

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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APPENDIX

SENATE

March 14, 1978

Senate called to Order by the President.
Prayer by Reverend Richard E. Wrentzel,
East Auburn Baptist Church, Auburn.

Reverend WRENTZEL: Let us pray. God our Heavenly Father we thank You for this privilege we have of coming to You in prayer before this Session of the Senate. We thank You that You are a God that hears and answers prayer.

We are reminded in Your word that my people which are called by my name shall call upon me, shall turn from their wicked ways, that I will hear from Heaven, I will forgive their sin, and I will heal their land Lord as we come into Your presence this morning we pray especially for each member of this Senate. We realize that they have been given an awesome responsibility by the citizens of this great state, for they have given the responsibility of governing the affairs of this State, and we realize that the laws that come forth from this place, effect each and every citizen.

So God we pray that they may seek Your direction, and Your guidance and their dependence may be upon Thee. We pray that they may desire to know the right as You see the right, and that O God we pray that You would give them the courage to stand for that right, even when that stand may not be popular.

O God we pray for this Session this day. We pray that as this Session comes to a close that each one of these Senators will be able to look back on the work accomplished this day, and be able to say it was a job well done, for it was a job that brought honor and glory to God and it was a job that was for the good of the people of the State of Maine. God we pray that You would grant our request in the name of our blessed Lord and Savior Jesus Christ, for it's in His name that we pray. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House
House Paper**

Bill, "An Act to Revise the Maine Sunset Law and State Agency Rules Law." (Emergency) (H. P. 2229) (L. D. 2189)

Comes from the House, referred to the Committee on Performance Audit and Ordered Printed.

On Motion of Mr. Speers of Kennebec, Tabled until later in today's session, pending reference.

Communications

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

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill "An Act to Transfer the Division of Motor Vehicles to the Department of Transportation" (H. P. 2079) (L. D. 2133)

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Joint Resolution

Mr. O'Leary of Oxford, (Cosponsors; Mr. Speers of Kennebec, Representative Connors of Franklin and Representative Burns of Anson) presented the following Joint Resolution and moved its adoption:

STATE OF MAINE

In the Year of our Lord One Thousand Nine Hundred and Seventy-Eight

Joint Resolution Supporting

the Position of the
National Rifle Association
on Proposed Gun Control Legislation
and for Other Purposes

WHEREAS, the National Rifle Association has been and remains this country's most effective spokesman against the erosion of the constitutional right to keep and bear arms; and

WHEREAS, the National Rifle Association correctly maintains that the control of guns by government would leave law abiding citizens unarmed while criminals would continue to possess and use guns; and

WHEREAS, the Constitution of Maine and the Second Amendment to the Constitution of the United States guarantee the right of law-abiding citizens to keep and bear arms; and

WHEREAS, the FBI Uniform Crime Reports prove that the overwhelming majority of all crimes, including homicide, are committed by hardened repeat offenders, who are already barred from possession of all firearms by federal law; and

WHEREAS, reliable, objective public opinion polls have revealed consistent public support for private firearms' ownership and opposition to additional controls, a fact borne out by the overwhelming defeat of a handgun ban referendum in the State of Massachusetts; and

WHEREAS, every conceivable form of additional gun control would require enforcement techniques which offend constitutional protections and threaten civil liberties; and

WHEREAS, firearms-related sports are an important part of the state's economy, and number of dealers in rural areas, would adversely affect these sports; and

WHEREAS, laws which are aimed at the swift and certain punishment of those convicted of the use of a firearm during the commission of violent crime have repeatedly proved effective in reducing gun violence; and

WHEREAS, the position of the National Rifle Association on these crucially important issues represents the viewpoint of the vast majority of Maine citizens; now, therefore, be it

RESOLVED: That we, the members of the 108th Maine Legislature hereby go on record as being in complete support of the position of the National Rifle Association on the subject of gun control legislation; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith to each member of the Maine Delegation to the United States Congress and to the National Rifle Association. (S. P. 739)

Which was Read.

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

Mr. O'LEARY: Mr. President, for a number of terms in this Legislature, there has always been gun control measures presented to us. However, in this last session, the one that was presented was asked leave to withdraw by its sponsor. And it always has been the position of the Maine Legislature to oppose gun registration in any form. However, during the campaign for the presidency of the United States there was a certain gentleman who was a campaign treasure, indicated that he was in favor of gun control measures, and there may be at this present time some being presented to the Congress of the United States. And I would like to have it go on record that the Maine Legislature is and has been opposed to gun control measures. Presently this one gentleman is a White House council and I am afraid in a position to influence he carries, he may be influential.

Just a brief word Mr. President that at one time I belonged to the National Rifle Association, I have not in the last 20 years but the National Rifle Association, has been active in wildlife conservation and environmental issues, and I think that it would be good for this Legislature to go on record with this Resolution.

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

Mr. KATZ: Mr. President, it is the resolutions like this that make my life difficult in the Maine Senate. As I read this it says that if I vote for this, I am in complete support of the position of the National Rifle Association. I do not know that I am in complete support of the National Rifle Association, the American Legion, KSC, B'nai Brith or the Republican party. And I have a certain pride in my voting record. I am wrong half the time, but I would like to pick my own times to be wrong and this is so broad and all encompassing that it is with pleasure that I move Indefinite Postponement.

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

Mr. O'LEARY: I would ask for a Division.

The PRESIDENT: A Division has been requested. Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that this Joint Resolution, 739 be Indefinitely Postponed.

Will all those Senators in favor of the motion to Indefinitely Postpone this Joint Resolution, please rise in their places to be counted.

Will all those opposed 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 pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz, that this Joint Resolution 739, 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 — Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Huber, Katz, Lovell, Minkowsky, Morrell, Pierce, Trotzky, Sewall.

NAY — Carpenter, Greeley, Hewes, Jackson, Levine, Mangan, Martin, McNally, Merrill, O'Leary, Pray, Redmond, Snowe, Speers, Usher, Wyman.

ABSENT — Hichens.

16 Senators having voted in the affirmative and 16 Senators in the negative, with 1 Senator being absent, the Motion to Indefinitely Postpone does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt this Joint Resolution?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of adopting this Joint Resolution 739, please rise in their places to be counted.

15 Senators having voted in the affirmative and 16 Senators in the negative this Joint Resolution Fails of Adoption.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I ask for reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz now moves the Senate reconsider its action whereby this Joint Resolution failed of adoption.

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

Mr. O'LEARY: Mr. President, I would ask

for a Roll Call. And I would like to speak very briefly to my position.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, has requested a Roll Call. The Senator has the floor.

