.00. There are numerous L. D.'s on the Appropriations Table already. There are many still in the legislative process.

There is also in our budget a reduction from 10 percent in the Governor's Budget to 5 percent in our Part I Budget for educational funding increase in the second year of the biennium. Each 1 percent increase would cost less than \$1.6 million. If we guess that perhaps a more

realistic guess was to what the Legislature may fund when it is required by statute, we consider the educational funding for the second year might be in the neighborhood of 8 percent or \$4.8 million from this biennial surplus. I think after L. D.'s and providing for contingencies such as adjustment in educational funding, collective bargaining, that we are going to face, that we are going to be very close. I think when we do come back in January, we can reconsider the subject and perhaps do even better than the four positions provided in Senate Amendment "B".

As to the Senator from Cumberland, Senator Conley's remarks that there are irregularities in Part II, I simply remind him that I found that most of the time these irregularities are in the eyes of the beholder.

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

Mr. DANTON: Mr. President and Members of the Senate: I think what these four slots are really and truly going to do, we are going to show here in the Senate that we are giving a vote of confidence to St. Francis College. I think this is one reason why they want these four slots to show that we have faith in their school.

It is true that they will not be needed until 1978, but they are planning, they are in the planning stage now. I have been very close to this. My seatmate, the Senator from York, Senator Farley, has been close to it, and this is what we are asking for. We are asking for these four slots to be included now so that this school will know that the State is behind them and for them to make the proper planning.

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

Mr. MERRILL: Mr. President and Members of the Senate: I am in a position on this where I especially want to speak because of the position I am in support of the committees which position is different than the position that I took in the committee. Now that does not trouble me particularly, and it does not trouble me because, as has been stated previously in this debate, this is a matter that can be taken up in the second year, and I am sure that it will be taken up, and I am sure that the prevailing majority on the Appropriations Committee from what I heard when this item was discussed, and it was discussed very vigorously after the Leadership meeting which has been described earlier took place. I am sure that the Appropriations Committee will do as much as it can at that time, and I have a suspicion that that will be more than four slots, and that will give them quite a bit of advance notice, certainly as much advance notice as Tufts and Vermont are having this year as far as the extra positions that we are adding for them.

So I would urge the Senate not to accept this Amendment. There are probably 150 Amendments that could be offered by members of this Senate for programs that are equally deserving. Some of which are the special projects of members of Leadership, and some of which are not special projects of members of Leadership, but let me say as to the subject of the reputed irregularities in this budget. Now I have taken a position as a member of the Appropriations Committee that I am, in a sense, the spokesman for every member of the Senate, people of the State, and have a special obligation to communicate with the members of my caucus, the 12 apostles here in the Senate. We are a small group, and it seems to me that the least we could have as an advantage to what is usually disadvantages, that we could have several chances to discuss this in detail. I have discussed the Part II Budget with members of the caucus previous to anything being started. I have discussed it several time at great length in the Democratic caucus, and have taken the suggestions presented by members of the caucus, including Leadership of the caucus,

back to the committee, and they have done, I think, an ample job in seeing that those desires are communicated.

Now we have here today an Amendment that is being offered by the Leadership on both sides, and I can understand that, but let me state that I think it is our obligation on the Appropriations Committee to see to it that every member of this body is communicated with as to what they think is important and what is their priorities, to make a fight on the committee as to what we think is important and what are their priorities, these issues on their merit, not on the question of whether or not it is a special project of leadership or a special project of non-leadership, and when leadership made its recommendations as they were reported back to us, every one of the items that was reported back to us, at least, and this was one of them, was discussed and voted upon. I voted for the inclusion of this. It did not carry, but it seems to me ultimately the job of the members of that committee is to look at all the things that we have to spend money on, and to try to come up with the best collective judgment that is possible, and I think that we have done that, and I would urge the Senate before amending to put this project in or that project in, that there are pages and pages of legislative documents that represent one heck of a lot of good ideas of members of this body and the other body, and I would hope that we can deal with those ideas later on when we clear the Table. There are very few L. D.'s that made it into the Part II Budget. Most of those were programs that are really almost Part I programs that have been on-going, for example, a bill sponsored by the Senator from Kennebec, Senator Speers, L. D. 279, after that leadership meeting, made it into the Part II Budget at the urging of that meeting, because that was a program that had been on going in the past, not because that Senator Speers was a member of leadership that we were making any special consideration.

But I would hope that this Senate is at least, I cannot speak for what the other body would do, and it would be improper for me to do so, but this Senate would send Part II down with the compromises that are represented, unless the members of this Senate are prepared to stay here for several weeks in essence to go through this thing piece by piece, because I can assure you that as someone who voted for this particular Amendment in committee, that there are lots of better ideas that we turned down, and so if we are going to start putting this one in, let us be prepared to give everyone of them the consideration that we gave it on the Appropriations Committee, and be prepared to debate these items hour by hour as we did as we went through the work on the committee. I think that the committee is a pretty good cross-representation of the different points of view in the Legislature. A lot of time was spent on this, and I would think unless the matter was a grave matter, a matter of grave concern that was going to cause dislocation to the immediate year, that it would be incumbent on all of us, unless we are prepared to go through it piece by piece, to support the proposal as it has been put together here, and I would urge the Senate to do so.

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

Mr. SPEERS: Mr. President and Members of the Senate: I appreciate the suggestion that was just made that we act upon these various proposals, various Amendments that may be coming before this body on the merits of a particular Amendment that is being offered, and I do not suggest that we act upon this Amendment because it may not be a special project of a member of leadership, but I would also suggest that we not act upon this Amendment because it may or may not be a special project of the Appropriations Committee.