Mr. O'LEARY: Mr. President, I thought that in my mind I understood the mood of this Legislature from its action in previous legislatures but apparently there are some who have changed their thoughts in the last two years. I am aware that the Maine Constitution is very similar to the United States Constitution although it is not as broad. I was disturbed this morning when I picked up the Lewiston Daily Sun, and there was an article in there that the police chief, in the Town or City of Poughkeepsie, New York was charged with larceny and this had to deal with hand guns. So it is not always those who are criminals that are supposed to be the unabiding of the laws. I am aware that in the State of Massachusetts that they have had a very strict gun law on transportation through its state. Anyone found, guilty of transporting a weapon through that State without a permit was mandatory retirement, mandatory confinement, I wish that it were retirement, I would do it.

Mr. President in the State of Massachusetts they had a hand gun referendum and it went out to the citizens of that state and the citizens overwhelmingly defeated it. I think that the majority of the citizens of this State, would favor a resolution of this sort. So I would ask you to reflect upon that and vote for reconsideration.

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

Mr. PRAY: Mr. President and Members of the Senate: Watching around the Chamber this morning and seeing that this vote is a very non-partisan issue, I reflect back to the 1976 Democratic Convention, when an individual from the Southern part of the State tried to adopt a plank on the Democratic platform in reference to gun control. Which the Democratic Party at that time adopted. Reminded also that in 1976 the U. S. Senator from the State of Maine, Senator William Hathaway, did a poll pending some national legislation dealing with gun control. The poll was a bi-partisan poll of individuals across the State which reflected that 78 percent of the people in the State of Maine were opposed to gun control. Seventy-eight percent. I think that the responses of this Legislation noting that it is bi-partisan also are only reflecting what the vast majority of the people of this State have already expressed on numerous occasions and I would hope that we could go along and reconsider this and pass this joint resolution.

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

Mr. CONLEY: Mr. President and Members of the Senate: Last week there was a Joint Resolution presented before this Body that I was the cosponsor of and that was dealing with the slaughter of Harp Seals, and noticed that the Senate did not entertain that Joint Resolution, they killed it. Maybe because I got the word out that I looked upon the Harp Seals as being very close to me, but the fact that they may have been Irish Seals.

But as I look at this Resolve I share the same concerns as the good Senator from Kennebec, Senator Katz, with respect of putting a stamp of approval on everything that the National Rifle Association stands for. I do not have the slightest idea what they stand for, and I certainly cannot support anything that is so strong as this particular language. It just seems to me that we are getting far off base when we start adopting resolutions such as this.

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

Will all those Senators in favor of a Roll Call please rise in their places to be counted.

Obviously more than one-fifth having arisen,

a Roll Call is ordered.

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby this Joint Resolution, S. P. 739 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 — Carpenter, Greeley, Jackson, Levine, Mangan, Martin, McNally, Merrill, O'Leary, Pray, Redmond, Snowe, Speers, Usher, Wyman.

NAY — Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Huber, Katz, Lovell, Minkowsky, Morrell, Pierce, Trotzky, Sewall.

ABSENT — Hewes, Hichens.

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

(Off Record Remarks)

Committee Reports

House

Ought to Pass

The Committee on Labor on, Bill, "An Act to Revise the Venue Provisions of the Maine Employment Security Commission Appeals Procedure. (H. P. 1871) (L. D. 1928)

Reported that the same Ought to Pass.

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

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

Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Authorize Bond Issue in the Amount of \$2,100,000 to Establish a Dormitory at Northern Maine Vocational-Technical Institute." (H. P. 2183) (L. D. 2175)

Reported that the same Ought to Pass.

The report was signed by the following members:

Mr. USHER of Cumberland — of the Senate.

Messrs. BIRT of Millinocket
FENLASON of Danforth
LYNCH of Livermore Falls
PLOURDE of Fort Kent
CONNOLLY of Portland
WYMAN of Pittsfield

— of the House.

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

The report was signed by the following members:

Messrs. KATZ of Kennebec
PIERCE of Kennebec — of the Senate.

Mrs. LEWIS of Auburn
Mr. BAGLEY of Winthrop — of the House.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-1143)

Which Reports were Read.

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

Mr. USHER: Mr. President, I move the Majority Report.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I oppose the motion to accept the Majority Ought to Pass Report and I would favor the report of the minority that this bond issue should not go out to

the people.

I would like to tell you a little bit about the bond issue itself and take a moment to explain the system that the State has used in recent years to determine what bond issues to bring before the Legislature. Last December there was a fire at Presque Isle and one dormitory housing 15 students was destroyed. The dormitory is a two story building. It was built in 1958 by the Air Force. If you know Air Force construction, it is not always the best construction. There are also two other dormitories on the campus which are presently being utilized by NMVTI. The thrust of this bond issue to raise the two existing bond issues, raise the two existing dormitories, and to construct one dormitory of adequate size to house the students in modern safe housing. And I can only be supportive of the objectives of the campus, and say that it is a legitimate request to be made to the Legislature.

Over the years in order to deal with legitimate requests, the Legislature has adopted a policy of how it arrives at priorities for construction. In this particular case, the NMVTI proposed to the Department of Education its priorities for capital construction and then presumably the Department of Education, would take its internal Department priorities and present them to the Bureau of Public Improvement. The Bureau of Public Improvement would then take the Education priorities, the State House Complex, the Prisons, the Correctional Institutes, the University of Maine, and incorporate them into a master priority list which is then presented to the Governor and the Legislature for its consideration. I hold such a document in my hand. Now you have to understand that just as there are many, many unmet social needs in the State, there are an awful lot of met capital construction needs in this State and the NMVTI issue is complicated by the enormous concern and emotion of parents who have picked up the paper and read about the loss of life in the Rhode Island Dormitory fire, and now have tragedy strike the NMVTI campus. And emotion is a very difficult thing to deal with especially when the buildings probably should be replaced. But when should they be replaced and in what order of priority should they be replaced?

Now let me suggest to you, that if you were in the Senate today and you come from Cumberland County, you might be interested to know that the top unmet capital need of this State is the University of Maine at Portland-Gorham. A science building and equipment for \$445,000. Keep that in mind as you vote on this non-rated priority concern up in Presque Isle.

If you happen to come from Orono and represent Orono in the Senate, you might know that the English-Math Building completion is going to cost \$150,000. that is the second State priority and I will skip over to the Bangor Mental Health Institute which is a high priority. Anyone in this Senate who represents Washington County might be interested to know that a priority of much more concern in the State System of priorities is for the Washington County Vocational Technical Institute, because of a Boiler Room addition in the account of \$50,000.

I myself am perplexed by why the Pine Land Center priority is being superseded by this Bill and anyone who is interested in the National Guard might be interested to know that various armories need drill floor replacements and that is going to cost \$43,000. and as a state wide priority it is considerably above the priority at Northern Maine Vocational Institute. I want to point out that in this fire 15 beds were lost, that is all. Just 15 beds. And NMVTI because it had unused dormitory space is actually leasing some space that it has available to the University of Maine at Presque Isle. So the answer was within their hands.

Anyone who is interested in our criminal justice system must perplex when are we going to

get a supreme court building? And you might be interested to know that the supreme court building if and when we get it is a very, very high priority indeed.

Well, I think that I have given you the notion of the system that we hope to use and along comes this bond issue for a worthy project, except that I am perplexed about this particular project because we all hope that the day will not come that Limestone will be reduced, but the issue is doubt and if Limestone is reduced directly across the street from these dormitories at NMVTI it is a significant amount of federal housing which may be available. Right at the moment there is conversation going on with Ricker College because as you know Ricker College is closing at Houlton, and no one is quite sure whether there is any possible future relationship between NMVTI and Ricker College.

Well, this is the picture I hope to paint for you. If this first reading passes and I suspect it will, then you will be forced to deal with the second issue tomorrow because I intend to amend this Bill to put on all these other priorities that I think are absolutely essential. The need has been proven, they have gone through the whole morass, the whole procedure that the Legislature set up. So keep in mind the fact that if you approve this report today, which is I think \$3,000,000, it may very, very well be that you are going to be dealing with \$15 billion bond issue tomorrow. And you might ask yourself in these days of fiscal restraint, where you have just put out something like \$60,000,000, or so including one for the Maine Maritime Academy, and I notice that the Maine Maritime Academy ranks very high here, whether or not you want to deal with another big bond issue this session. I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: I would like to correct a couple of statements that were made by the good Senator from Kennebec, Senator Katz.

The fire that occurred at the Northern Maine Vocational Technical Institute occurred on February the 2nd of this year. We were very fortunate that people that occupied the dormitory were evacuated and it is true that there were only 15 people that lived in that particular dorm.

Now I am old enough so that I remember when Presque Isle Air Force Base was built. Part of it in the early part of World War II, part of it afterwards during the Korean Conflict. The quality of the buildings that are used for dormitories by todays standards are certainly substandard. For example, in the winter time, if you are one of the students living in the dorm and you do not happen to be in the one permanent dorm, you can set your Pepsi Cola right out near the door and it will freeze if you are not very careful, before morning. The dormitories that were built during this time were probably built by design standards that were suitable for the State of Kentucky. They certainly were not built for design standards that are applicable to Northern Maine.

Now I think that there is in this instance a real concern for the safety of students that ought to merit some high degree of priority and I think that the fact that we have had a fire, that we are aware of the disasterous conditions of the existing frame buildings there, that we ought to pay some attention to this bond issue. The bond issue incidently is not for \$3,000,000, it is about \$2.1 million. The Northern Maine Vocational Institute houses more dormitory students then any of the other vocational techs in the state. We have about 250 dormitory students and only a 100 accommodated by the permanent dormitory that has been built. The rest live in these tumbled down shacks, if you will, that are fire hazards and safety hazards, and I

would hope today the Senate would give its blessings to this particular proposal and would rate it high up in the priorities that we face in our capital construction program in the State of Maine.

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

Mr. McNALLY: Last Saturday I learned a few things that I suspected but was not sure about when I was down in Portland, but I can think another Vocational-Technical Institute that is housed in an old fort. I guess that it was called Fort Prebel. More then that, they had all their salaries reduced two years ago, and they have never had any new equipment furnished them in any way, and from the information that we received last Saturday, it would take approximately \$2,000,000 to put it up to where some of the other Vocational Institutes are now operating.

They are very discouraged in the whole thing and I think that it is a disgrace. It was one of the first vocational technical institutes we had. You people all here have eaten the many lunches that they have come up here and given us, and I hope that when Senator Katz adds on those amendments that he does not forget SMVTI, because they sure need it.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: Just briefly to add to the remarks of the good Senator from Aroostook, Senator Collins. We are as he said, housing students in tinder boxes. We are taking a very, very real risk with lives of our students in Northern Maine. I think that it would be very, very wrong of the Maine Legislature to defeat this proposal this morning based on the contingency that Loring Air Force Base might close, that federal housing might be available, that Ricker College, which is a hour by road or away and we have no airline in Aroostook County, which is an hour by car travel away, I think that is a bit far fetched. We did have some people looking at it but as I understand the meeting they were not very enthusiastic about a 45 mile hookup.

I hope that if this measure is defeated this morning that we never open the papers and read of the tragedy similar to what occurred in Rhode Island last year. I cannot argue with the priorities list that Senator Katz has read from this morning. I do not know who exactly established the priorities. I am aware of the situation that Senator McNally mentioned and I would certainly think that that would have a higher priority then some of the ones already mentioned by the good Senator from Kennebec, Senator Katz this morning. Perhaps if we can get this bond issue approved, we can arrange that the supreme court can have one of the present structures at NMVTI for a least temporary housing as it was supposed to be for the students themselves. Thank you.

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

Mr. TROTZKY: Mr. President, I would like to pose a question through the Chair to the Senator from Kennebec, as to what effect adding House Amendment 1143 to this Bill would have?

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, has posed a question through the Chair to the Senator from Kennebec, Senator Katz, who may answer if he so desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: House Amendment 1123 pertains to a resolution proposing an amendment to the constitution to grant the supreme judicial court, 1143.

Mr. President, the bond issue, the amendment in question is a House Amendment which makes it clear that this will be a self liquidating bond over the course of the years. So that actually, presumably if everything goes will

the students fees themselves will pay for the dormitory. That is typical of all dormitory bond issues. The issue is not self liquidating or not self liquidating, the issue is doing things in an orderly fashion, and I want to thank the Senator from Aroostook for calling my attention to the amount of the bond issue and the date of the fire, but aside from those two typical aberrations, I will stand by the accuracy of the rest of my statement.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Usher, that the Senate accept the Majority Ought to Pass Report of the Committee.

A Division has been requested.

Will all those Senators in favor of accepting the Majority Ought to Pass Report please rise in their places to be counted.

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

18 Senators having voted in the affirmative and 7 Senators in the negative, the Motion to accept the Ought to Pass Report does prevail. The Bill Read Once.

House Amendment "A" Read and Adopted in concurrence.

This Bill, as amended, Tomorrow Assigned for Second Reading.

Senate

Ought to Pass — As Amended

Mr. Collins for the Committee on State Government on, Bill, "An Act Creating a State Capitol Commission." (S. P. 722) (L. D. 2172)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-544).