I think that this body, acting as a body, can receive recommendations of the committee, but that does not mean that we cannot make some adjustments here and there where we see fit, and where acting upon the merits of the Amendments that are being offered, we feel that perhaps they have some merit, that perhaps they have a little bit higher priority in the needs of the people of the State of Maine than what is being recommended by the Appropriations Committee.

We are not suggesting that the entire bill be thrown out, far from it. I applaud the committee and I applaud the work that they have done on this bill, but I would not suggest that the other members of this body might not have some input in what we feel collectively as a body might deserve some little higher priority than the recommendations that we have received.

Now I would point out that there is one difference between the school that is under discussion and the other institutions which have been mentioned as receiving ample notice this year of an increase in the number of students that are to go to that school this fall, and I would point out to the members of this body, that it is only two months away that these schools are receiving this notice. Tufts and Vermont, we are increasing these numbers of students for positions that are to be filled September of this year, a difference that I would point out to members of this body between that situation and the school which is under discussion at St. Francis, is that the institution at St. Francis is not yet open. It is a fragile situation in which they are attempting to gain the confidence and the support of the people of the State of Maine to open a medical school within the borders of the State of Maine, to educate medical personnel to practice medicine within the State of Maine.

Now reference has been made to perhaps 150 Amendments to be offered to this particular bill. I have looked through the Amendment book, and I do not really see that number, but I would hope that the members of this body would not place their fear of maybe 149 other Amendments coming along above the merits of this particular Amendment that we have before us at the present time, and are discussing at the present time, and I certainly hope that this body would pass judgment on the amendment that is being offered on the merits of that amendment, and on the merits alone.

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

Mr. CONLEY: Mr. President and Members of the Senate: I call the attention of the Senate to the Document 1895 which we are reviewing, and I would ask you to go to Page 22 of that Document, and I think Section J is the only addition that was made to the Part II Budget after the meeting of Leadership and the House and Senate Chairmen. Now some people may call your attention to the Human Services part of this document whereby there was a \$100,000.00 added to the Office of Drug Abuse, but I can tell you that when leadership met the other evening, that that \$100,000.00 had already been agreed upon by the Appropriations Committee. So the only real physical change that I see in the document that we are debating is the addition of Section J, the Maine-Canadian Exchange Advisory Commission and Office added to this document. Well I got a negative shake from one member of the Senate on the \$100,000.00, but I do not believe that I am in error. I know at least when we discussed this the other evening at the meeting I had begged that there be more revenue, preferably the \$270,000.00 that I had spoken to both the Chairmen of the Committee, also my colleague from Portland, Senator Merrill, who has tried in vain and also the Presiding Officer of this Body.

But I think that it is even more important that

when we consider this document, that we look at it not as a document that is sacred that cannot be touched, that to put an Amendment on it is not going to destroy Government for the next biennium, and I think there are a number of citizens in this State that are looking for this particular Amendment being proposed by the Majority Floor Leader as being a part of Part II, and again I would urge the Senate to vote the adoption of that Amendment.

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

Mr. MERRILL: Mr. President, just to correct the record, as it was a direct result of the meeting of the leadership that the \$100,000.00 each year was added, and I have a copy of the proposal as it existed before that meeting for the purview of anyone in the Senate who wishes to clear the question up on a factual concern.

That really is not the issue here, and the issue is not how many Amendments have been offered. I commend the members of the Senate for each of them not offering up an Amendment to in effect enact their personal L. D.'s. I just, while everyone was talking though, went through the list of Legislative Documents that the Senators have on the Appropriations Table, and I saw several for which we are mercifully spared a special Amendment for Part II, which I would rate as at least a higher priority to do something about this year as the Amendment offered by the Majority Leader, and if we do not have a hundred Amendments offered here through the good graces of the members of the Senate, maybe my wishes will not seem so far, or my suggestions will not seem so far from reality as we consider this other book that is on our desk over the matter of the next few days. I am sure that we will get up to a total that is fairly close to my predictions.

I would hope that before we put this in, we will be prepared, if that is what we are going to do, to give equal consideration to the good ideas that are on the table right now of all the other members of the Senate, because I am sure that the Senator from Kennebec, Senator Katz, and the Senator from Cumberland, Senator Conley, the Senator from York, Senator Danton, would not want to suggest that these ideas get special consideration in any way, so certainly every other idea of every member of this Senate, certainly the ideas that have already gotten through the legislative process to get onto the table ought to be given equal consideration, and if we are prepared to do that, that is fine and good, but here we have got a program where there is no great emergency involved, where I think it is clear that there is a commitment on the part of the members of the Appropriations Committee, the members of the Legislature to do something about this next year, and if it is necessary, I suppose, to do it with an emergency, so that we can do it with ample notice, and we really might be in a position next year at the beginning of the session if the revenues continue to come in at the higher levels that we had anticipated originally when the revenue anticipations were put together, where we can do more for that school than we are able to do at the present time, and I certainly would hope that we could as a supporter of the idea in the first place and as someone who believes as the Senator from Kennebec, Senator Speers, believes, that this is a high priority matter.

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

Mr. CONLEY: Mr. President and Members of the Senate: The only thing that I can add to what the good Senator from Cumberland stated is that there is no L. D. on the Table to take care of this matter, that we took the money off the L. D. and we passed it, and we had an assumption that this was one of the things recommended to the Appropriations Committee. I do not believe there was a member of leadership that was not

convinced this was going to be part of the Part II Budget.