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

Ought to Pass in New Draft

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Adjusting Appropriations and Allocations for the Expenditures of State Government 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." (Emergency) (S. P. 656) (L. D. 2021)

Reported that the same Ought to Pass in New Draft under same title (S. P. 740) (L. D. 2195)

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

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Facilitate Recruitment and Retention of Outstanding Persons for Policy-making Positions in State Service." (S. P. 672) (L. D. 2076)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-542).

Signed:

Senator:

MARTIN of Aroostook

Representatives:

CHURCHILL of Orland

LOCKE of Sebec

STUBBS of Hallowell

CURRAN of South Portland

VALENTINE of York

KANY of Waterville

DIAMOND of Windham

BACHRACH of Brunswick

The Minority of the same Committee on the same subject Matter Reported that the same Ought to Pass as amended by Committee Amendment "B" (S-543).

Signed:

Senators:

COLLINS of Aroostook
SNOWE of Androscoggin

Representatives:

MASTERTON of Cape Elizabeth
SILSBY of Ellsworth

Which Reports were Read.

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

Mr. COLLINS: Mr. President, I move that the Senate accept Report "B", the Minority Report.

The PRESIDENT: The Senator from Aroostook, Senator Collins, now moves that the Senate accept the Minority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Martin.

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

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

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to any Member of the Committee that perhaps somebody could explain the difference between these two reports.

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

Mr. COLLINS: Mr. President, the Bill deals, and I think is well titled, An Act to Facilitate Recruitment and Retention of Outstanding Persons for Policy-making Positions in State Service. The report which I espouse, which is the Minority Report, recognizes that the top level of state government people are not adequately paid and it suggests that we have to go into the private market and into the market that other public entities are in order to attract people for these top positions. The report "B" essentially addresses a flexibility, if you will, that would permit the Chief Executive to go into the market place, and have a range of dollars that he could use for bargaining purposes to attract the people that he feels are most qualified for the key jobs in state government. Essentially we are talking perhaps of about 15 or 16 people in the Bill. We are talking about all of the major department heads, all of the smaller department heads, and we are talking about the Chairman of the Public Utilities Commission, members of that Commission, the state budget officer, the state tax assessor, and also the state auditor and treasurer.

Now it seems to me that if a Governor comes into office next year, the first of January, after being elected in November, he is going to have to select his top people and seems to me that he has to have some flexibilities when he goes into the market place to attract the people that he wants for the key positions in government. The Bill, incidentally, in the Report "B" provides that this not be effective, until January 1, 1979, so that it would not be enforced during the current year. I think that this is the proper approach if we are going to do something for this group of people. The people who are engaged at other levels in State Government have bargaining people, bargaining units and they bargain with the executive for pay raises and for other concerns that they have with respect to working conditions.

This particular level, has no advocate other than the Legislature or the Chief Executive, and it seems to me that we have to concern ourselves with this group of people as well as with the other group who do have an advocate and who do have a process by which they can better their condition. The other report, which I do not espouse directs its attention to a selected number of people. Including the Public Utilities Commission and two of the constitutional officers. It seems to me that this is a haphazard approach to the problem and does not adequately do what I think ought to be done.

This Bill, I created, drafted, and so I have some interest in it as a total proposal, as op-

posed to the partial approach which seems to be the position of those who signed the other report. I think that we ought to address it now. Those people who have suggested that it ought not to be considered until other State Employees have been taken care of, I say to you that with the effective date that we have proposed all of the bargaining arrangements ought to be in place and it seems to me that if you want to start a new Chief Executive on the road to success, that you ought to provide this flexibility which this law, if enacted, would provide.

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

Mr. MARTIN: Mr. President and Ladies and Gentlemen of the Senate: To pursue the question posed by the Senator from Penobscot, Senator Pray, Report "A" (S-542) on the other hand, simply grants pay increases to four individuals, the State Auditor, Treasurer of State, Chairman of the PUC Commission, and the Commission members.

It was felt by the majority of the State Government Committee members that because of collective bargaining with our state employees, that we could not at this time grant pay increase for eleven or fifteen members.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to pose a question through the Chair to the Chairman of the State Government Committee.

I note in a quick reading of the amendment that some of the regulatory boards are removed from this flexibility. I do not see that the Public Utilities Commission members are removed. Would the Governor have flexibility in how much the Public Utilities Commission members were paid under this Bill?

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

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, in the proposal that I have outlined there would be some flexibility in the Public Utilities Commission as well. They would be in pay range 89.

The pay range would equate, for example, with the Commissioner of Agriculture, Fish and Wildlife and Marine Resources. Incidentally, with respect to the members and Chairman of Public Utilities Commission, this was and is a real concern of mine. We, the State of Maine, ranks about 49th in terms of what they pay these people among the 50 States, and it seems to me that that is a rather dreadful position to be in. Incidentally, I would also indicate that with respect to some of the Commissioners, the average in the Northeastern region, the average salaries run from 32,800 to 42,200, so Maine there again does not fair well. In our proposal we would create a new range, and that range would run from \$30,451 to \$40,122. It seems to me a very reasonable approach and it seems to me that we have got to do something if we are going to retain and attract people at this top level of government.

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

Mr. MERRILL: Mr. President and Members of the Senate: I want to make sure that I understand the answer correctly. Under this amendment then, if it were adopted and made State Law, it would be possible for the Chief Executive of the State to adjust the salary of the Public Utilities Commission members within their term, within that pay range?

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

Mr. COLLINS: The answer is in the affirmative. It does provide that no charge could be made more then once a year but within the pay range there is that flexibility.

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

Mr. LEVINE: I would like to pose a question

through the Chair to the Senator from Aroostook, Senator Collins. Could he explain to me what the ranges are in these different classifications.

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

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: The top pay range which would be applicable to the Commissioner of Transportation, Conservation, and Finance, and Administration, Educational and Cultural Services, Environmental Protection, Human Services, and Mental Health Corrections, Public Safety, Business Regulation, and Manpower Affairs, and personnel, and the Chairman of the Public Utilities Commission. That range would be \$20,451. to \$40,122. Now there are two other ranges one would be applicable to the State Tax Assessor, State Budget Officer, and that range would be \$27,289. to \$36,400. The range for the other Commissioners, Agriculture, Fish and Wildlife, Marine Resources, and the members of the PUC it would be \$24,149. to \$32,178.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Aroostook, Senator Collins, that the Senate Accept the Minority Ought to Pass, as Amended, Report of the Committee. The Chair will order a Division.

Will all those Senators in favor of Accepting the Minority Ought to Pass as amended Report please rise in their places to be counted.