If you want to look at priorities, if you want to go through the entire budget, if you want to look at some of the L. D.'s that were taken from the Appropriations Table and have not yet been killed, that are incorporated into this, I ask you, each and every one of you members of this Seate, what rule have you played in putting any of the L. D.'s in the Part II Budget, none, and the leadership had none. We did have some input, or we thought we were having input. I do not know why we spent seven lonely hours the other night discussing this thing, making recommendations. I can tell you that we were treated to an excellent salmon that comes up the Atlantic waterways of Canada some place. On the other hand, we were there for a purpose, and if this is going to be the results of us sitting down and negotiating things out and discussing things, then there is no reason for any of us to meet. We might as well let the Committee on Appropriations pass the Budget, Part I Budget, pass the Part II Budget, take the L. D.'s off the Table, do not consult us, pass the L. D.'s, kill off the L. D.'s that they feel should be killed, because that is what it is coming to, and when your L. D. comes off that Table and although the Chairman of the Appropriations Committee has stated there is \$7 million in surplus, I can assure you that if more than \$2 million is spent on L. D.'s, I could almost match you dollar for dollar over that figure. I would not want to bet on it.

Once again, I ask that the Senate adopt the Amendment that is being offered. I think it is living up to a commitment that the Senate made back several weeks ago when they took the appropriation off the L. D.

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

Mr. MERRILL: Mr. President and Members of the Senate: I cannot speak for the Republican members of this body. I can speak for the Democratic members of this body, and I want the record to be absolutely clear, and if anybody takes exception to what I say, I want them to stand up and say it for the record when I am done, because several of the L. D.'s that are in here have been discussed at length in our caucus. I apologize if no special consideration were given by rank or title, but every member of the Democratic caucus who cared to be there discussed the matter, recommendations were made with respect to one L. D. that pertains to drugs for the elderly by the Senator from York, Senator Danton. Those specific recommendations are embodied in this bill. Discussions were made of L. D.'s that deal with the subject of tax and rent relief for the elderly. Those matters were discussed, given a high priority by our caucus. My vote in the committee reflected that. If you go through the major L. D.'s that are represented in this document, they were discussed in our caucus. I encouraged people to participate. Before the thing was even put together, I asked members of the committee at the caucus to tell me what was important.

So if any member of this Senate who is a Democrat wants to stand up and say that there was not a chance for input, and that I did not bring it up, and then that I did not take that input to the committee, then I wish that they would stand up and say it now for the record, and we can get it clear.

Now if there was not enough special consideration given by rank and title, I apologize for that, but I listened to what every individual member of the Senate told me. I brought it up, made a point to bring it up, and I said at that time that my interests were two-fold. One was to try to do what I could to have a united Democratic caucus once we passed that bill out, and, two, to do what I could to hear the concerns of the members of my party who are in a very small minority, and see to it that they

were reflected downstairs. I listened to their concerns, and they were reflected downstairs, and they are in this Part II Budget, so when somebody says to this Senate, that there was not chance for input by any member of this Senate, I cannot speak for the Republican Party but I can speak for the Democratic Party, and if anybody wants to take exception to what I just said who was at those caucuses, I wish that they would do so. Otherwise, let the record stand corrected.

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

Mr. DANTON: Mr. President and Members of the Senate: My four terms in the Maine Senate as a Democrat, Minority Member in this Senate Chamber, I want to say that the Senator from Cumberland, Senator Merrill, is perhaps the best representative I have ever seen representing the Democrats on the Appropriations Committee.

The only thing is on these four slots, and I know that the Senator was sympathetic for these four slots, is that we are offering this Amendment for your consideration, and again I want to repeat one thing, that it will be a vote of confidence that the State of Maine will be giving to this school that is trying to get opened up. That is all that we are saying. If the Senators accept it, fine. We are supporting a school in the State of Maine, the same as we support schools out of State for our students. That is all we are saying, and I would hope that you would consider this Amendment. If it is adopted, fine, I will be very happy, but I want this Senate to make that decision.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "B" to L. D. 1895.

The Chair will order a Division.

Will all those Senators in favor of adopting Senate Amendment "B", please rise in their places to be counted.

Will all those Senators opposed to adopting Senate Amendment "B", please rise in their places to be counted.

15 Senators having voted in the affirmative, and 11 Senators in the negative, Senate Amendment "B" is adopted.

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

Mr. KATZ: Mr. President, I move that the Senate reconsider its action whereby it defeated Senate Amendment "A".

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

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

The PRESIDENT: A Roll Call has been requested on the motion to reconsider. 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 PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, because there was some confusion, I would like to explain exactly what this Amendment does. On Page 7 of the Appropriations Bill is all the money for all the slots for the optometrist, for the physicians, and anybody else involved in it. That is on Page 7. I am not talking about Page 7. My remarks have nothing to do with any more slots or any less slots. I would not arise to take issue with the Appropriations Committee on that issue.

What I am talking about is Page 23, and on Page 23 you will find what amounts to an L. D. that sets policy for repayment, and it is effective no sooner than 7 years from now, and probably at the very earliest 8 years, and that is exactly the only section of the bill that I ask you

to address your attention to.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby Senate Amendment "A" to L. D. 1895 failed of adoption.

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

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Katz, Levine, Lovell, McNally, Pierce, Snowe, Speers, Trotzky.

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Huber; Mangan, Martin, Merrill, Minkowsky, Morrell, O'Leary, Pray, Redmond, Wyman.