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

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: 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 the 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: I would urge the Senate to vote against acceptance of this report. This idea of giving the Chief Executive the power to regulate the salaries of the Commission members is not a new one and it has been rejected in the past by the Maine Legislature and I think that it should be rejected here today. Some of you may feel sanguine at this moment about this power, but I would suggest to you that if you want to have a truly independent commission it is important that that commission not be in a position where it could feel that the Governor's smiling upon them can result in their economic benefit. If, for example, a Chief Executive were trying to make points with the electric and just taking an arbitrary position against any rate increase for power companies, he could punish the commission if I understand the answer to my question correctly. By not allowing for any adjustments in pay scale, for the whole time that he was Chief Executive if they did not follow his wishes in this regard. I think that it violated the idea of a separate commission and I think that it would be a mistake to accept an amendment that has that principle within it.

The PRESIDENT: The Pending question before the Senate is the Motion by the Senator from Aroostook, Senator Collins, that the Senate accept the Minority Report.

A yes vote will be in favor of accepting the Minority Report.

A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Hewes, Huber, Jackson, Katz, Lovell, McNally, Morrell, Pierce, Redmond, Snowe, Trotzky, Wyman.

NAY — Carpenler, Conley, Danton, Farley, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Usher.

ABSENT — Hichens, Speers.

18 Senators having voted in the affirmative and 12 Senators in the negative, with 2 Senators being absent, the Motion to accept the Minority Ought to Pass Report does prevail.

The Bill Read Once. Committee Amendment "B" (S-543) Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (St. Regis Paper Company). (H. P. 2136) (L. D. 2158)

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

Bill, "An Act to Provide for Reform of the State Tax Laws." (H. P. 2215) (L. D. 2183)

Which was Read a Second Time.

On Motion of Mr. Huber of Cumberland, Tabled until later in today's Session, pending Passage to be Engrossed.

Senate — As Amended

Bill, "An Act to Clarify the Administration of the Department of Manpower Affairs." (S. P. 683) (L. D. 2103)

Which was Read a Second Time.

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

Bill, "An Act to Revise the State Criminal Extradition and Criminal Codes." (S. P. 697) (L. D. 2144)

Which was Read a Second Time and Passed to be Engrossed, as amended. Sent down for concurrence.

Orders of the Day

The President laid before the Senate:

Bill, "An Act Relating to the Installation of Smoke and Heat Detection Systems in Certain Hotels." (H. P. 2195) (L. D. 2178)

Tabled — March 10, 1978 by Senator Pierce of Kennebec

Pending — Passage to be Engrossed.

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

Mr. DANTON: Mr. President, I offer Senate Amendment "C" to L. D. 2178 and move its adoption.

The PRESIDENT: The Senator from York, Senator Danton, now offers Senate Amendment "C" to L. D. 2178 and moves its adoption. The Secretary will Read Senate Amendment "C".

Senate Amendment "C" (S-545) Read and Adopted.

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

The President laid before the Senate:

Bill, "An Act Relating to Abandoned Property." (H. P. 2043) (L. D. 2109)

Tabled — March 13, 1978 by Senator Speers of Kennebec

Pending — Adoption of Committee Amendment "A" (H-1136)

Committee Amendment "A" Adopted.

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

Mr. PIERCE: Mr. President, I now present Senate Amendment "A" to Committee Amendment "A" (S-548) and move its adoption.

The PRESIDENT: The Chair advises the Senator that it would be necessary for the

Senate to reconsider its action whereby it adopted Committee Amendment "A" in order to amend Committee Amendment "A".

Mr. PIERCE: I so move Mr. President.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate reconsider its action whereby it adopted Committee Amendment "A" and moves its adoption. The Secretary will Read Senate Amendment "A".

Senate Amendment "A" (S-548) Read and Adopted.

Committee Amendment "A", as amended, adopted in non-concurrence.

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

The President laid before the Senate:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1978. (Emergency) (H. P. 2217) (L. D. 2185)

Tabled — March 13, 1978, by Senator Jackson of Cumberland

Pending — Passage to be Engrossed

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

The President laid before the Senate:

Senate Reports — from the Committee on Health and Institutional Services — Bill, "An Act to Establish the Health Facilities Information Disclosure Act." (S. P. 695) (L. D. 2136) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (S-538); Minority Report — Ought to Pass as Amended by Committee Amendment "B" (S-539)

Tabled — March 13, 1978 by Senator Speers of Kennebec

Pending — Acceptance of Either Report

On Motion of Mr. Conley of Cumberland, Retabled until later in today's Session.

The President laid before the Senate:

Bill, "An Act to Revise Maine's Aeronautics Laws." (H. P. 2055) (L. D. 2119)

Tabled — March 13, 1978 by Senator Speers of Kennebec

Pending — Adoption of Senate Amendment "A" (S-535)

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

Mr. CURTIS: Mr. President, I offered this Amendment because I had not received any assurances that there would be additional services provided. Since preparing the Amendment and having an opportunity to speak to some of the people who has worked on this piece of legislation, I have received what I think is reasonable assurances that in the future, airports in Maine, including these relatively small commercial airports, will have some inspections provided for the protection of pilots and passengers and those inspections would include some reasonable investigation of the facilities that are offered for the watercraft which would land on places such as the small air facility which is located on the Penobscot River in Brewer.

For that reason Mr. President, I would ask leave of the Senate to withdraw my amendment.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now asks leave of the Senate to withdraw Senate Amendment "A". Is it the pleasure of the Senate to grant this leave? It is a vote.

The Bill Passed to be Engrossed in concurrence.

(Off Record Remarks)

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

Mr. HUBER: Mr. President, I move that L. D. 2005 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cum-

berland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table, L. D. 2005, An Act to Provide Funding for Programs to Aid School Administrative Units to Identify and Provide Special Education Programs for Gifted and Talented Children. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

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

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate suspend its rules and reconsider its action whereby LD 2005 was Passed to be Engrossed. Is it a vote?

Mr. KATZ: Mr. President, I now offer Senate Amendment "A" (S-530) and move its adoption.

The Secretary will Read Senate Amendment "A" (S-530) Read and Adopted The Bill, as amended, Passed to be Engrossed, in non-concurrence. Sent down for concurrence.

(Off Record Remarks)

All matters previously acted upon were ordered sent forthwith.

On Motion of Mr. Huber of Cumberland, Re-cessed until 4:00 in the afternoon.

Recess

After Recess

Senate called to order by the President.

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

Papers From The House Non-concurrent Matter

RESOLVE, Directing the Commissioner of Marine Resources to Notify Municipalities of the Minimum Size Limitation Provision of the Municipal Shellfish Conservation Program. (Emergency) (S. P. 736) (L. D. 2186)

In the Senate, March 13, 1978, Passed to be Engrossed.