ABSENT — Jackson, Usher.

16 Senators having voted in the affirmative, and 14 Senators in the negative, with 2 Senators being absent, the motion to reconsider does prevail.

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

Mr. KATZ: Mr. President, I move the pending question.

The PRESIDENT: The pending question before the Senate is adoption of Senate Amendment "A" to L. D. 1895.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I would merely like to suggest that in his very excellent efforts to simplify the issue, I am afraid the Senator from Kennebec has simplified it a bit too far, because the issues are related, and it is my hope that they will not become related again as they were on the Committee, but certainly we have raised the prospect now of those who are very leery about adding this extra money for these extra slots, and have a chance to act on the bill without the considerations that were important to them that these slots will be lost.

If that is the case, I just want the Senate to know how they are related and that there is that possibility.

I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Adoption of Senate Amendment "A" to L. D. 1895, please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

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

The PRESIDENT: The Senator from Cumberland, Senator Morrell has requested 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 Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: I think my good friend, the Senator from Cumberland, Senator Merrill, having run out of his usual good arguments just raised a red flag that will probably serve the purpose to kill the Amendment just as well, and I guess if you have to do that to kill it, we all do it at times.

But the question of the number of slots has nothing to do with the question we are voting on here today, and I would like to commend the Appropriations Committee for that number of slots that they have provided. I thought they were very fair, both to the optometrists, to the medical doctors, and to the dentists, the veterinarians, everyone concerned. I think it

really was a very hard decision on their part, but a good one.

I would have hoped, and I guess I at least still harbor a thread of that hope, that the decision on whether or not we are going to get involved into having those students come back to Maine, reimbursed 80 percent, I would have hoped that we could have deferred that just a few months until after we had the answers to some questions, because as closely as I have been involved in this program, and as much as I support it, I would probably rather see it cut in half, and if I thought that that would make the difference between most of those students then coming back to Maine, then for us to spend all this money and know that there would not be much incentive left and most of them would go out of the State of Maine, because to me that is the bottom line, not the education of the students, although that helps a handful. It is the thousands that they can help when they do come back to Maine, and if we destroy a good part of that incentive for them to come back, well, I wish them luck in their practices in Beverly Hills, because they are going to make a lot of money there, but they are not going to help too many Maine people there.

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

Mr. HEWES: Mr. President and Members of the Senate: I think that is the bottom line, too, the health care of the people of Maine.

A few years ago I voted against funding a medical school here in Maine that was going to cost millions of dollars, but it seems to me if we can encourage young people to come to Maine to set up their practice of medicine here in Maine so that they can treat Maine people, that is what we want, and it is a relatively small amount, and I think that the incentive of them not having to pay back relatively large loans during their first four or six years or so of practice could be a real incentive, where they do come back and they still have to pay back 80 percent of their loans. It is not such an incentive. The only difference is perhaps just a couple of thousand dollars or so.

So I like the intern program at the Maine Medical Center. I like this program, the State funding slots in medical schools, dental schools and other schools for the health care of Maine. I certainly hope that you will vote for this Amendment now, so that Maine boys and women will go out of State, be trained and then come back to the State and the State will reap benefits for years to come.

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

Mr. MORRELL: Mr. President and Members of the Senate: The Appropriations Committee's prime responsibility is dollars, but I do not think any one here ought to get the impression that we do not care about Maine people, and medical treatment for Maine sick. We are very much concerned about it, but we heard no evidence from Deans of the Universities involved in the medical profession itself that to have a substantial forgiveness was a significant incentive for them to come back to Maine, that the reasons they come back to Maine are quite different than that.

Now the Senator on my right, Senator Curtis, has referred to a constituent of his who feels that perhaps he has been done in by a change in the signals. Well, a young man called me from Bowdoinham the other night, wanted to know what we were doing, and I told him, and I also told him that there would be very little forgiveness for coming back to Maine, and he said that that would be a minor part of his consideration.

I hope you will kill this Amendment and go with the bill.

The PRESIDENT: The pending question before the Senate is the Adoption of Senate Amendment "A" to L. D. 1895.

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

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

ROLL CALL

YEA — Conley, Curtis, Danton, Farley, Hewes, Hichens, Katz, Lovell, Pierce, Snowe, Speers, Trotzky.

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Cummings, Greeley, Huber, Levine, Mangan, Martin, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pray, Redmond, Wyman.

ABSENT — Jackson, Usher.

12 Senators having voted in the affirmative, and 18 Senators in the negative, with 2 Senators being absent, the Motion to adopt Senate Amendment "A" does not prevail.

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

Mr. CONLEY: Mr. President, I offer Senate Amendment "C" (S-370) and move its adoption, and would like to speak to the Amendment.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now offers Senate Amendment "C" and moves its adoption. The Secretary will read Senate Amendment "C".

Senate Amendment "C" Read.

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

Mr. CONLEY: Mr. President and Members of the Senate, I would have to state, that this is one Amendment that had really not been considered by Leadership as to the total funding, but I think the full Senate should be aware of exactly what this Amendment is, and what it does.

Earlier today on the Senate calendar we had a Bill, L.D. 857, and it has a title on it that is about a yard long, "An Act to Raise the Tax on Beer, Wine, and Other Alcoholic Beverages to Provide Funds for the Operation of Alcoholic Treatment Facilities, the Establishment of Education Treatment Programs for Alcohol Abusers Convicted of Operating Under the Influence and Other Minor Crimes, and the Establishment of a Program on Substance Abuse." This Bill brings in approximately in revenue \$1,770,589.00 in the first year, and \$2,686,400.00 in the second year of the biennium. This Bill this morning was received and flew through this Chamber. In fact, under the suspension of the rules, the Bill was given its Second Reading, and passed to be Engrossed and sent forth to the other Body.

The reason that I have this Amendment before the Senate today is because I want you to dwell just for a moment as to whether or not you do have a commitment in your mind relative to L. D. 857, which is the tax increase on alcoholic beverages, and the funding of those three L. D.'s that are incorporated within H-670. If you are willing to support the Amendment, and support the three Bills, support the veto of the Governor, which is promised to come forthwith. I personally do not think that that commitment is there. I do not think that it is there on the part of Leadership. I do not think that it is there on the part of the Membership of this Legislature.

The Amendment we have before us right now which strikes out the \$100,000.00 in both years of the biennium and increases it to \$270,000.00 is exactly the number of dollars that is needed to keep the store open. The Chairman of the Appropriations Committee is aware like many other programs that we have, have been short-changed under Title 20. This program was deleted under Title 20 by \$86,000.00, and the balance of the revenue that is needed was lost to additional Federal grants that have been given to the State and have been cut back, plus the normal, I believe it was 5 per cent inflationary rate. Recently we had in this Chamber a Bill that we debated. In fact, it had some support from Members of this Senate, and even though it was ruled unconstitutional by both the Maine Supreme Court and the Attorney General's Of-

face to be able to establish a 12 hour lock-up for intoxicated people without any charge brought against them. It was shocking that a number of people, or some people in this Chamber and an overwhelming number of people in the other Chamber supported that Legislation, in spite of the fact of the rulings that had come both from the Court and from the Attorney General's Office.

Well, I do not have a Ouija Board, nor do I have a crystal ball, and I do not know what is going to happen to the tax Bill. I do not know what is going to happen to the LD's that are on the Appropriations Table. But it is well-known that all of them go together. If the tax is vetoed, then all three of LD's or two of the LD's have to go down the drain, and, therefore, if that happens, then you are taking away from a program presently operating a number of dollars that are needed to keep its head above water.

Now I went to the hearing before the Judiciary Committee on this particular Bill, and I spoke in opposition to that Bill, that was to reinstate or recriminalize alcoholics, the crime of intoxication, and I spoke against it because I believe as the Legislature believed a few years ago when it passed the law, that alcoholism is a disease and that it has to be treated medically, and by throwing someone in the tank where a lot of suicides have taken place, and a lot of other bad experiences happen, do nothing to treat the alcoholic.

But I want you to know that there were a number of people from particularly the northern part of the State, and primarily the City of Bangor, the Chief of Police, people representing the Maine Merchants Association within that area, people representing the Chamber of Commerce within that area, who are concerned about what the State was doing relative to this problem. Now we all know how serious that it is, and I ask you for your support on this particular Amendment and if by some strange quirk that proves to me that I cannot predict what is going to happen in the future, we can cut this money back if we have to, but my feeling is a strong feeling that unless this Amendment is adopted today, then we are going to short change the operation of this Department that is needed to carry on current service.

(Off Record Remarks)

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

Mr. HUBER: Mr. President and Members of the Senate, I respect the strong interest of the Senator from Cumberland, Senator Conley, in defense of this program.

Under Title 20 the recommendation for this coming year was a \$1,400,000.00 for this program as opposed to a funding level in this year of \$1,486,000.00, a reduction of \$86,000.00 similar to the reduction of almost all programs funded by Title 20.

The request from the people involved in this program would have increased this from \$300,000.00 to \$350,000.00, an increase of well over 20 percent. The Appropriations Committee did consider this request, did provide in Part II a proposal to increase funding by \$100,000.00, or an increase of roughly 7 percent. This compares favorably to the 5 percent increase that we have been trying to maintain throughout Part I and Part II as far as possible, and I think the funding level provided by the Appropriations Committee will allow continued operation of these programs albeit with some stringency in terms of financial spending. I do think that this is a comparable squeeze to that imposed on many other programs, many other worthy programs, and, therefore, would oppose adoption of this Amendment.

The PRESIDENT: Is the Senate ready for the question? The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Adoption of Senate Amendment "C" to LD 1895, please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, because a roll call has been requested, I want to make my position clear on this issue. I voted for more funding in the Part II Budget, and failed in that attempt, and I will vote for that reason against the pending Amendment.

However, I can say in complete candor that I consider it to be a much higher priority than the Amendment that the Senate has already adopted, and I am sure that you will take that into consideration when you vote.

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

Mr. CONLEY: Mr. President and Members of the Senate: I appreciate the good remarks of my colleague from Portland. I know that he is not wavering, and I appreciate his support in the Committee, and I would like to say a short ave before the Roll is called that he may possibly give the same support to it on a Roll Call vote as he did in Committee.

Also I would like to point out, for the record, that the good Senator is correct when he stated that he mentioned several LD's within a document. I would only add that I think myself I asked if some of the Governor's program was being included, and when he mentioned some of these liberal programs that are here, I did not associate those, however, with the Governor, and, however, part of the Part II Budget.