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

On Motion of Mr. Chapman of Sagadahoc, the Senate voted to Adhere.

(Off Record Remarks)

Joint Orders

An Expression of Legislative Sentiment recognizing that:

The First Congregational Church of Scarborough is celebrating the 250th anniversary of its establishment. (H. P. 2239)

The Red Riots Gymnastic Team of South Portland High School has won the State Championship in Gymnastics for 1978; (H. P. 2236)

Don Ray of New Gloucester has been named "Entertainer of the Year" for 1977 by the Maine Country Music Association. (H. P. 2238)

Shirley E. Ross of Bristol is retiring after forty-four dedicated years of teaching the youth of the State of Maine. (H. P. 2237)

Julie Morrow of Eliot swept four first place wins in the Maine Schoolgirl Gymnastic Championships and became the best schoolgirl gymnast in Maine. (H. P. 2240)

The Red Riots of South Portland have won the 1978 Western Maine Class "A" basketball title. (H. P. 2235)

James D. Tilton, a member of Boy Scout Troop #802 of Windham, has attained the high honor and distinction of Eagle Scout. (H. P. 2231)

Comes from the House, Read and Passed.

Which were Read and Passed in Concur-

rence.

Communications

Committee on Health & Institutional Services
The Honorable Joseph Sewall
President of the Senate
State House Augusta, Maine 04333
Dear President Sewall:

The Committee on Health and Institutional Services is pleased to report that it has completed all business placed before it by the second regular session of the 108th Maine Legislature.

Total Number of Bills	
Received in Committee	15
Unanimous Reports	13
Ought To Pass	1
Ought To Pass As Amended	7
Ought To Pass In New Draft	1
Ought Not To Pass	1
Leave To Withdraw	3
Divided Reports	2
Total Number of Amendments	10
Total Number of New Drafts	1

Sincerely yours,

Signed:

OLYMPIA J. SNOWE
Senate Chairperson

Which was Read and Ordered Placed on File.

March 14, 1978

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

The House today Failed to Recede and Concur on Resolution, Proposing An Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office (H. P. 1886) (L. D. 1943)

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders

Expressions of Legislative Sentiment recognizing that:

The Rams of Cony High School, coached by David Pound, have won the State Eastern Maine Class A Boys' Basketball Championship for 1978. (S. P. 741) is presented by Senator Katz of Kennebec, Cosponsored by: Representatives: Kane, Bustin and Hickey of Augusta

The Blue Blazers of Westbrook High School have won the 1978 Western Maine Class A Girls Basketball Championship, (S. P. 742) is presented by Senator Usher of Cumberland, Cosponsored by: Representatives: Carrier and Laffin of Westbrook

The superintendent and Staff of Bangor Mental Health Institute have, through hard work and unselfish dedication to its patients, acquired for BMHI a full, two-year unrestricted accreditation. (S. P. 743) is presented by Senator Pray of Penobscot, Cosponsored by: Representatives: Prescott of Hampden and Norris of Brewer.

Which were Read and Passed
Sent down for concurrence.

**Committee Reports
House**

The following Ought Not to Pass report shall be placed in the Legislative Files without action pursuant to Rule 20 of the Joint Rules: Bill, "An Act to Require the State to Assume all Administrative Costs for the Food Stamp Program. (H. P. 1972) (L. D. 2057)

Ought to Pass

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1978. (Emergency) (H. P. 2242) (L. D. 2194)

Reports that the same Ought to Pass pursuant to Joint Order H. P. 1986.

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

Which Report was Read and Accepted.
The Resolve Read Once.

On Motion of Mr. Jackson of Cumberland and under suspension of the rules, the Resolve Read a Second Time.

Which was Passed to be Engrossed in concurrence.

The Committee on Education on, Bill, "An Act to Clarify the Education Laws." (H. P. 2018) (L. D. 2093)

Reports that the same Ought to Pass.
Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-1148).

Which Report was Read and Accepted.
The Bill Read Once.

The House Amendment "A" was Read and Adopted in concurrence.

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

Ought to Pass - As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Abolish the Mental Health and Mental Retardation Improvement Fund and Make Appropriation from the General Fund to Continue Existing Programs." (H. P. 2010) (L. D. 2085)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-1147).

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

Which Report was read and Accepted.
The Bill Read Once

Committee Amendment "A" Read and Adopted in concurrence
The Bill, as amended, Tomorrow assigned for Second Reading.

The Committee on State Government on, Bill, "An Act to Conform State Statutes to the Maine Administrative Procedure Act." (Emergency) (H. P. 2107) (L. D. 2145)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-1146).

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-1150) thereto.

Which Report was Read and Accepted.
The Bill Read Once.

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 the good Senator from Aroostook, Senator Collins, with respect to this Bill. I have been looking at the Bill for the last few days and it is very comprehensive. I understand the first 65 pages but I wonder if he could explain pages 66 through 142 for me.

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

Mr. COLLINS: Thank you very much. I would be delighted to.

I am sure that all of you are aware that the last session passed the administrative procedures act and it was scheduled to be enforced on July 1st of this year. The Committee on State Government has worked, I think, a total of 127 hours going through 166 pages and we have had a great deal of fun and games trying to resolve all the intricacies of State Government and all the various departments. I know that you do not expect the proper response from me. I would say that if you do not pass this amendment, you will be in worse shape than if you did. This does take into consideration some departments of state government who have special circumstances and tries to make those circumstances work within the framework of the Law. I am sure that you know that the Bills thrust is to make all rules

and regulations that is done through the state government to be done on the uniform basis, and it provides for procedures for appeal to the Administrative Court, for revocation of license. And for further appeal to Superior Court and Supreme Court. I think that you will be happy to know that there is a provision in the amendment that provides that there is an extension of time for rules in effect prior to July 1, 1978. It does extend that date to July 1, 1979. So there is some additional time provided for all of the agencies and boards and departments to properly work their rule making procedures into the new law which will come into place July 1st.

I would suggest to you that if you are thinking of any amendments that this Bill is so big that it has to be hand engrossed, and it will require at least three to four Legislative days to have this consummated. So if you have any problems with it, I would suggest that you talk to me later in the day. We do have a staff person available for some technical answers and would be happy to try to respond to your concerns.

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

Mr. MARTIN: Mr. President, if the Senator from Cumberland, Senator Conley, would like to meet with me in his office later on I would be more than happy to explain it to him and also he probably should call off the breakfast tomorrow morning.

Committee Amendment "A" Read.
House Amendment "A" Read and Adopted.
Committee Amendment "A", as amended, Adopted in concurrence.

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

Enactors

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

"An Act to Post-graduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine." (S. P. 732) (L. D. 2177)

On Motion of Mr. Huber of Cumberland, Tabled for One Legislative Day, Pending Passage to be Enacted.