I do feel though, as I stated earlier, that it is imperative that these monies be appropriated, that we are well aware that what the problems are throughout the State, that even the Dean of the Senate, Sam Erwin of Kentucky, better known as the Chairman of the Judiciary, was taken by the Gannett Press in one of our most recent columns, editorial columns as to the position that he took relative to this Bill, and I sort of chided him the other day about him getting roasted, too. It was sort of nice seeing somebody else getting roasted in the papers rather than myself and my good seatmate on my left, South Carolina, but he told me that he remedied the situation very rapidly and sent them both a copy of the AG's opinion as well as the Court, but that has nothing to do with what something to do with the editorial itself, the fact is that we have to appropriate the monies for additional sentence, and unless we are going to do that, then I suggest to you very strongly to take the action that the Chief of Police wanted to, and that was to repeal decriminalization of intoxication and make it a crime and throw them back in jail, but if you are not going to do it, then I suggest that you adopt this Amendment pass the tax that is coming along with the LD's with it, and then we can take care of this thing by a little Amendment that will cut it out of the Budget.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "C" to L 1895.

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

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

ROLL CALL

YEA — Carpener, Conley, Curtis, Danton, Farley, Hewes, Hichens, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, O'Leary, Pray, Speers.

NAY — Chapman, Collins, D.; Collins, S.; Cummings, Greeley, Huber, Merrill, Morrell, Pierce, Redmond, Snowe, Trotzky, Wyman.

ABSENT — Jackson, Usher.

17 Senators having voted in the affirmative, and 13 Senators in the negative, with 2 Senators being absent, Senate Amendment "C" is adopted.

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

Mr. O'LEARY: Mr. President, I present Senate Amendment "D" (S-372) and move its adoption.

The PRESIDENT: The Senator from Oxford, Senator O'Leary now offers Senate Amendment "D" and moves its adoption. The Secretary will read Senate Amendment "D".

Senate Amendment "D" Read.

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

Mr. O'LEARY: Mr. President and Members of the Senate, I would call your attention to LD 1531 Bill, "An Act to lighten the Burden of Property Taxes on the Elderly Widow, or the Disabled." Now this was sent back to the other Branch today in non-concurrence. We had moved to adhere. As I have it now, this Bill will either be killed or passed, depending upon the action taken here this afternoon.

Now what this Amendment does is incorporates the language of LD 1532 and LD 1146, which is on the Appropriations Table, it is all in this Amendment now, and this Amendment does not include or add to the appropriations or this tax relief for the elderly. What this Amendment does is for those who are 55 years of age or older, who are widows or widowers and who have not remarried, and who are receiving Federal disability payments, such as the supplemental security income, will be eligible under the Rent and Refund Act. Now the age of 55 is perhaps arbitrary; however, I believe that most people who are 55 years of age have no more children at home, so, therefore, they are not in a position to receive enough money under the supplemental security income or Social Security to maintain their homes. What was intended under LD 1531 was to include these people so that they would be able to come under this Act. Now we know that those who are disabled can earn no more. That is it. Anyone who is 65 years of age can still earn a supplemental income, and still fall under the terms of the present law.

I was assured once today when the House voted to indefinitely postpone LD 1534 that the funds would be contained in Legislative Document 1895, but in our caucus today, I find out that this is not true. So, therefore, I am offering this Amendment, and hope that it will be adopted.

The PRESIDENT: The Chair will recognize the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate, I would like to point out that in LD 1895, on page 9, we have already provided a million dollars over the biennium for a free drug program for the elderly, as well as on page 14 providing an additional \$1,450,000.00 under the tax relief for the elderly. This is the provisions of L. D 1146.

The Appropriations Committee feels that it has stretched about as far as it can to help needy elderly, and, in fact, went further in its first Part II proposals than the amount contained in the printed document. In order to defend a necessary balance and provide for some

of the LD's on the Table, we went back and reduced these amounts, but basically the amount for the elderly is now at the maximum that we feel we can afford with our balances available. I understand that the estimated cost of this Amendment would be at least \$81,000.00 a year, which I feel would have to be deducted from the other programs for the elderly.

I would hope that the Senate will not adopt this Amendment.

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

Mr. O'LEARY: Mr. President, I have spent four terms in this Legislature, 101st, 102nd, 107th, and the 108th. This is the first time I have ever presented a Bill that cost the State of Maine one penny, and it will perhaps be the last. However, as I understand it, the \$700,000.00 for 1977-78, 1978-79 \$750,000.00, is over and above that which is already provided in the Part I Budget, am I correct in this? Alright, what I am saying is that we will include these people who are disabled in that \$700,000.00 for 1977-78, and the same people in the 1978-79 for \$750,000.00. What we are doing is in fact making sure that these people who are disabled, who are really in more need, dire need than those who are 65 and on a straight pension, who can earn extra additional dollars, we will give assistance to these people because they cannot earn another dollar, if they earn \$1.00, they go out and prove that they are capable of earning \$1.00, then they are no longer qualified under the disability pensions.

I hope you will go along with me on this Amendment.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "D".

The Chair will order a Division.

Will all those Senators in favor of adoption of Senate Amendment "D" to L. D. 1895, please rise in their places to be counted.

Will all those Senators opposed to the adoption of Senate Amendment "D", please rise in their places to be counted.

The Chair recognizes the Senator from York, Senator Danton.

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

The PRESIDENT: 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 Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, as has been pointed out by the Chairman of the Appropriations Committee, there has been considerable money for tight times added for programs for the elderly, certainly not as much as we would like. I might say also that, as pointed out by the Senator from Oxford, Senator O'Leary, there is an LD which is presently moving back and forth between the two bodies. It very well might end up on the Special Appropriations Table, and if the LD did end up there, I would certainly consider it to be a matter of some priority as we went through and funded those LD's, and have told the Senator from Oxford as much.

However, I think that if you go through the pieces of pie that are divided up in this Budget, that we have done a considerable amount, certainly not as much as we like by any means, but we have expanded the programs for the elderly, both in terms of how much they are paid, and the number of people that are eligible. We have begun a whole new program, which is to provide drugs to the elderly and funded that program to the tune of about a million dollars for two years.

So I would hope that at this time we would not

go further in terms of amending this Bill, but we would, if this Bill comes back to the Senate again, put the Bill that has been referred to on the Table, and possibly we could fund it as an LD off the Table.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "D" to L. D. 1895.

A yes vote will be favor of adoption. A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

YEA — Carpenter, Conley, Danton, Farley, Hewes, Hichens, Levine, Lovell, Mangan, Martin, Minkowsky, O'Leary, Pierce, Pray.

NAY — Chapman, Collins D.; Collins S.; Cummings, Curtis, Greeley, Huber, Katz, McNally, Merrill, Morrell, Redmond, Snowe, Speers, Trotzky, Wyman.

ABSENT — Jackson, Usher.

14 Senators having voted in the affirmative, and 16 Senators in the negative, with 2 Senators being absent, Senate Amendment "D" fails of adoption.

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

Mr. HEWES: Mr. President, I offer Senate Amendment "E" (S-373) and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, 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 Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate, Federal funding for an Assistant District Attorney in Prosecutorial District 2, which is Cumberland County, expires in August. This would provide an additional \$14,500.00 to pay for a person to fill in that job which is presently filled, will allow him to continue on for the whole of the next fiscal year.

As you probably know, is Cumberland County, they pay more for Court appointed defense lawyers than they do for those that are prosecuting those that break the law, and that District makes up nearly a fifth of the State's population. We have discussed crime in that area in other Bills. I understand that they will just be short a man in the District Attorney's staff, if this money is not made available.

So I hope that you will vote for the adoption of this Amendment.

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

Mr. CURTIS: Mr. President, although I am not on the Appropriations Committee, the Judiciary Committee did review the initial legislation which was suggested for providing funding for the Assistant Prosecuting Attorneys, Assistant District Attorneys of each District. The request that we made from the DA's, and it was a joint request, was substantial and the many Counties or many Districts were involved with Federal funding which they were about to lose.

After a considerable amount of review, the Judiciary Committee unanimously recommended some figures which we thought was a reasonable amount in the case of each District to fund the cost of the Assistants to the Prosecutors, and those dollar amounts have been adopted by the Appropriations Committee, and I think that although none of the Counties got as much money as they would like to have received, that each one of the District Attorneys is helped substantially by the legislation as it was proposed.

I would suggest one other thing, and that is as soon as we start treating one area differently from the formula that was initially recommended and then revised by the Judiciary Committee, then we are going to see a proposed change for each one of the Prosecutorial Districts.

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

Mr. MERRILL: Mr. President and Members of the Senate, I would like to move indefinite postponement of this Amendment.

As we go through the alphabet here tonight and have a chance to get ourselves on Roll Call in favor of spending more money, in favor of everything, now we have a chance in favor of law enforcement. I would just like to say that sometimes we have to go with what has been worked out as the best judgment of those concerned. Now in this case, as pointed out by the previous speaker, we are going with the best judgment of the people that Appropriations Committee looked to as the experts as to how to divide up the money and what should be spent, and that is what is reflected in the Bill before us.

I know that the Senator from Cumberland, Senator Hewes' constituent, the good District Attorney in District 2, makes a very eloquent case for these extra monies, and I know that they could be put to use as we could put more money to use in so many areas in so many ways. I would hope that we would slow down the alphabet game here tonight, and go with what are really the recommendations of the Judiciary Committee in this matter. Now we are going one step further than tampering with individual appropriations and now we are going to have to get into a matter of where we are going to start adjusting the appropriations as it applies to different geographic areas of the State, and I suggest that if this Amendment gets adopted tonight, we will be up to L, M, N, O, Q before we get much further through the evening as each area of the State represents what, I am sure, are very legitimate concerns on the part of the District Attorneys from Aroostook to York County.

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

Mr. HEWES: Mr. President and Members of the Senate, I think there was an oversight on part perhaps of the Judiciary Committee. I take it from what the Senator from Cumberland has just said, apparently the Appropriations Committee did not delve into this particular issue in detail. Instead they accepted the recommendations of the Committee on Judiciary, and I question then if the Committee on Judiciary is aware that the Federal Funding on this particular slot, \$17,000.00 Federal Funding, was going to terminate in August. That means that we are losing a slot. That means that there will not be that much prosecution in the District Court in that District as is presently taking place. They will not be screening complaints the way they are. In other words, they are going to have a substantial loss of service when you go from \$82,000.00 a year down to \$67,500.00 a year, and I certainly hope that you will vote against indefinite postponement.

We do not want to lessen the service of prosecution here, and I think if you do not do that, there will be a lessening of the law enforcement, and there will be complaints in that District, and next year we will be looking for additional money for more Assistant District Attorneys.

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

Mr. COLLINS: Mr. President, I want to assure the Senate that there was no mistake made on the part of the Judiciary Committee. We did this very carefully and this reflects a great deal of formula work, considering the number of Courts, the number of sessions, the case loads, and all of the available data in each of the Prosecutorial Districts. We were well aware that the Federal Funds were running out, not only in the District that comprises Cumberland County, but in several of the other Districts, and we had the same appeal from several Districts and we think that the allocation that

we made is as fair as we could be, and I hope you will vote to indefinitely postpone this Amendment.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Merrill, that Senate Amendment "E" be indefinitely postponed.