"An Act to Empower the Oil Burner Men's Licensing Board to Inspect and Approve Coal and Wood-Fuel-Central-Heating-Equipment." (H. P. 2184) (L. D. 2176)

"An Act to Establish a Uniform Confidentiality Statute for Tax Information and to Update the Maine Income Tax Law with Respect to the Internal Revenue Code." (H. P. 1952) (L. D. 2031)

"An Act to Establish and Apply a Policy on the Classification of Major Policy-influencing Positions Below the Head of State Department and Agencies." (H. P. 2051) (L. D. 2111)

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

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

Committee on State Government
March 14, 1978

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

It is with pleasure that I report to you that the Committee on State Government has completed all business placed before it by the Second Regular Session of the 108th Legislature.

Total Number of Bills	26
Unanimous Reports	23
Leave to Withdraw	3
Ought Not to Pass	2
Ought to Pass	2

Ought to Pass as Amended	14
Ought to Pass in New Draft	1
Referred to another Committee	1
Divided Reports	3
Total Number of Amendments	17
Total Number of New Drafts	1

Signed:

DONALD F. COLLINS
Senate Chairman

Which was Read and Ordered Placed on File.

Communications

Committee on Transportation

March 14, 1978

Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine

Dear President Sewall:

It is a pleasure to inform you that the Committee on Transportation has considered and acted on all matters referred to it by the Second Regular Session of the One Hundred and Eighth Legislature.

Following is the tabulation of bills as reported out of committee:

Total Number of Bills Received	12
Unanimous Reports	9
Ought to Pass	1
Ought to Pass as Amended	4
Ought to Pass in New Draft	1
Ought Not to Pass	2
Leaved to Withdraw	1
Divided Reports	3

Very truly yours,

Signed:

EDWIN H. GREELEY
Chairman

Which was Read and Ordered Placed on File.

Orders of the Day

The President laid before the Senate:
Bill, "An Act to Revise the Maine Sunset Law and State Agency Rules Law." (Emergency) (H. P. 2229) (L. D. 2189)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Reference
Which was Referred to the Committee on Performance Audit and Ordered Printed in Concurrence.

The President laid before the Senate:
Bill, "An Act to Provide for Reform of the State Tax Laws." (H. P. 2215) (L. D. 2183)

Tabled — Earlier in the Day by Senator Huber of Cumberland

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

The President laid before the Senate:
Bill, "An Act to Clarify the Administration of the Department of Manpower Affairs." (S. P. 683) (L. D. 2103)

Tabled — Earlier in the Day by Senator Huber of Cumberland

Pending — Passage to be Engrossed
The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I move that the Senate reconsider its action whereby it adopted Committee Amendment "A".

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

The Chair recognizes that same Senator.
Mr. SPEERS: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" (S-546) and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-546) Read and

Adopted.
Committee Amendment "A", as amended, Adopted.
The Bill, as amended, Passed to be Engrossed. Sent down for concurrence.

The President laid before the Senate:
Senate Reports — from the Committee on Health and Institutional Services — Bill, "An Act To Establish the Health Facilities Information Disclosure Act." (S. P. 695) (L. D. 2136) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (S-538); Minority Report — Ought to Pass as Amended by Committee Amendment "B" (S-539)

Tabled — Earlier in the Day by Senator Conley of Cumberland

Pending — Acceptance of Either Report
The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: Mr. President, I move the acceptance of the Minority Ought to Pass Report and would like to speak to my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Snowe, now moves that the Senate accept the Minority Ought to Pass, as amended, by Committee Amendment "B" Report of the Committee. The Senator has the floor.

Mrs. SNOWE: Mr. President and Members of the Senate: The reports before us today are a result of a study conducted by the Committee on Health and Institutional Services on the basis of a Bill which was submitted to us in the last Legislative Session.

Since this is a very important issue I would like to spend a few moments explaining the Bill to you, the reasons for enacting such legislation, and the differences between the two reports. So I hope that you will bear with me.

In both reports there is established an independent board of State Government comprised of 10 members, its purpose being:

1. To develop uniform information systems relevant to understanding rises in Health Care costs for Hospitals and Nursing Homes.
2. To approve and oversee any voluntary budget review organization formed to review and comment on the reasonableness of hospital budgets.
3. To review and comment upon the reasonableness of hospital budgets for those hospitals which don't participate in a board approved voluntary budget review organization.
4. To prepare an annual report to the Legislature and Governor on the status of health costs in the State and mechanisms to contain them.

And lately establishment of uniform systems of reporting financial and other relevant health data so that accurate comparisons can be made between similar types of Health Facilities and an accurate picture of overall health costs can be made. Also it does establish an approval procedure by the State Board for a voluntary budget review organization which will review and comment upon hospital budgets before they go into effect.

In Section 358, in the scope of service information which will be filed with the Board are "physician profiles in the aggregate by clinical specialty." I want to call this provision to your attention in case any of you have heard from physicians concerning this provision. The intent of including this language in the legislation is to make sure that the State Board knows how many physicians there are in the various departments of hospitals and the number of procedures or operations which the physicians in the department are performing. It is not intended to identify physicians by name but rather to a mass aggregate data on procedures performed in hospitals by department.

Essentially what we are doing is allowing the hospitals to establish their own voluntary budget review organization with certain provisions

they meet certain criteria. If a hospital doesn't choose to participate in a voluntary budget review organization, then the board has the authority to review and comment on that hospital's budget. The overall approach taken by the committee and reflected in both reports is to allow for the development of the voluntary organizations. The state board can withdraw their approval of a voluntary organization doesn't satisfy the criteria for approval, the procedures adopted by the voluntary organization aren't acceptable to the board, or that the performance standards developed by the board haven't been met by the voluntary organization.

During the committee's initial deliberations, we considered the question as to whether or not there was a need for a state health facilities cost containment program here in Maine.

Based on statistics concerning the increased costs of health care in the United States, there is no question that health care costs have increased more rapidly than most other sectors of the economy or more than any other item on the consumer price index. Hospital costs have jumped from 5 percent to 8 percent of the gross national product. Thus, it has been noted recently by the Carter administration that "Americans work almost two weeks a year to pay for our nation's hospitals."

The question the committee then asked is what has happened in Maine? As statistics will indicate, Maine is experiencing the same spiraling medical costs. Although our costs in Maine are still lower than the rest of the country, now is the time to control it. In the United States, for example, the total cost per capita is \$211.00 whereas in Maine it is \$193.00. Total cost per admission is \$1,165 in the United States and \$994.00 in Maine. In other words, we aren't far behind. The average costs of a day's stay in a hospital has more than tripled in the last 10 years. Nationally, the cost of a hospital stay increased 13%, whereas in Maine the increase was a little over 14%.