The Chair will order a Division.

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

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

22 Senators having voted in the affirmative and 4 Senators in the negative, the Motion to indefinitely postpone does prevail.

The Bill, as amended, Passed to Be Engrossed.

On Motion of Mr. Merrill of Cumberland, Sent down forthwith for concurrence.

The President laid before the Senate.

Bill, "An Act to Prohibit the Practice of a Mandatory Retirement Age." (H. P. 1310) (L. D. 1634)

Tabled — Earlier in the Day by Senator Conley of Cumberland

Pending — Passage to be Engrossed.

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

Mr. KATZ: Mr. President, this is the Bill that has perplexed all of us, and the hour is very late, and I would just share with the Senate the notion that after the caucuses we had earlier today, several of us tried to arrive at a compromise position which would maintain the integrity of the position of those proponents who have not wanted to compromise, but at the same time, would give us the ability to make a compromise sufficient in scope to get the support of the majority of the Members of this Body.

I just saw a copy of a draft of an Amendment. I would like to tell you briefly what it does, and hope that there is enough interest in this Body in the proposed Amendment that someone might table it until tomorrow morning so that the Amendment can be offered for your consideration. The Amendment goes ahead with the action with respect to public employees by July 1, 1978. It then involves the State Planning office and asks the State Planning Office, to make an in depth evaluation of some of the policy changes which might be necessary to move into the private sector. It causes the Planning Office to make a report just about the beginning of the first regular Session of the next Legislature. It stipulates the public policy intent that by January 1, 1980, that discrimination because of age in retirement matters shall be prohibited for both public and the private sector, but it leaves to the next Legislature that final step based upon the recommendations and findings of the State Planning Office.

It seems to me to accomplish essentially the purposes that so many of us have supported here, and yet slows down the process just enough, I hope, to give reassurance to those who needed reassurance to support the measure.

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

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

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

Mr. MERRILL: Mr. President and Members of the Senate, I would ask that a Roll Call be taken on the Tabling Motion.

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

Tabling Motion, please rise in their places to be counted.

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

The pending question before the Senate, is the Motion by the Senator from Kennebec, Senator Pierce, that LD 1634 be Tabled for one Legislative Day pending passage to be Engrossed.

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

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

YEA — Collins D.; Collins S.; Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Katz, McNally, Morrell, O'Leary, Pierce, Redmond, Snowe, Trotzky.

NAY — Carpenter, Chapman, Conley, Levine, Lovell, Mangan, Martin, Merrill, Minkowsky, Pray, Speers, Wyman.

ABSENT — Jackson, Usher.

18 Senators having voted in the affirmative, and 12 Senators in the negative, with 2 Senators being absent, the Motion to Table for one Legislative Day does prevail.

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 — Earlier in the Day by Senator Speers of Kennebec.

Pending — Final Passage.

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

Mr. MERRILL: Mr. President and Members of the Senate: There was discussion earlier in this Body after this item failed passage, that a compromise Constitutional Amendment would be worked out. However, it is a very difficult thing to write the language that deals with these matters of contributions to the fund, and also, of course, we want to be very careful of writing Constitutional Amendment. So the language is not forthcoming at this present time, and the general feeling is that if this Bill fails of final passage here today, that there can be an Order, if one is not already in the works, that the Committee can spend the time putting a Constitutional Resolve that is properly drafted before the next Legislative Body, which will basically offer the types of options that were discussed earlier in the Senate.

My position has not changed on this matter. I like the Bill the way that it is, but I can certainly understand the concerns, and I think that a compromise is possible which will be necessary to delay our action until the next session, if that is the way that the Senate wishes to go.

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

Mr. KATZ: Mr. President, I cannot conceive that it would be advisable to vote for the Legislation at this time. You will recall the concerns of the Senate that the passage of the Amendment as it is presently written is an extraordinarily rigid document, which gives absolutely no emergency flexibility to a future Legislature.

I am going to vote against enactment at this time, because of representations from the organizations of the very people involved, the State Employees Association and the Maine Teachers Association, who have expressed concerns as to the Constitutional wording of a proposed Amendment, and, consequently, I feel that this Bill has no further validity before this Body, and I would recommend to the Senate that we vote unanimously against enactment in the full knowledge that we will be coming in to address the Constitutional question in January.

The PRESIDENT: The Pending question before the Senate is final passage of LD 2.

This Bill having failed of final passage in the House, is it the pleasure of the Senate that this Resolution be finally passed?

This is a Constitutional Amendment and requires the affirmative vote of two thirds of those present for its passage.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, a parliamentary correction, the Bill was finally passed in the House, and did not fail of final passage.

The PRESIDENT: The Chair would answer the Senator in the affirmative, the Bill was finally passed in the House but did fail of final passage in the Senate the first time around.

This being a Constitutional Amendment and having received the affirmative votes of 18 members of the Senate, with 12 voting in the negative, and 18 being less than two-thirds of those Senators present and voting, this Bill fails of final passage. Sent down for concurrence.

The President laid before the Senate.

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)

Tabled — Earlier in the Day by Senator Chapman of Sagadahoc

Pending — Final Passage

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

Mr. HUBER: Mr. President, we have a fiscal note on this Bill which is quite unclear leading to a potential maximum exposure of an enormous amount of money.

I would hope that somebody could table this Bill pending clarification of this fiscal note.

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

On Motion of Mr. Huber of Cumberland, Adjourned until 9:30 tomorrow morning.