The present reimbursement system by 3rd party payors, particularly medicaid, is another factor which the committee considered in deciding whether or not the state should pursue its own health facilities cost containment program. Presently, providers of health care are reimbursed for costs after the services have been delivered. Such a system does nothing to encourage difficult decisions in regard to new and expensive services, nor creates any incentive to contain the costs of present services. While the average cost per patient day in a hospital has tripled in the last twenty years, the dollar cost to the patient has remained the same. In the U.S. over 90% of the average hospital budget is paid for by third party payors. In Maine, it is just under that.

A third compelling argument which the committee evaluated was what kind of decisions are going to be made in Washington in the near future regarding a cost containment program. As you may know, the administration's original hospital cost containment program would limit increases in annual revenues received by hospitals from third party payors to 9 percent every indication, up to this point, is that the congress will support a federally administered cost containment program with the possibility of including an option to allow state voluntary programs if the hospitals reduce the rate of budget increases by a certain percentage annually. In the specific proposal considered likely to pass in congress, it would require hospitals to reduce their budgets by 4% over a two-year period. Thus, if we had a program already in operation, then the Secretary of hew would have the authority to exempt this state from a federally mandated program if our program was meeting its goals. We can all agree that I am sure that it would be preferable if we could have a program established on the state level which was tailored to our needs.

The major difference between the two re-

ports surfaces in section 364 of the bill. In the majority report they require the state board to approve the budget review procedures of the voluntary budget review organization before that organization can go into operation. The minority report allows the voluntary budget review organization to form based on certain criteria and allows them to proceed in conducting budget reviews. As long as the voluntary organization has to meet certain performance standards established by the Board, I see no reason why the State Board should have to direct the conduct and internal procedures of the voluntary organization to review their budgets. The purpose of the Legislation is results. The State Board's regulation of procedures would hamper the achievement of the kind of results we are aiming to attain. It was the contention of those who signed the minority report, that by the time the Board was established and got underway, there would be undue delays before the voluntary organization could actually get into full swing.

With the approach the majority report has taken, the voluntary organization would have to wait an indeterminate amount of time until the State Board has decided upon the procedures it wishes the voluntary organization to establish. Not only is this an unnecessary exercise for the State Board, it is simply a waste of valuable time. The proper focus and emphasis should be on the performance voluntary organization, and its ability to appear scrutiny to reduce the costs of health care. That is our aim. If we are to be successful in that attempt, then we shouldn't create a complicated process which would thwart the intent of this Legislation. For every day there's a delay, it is costing the people of this state money.

The second major difference between the two reports is that the majority reports includes a provision which authorizes the board to set rates for those hospitals who aren't participating in an approved voluntary budget review organization after after July 1, 1980. The Committee had decided originally when we were studying this area that we didn't want the state involved in rate setting, and that we should proceed in a cautious manner. Both reports include a provision which requires a report to the Legislature on the status of health costs and what would be an appropriate mechanism to contain them. At that time, if the Legislature deems it necessary for the State to set rates, it can do so, but we should first wait and see what we can accomplish by the mechanism we have created in this Legislation. In addition, it is, in my opinion, arbitrary to allow the Board to establish budgets for some hospitals and not others. The Legislature should make the ultimate policy decision, at the proper time, as to whether or not it wants the State regulating rates of hospitals.

We are all concerned about the access of care, the quality of care, and the cost of Health Care. At the same time, we don't want these issues resolved arbitrarily. It is our responsibility to create a balance between the kind of medical care the people in Maine deserve and the cost of that care.

The objective of the minority report is to create a reasonable partnership between the public and private sector so that we can develop a plan or action with minimum Governmental regulation which will contain the costs of health care here in the State of Maine. Thank you.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I rise with great trepidation as I have a sinking feeling that I am licked already. This was my Bill I say was because I certainly take no authorship of the Minority Report, as it presently stands but it now appears that I may have sponsored a nameless, faceless, useless, piece of legislation, and I apologize to the Senate for that.

I think that if you look at the second bill, you will see considerable difference, some of which have been delineated by the good Senator from Androscoggin, Senator Snowe. I know that probably many of you also received the phone calls the panic phone calls from persons associated with hospitals asking you to vote a particular way, I hope that some of you have bothered to ask them why. Because the answer is dead silence on the other end of the phone at that point.

I am very disappointed that the Committee happened to be split. The Senator from Androscoggin, Senator Snowe, talked about the deliberations of the Committee at some length, I think that if you will look at the Committee Report you will see that it was a fairly heavy majority on one side of this issue. I introduced this Bill at the end of the last session of the Legislature for the Governor, and I did it for one main reason, I did not do it because I was particularly happy with the wording of the Bill, I did it because I would much rather see the State of Maine get into hospital budgets deeper than they are presently because I think that it is just a matter of time, before the Federal Government will be knee deep in our own budget processes if we do not. I think that this is something that the Committee agreed on, at least in this respect unanimously. If we do not do something about hospital costs then somebody else is going to and you know who that somebody else normally is. I am quite disappointed I think that the Minority Report which the motion presently before us is to accept creates an organization that is as I see it as a form of appeasement. I guess we must have done something right along the way. I have not seen this many health care lobbyists wandering the halls and sitting in the offices in this Legislature since the departure of our beloved friend the Senator from Cumberland, Senator Cragin.

I would oppose the motion to accept the Minority Report. I think that if you look at the Bill and the sections that the good Senator from Androscoggin has already outlined, I think you will see the differences in the Bill. If you want to create any kind of a health facilities cost review or information disclosure procedure in the State of Maine that has any meaning to it whatsoever then you will oppose the motion to accept the Minority Report, and get onto the Majority Report which does have some teeth in it. Which does tell the hospitals in the State of Maine that we are serious about this entire situation. I think the Senator from Androscoggin, Senator Snowe, perhaps proved my point or spoke on my point more aptly than I can when she said, "Let us allow peer scrutiny to force the hospitals to come in line or to cut their budgets or to be more responsive." I think that peer scrutiny is exactly what has failed miserably. I think peer scrutiny at the local level has not been effective and I think that this is why in the very near future this Legislature may well have a Resolution before it asking Congress to not to pass a health care measure or a health care rate review or national health insurance or something like that. We are going to have it. We are going to have something from the Federal Government and I just think that we have seen in the case of hospitals budgets, do not kid yourself you stop and ask yourself back in your own area who prepares, who writes the hospital budget? It is normally one person. There is very little peer scrutiny used or exercised effectively in this situation, and I have no reason to believe that peer scrutiny will work if you vote this afternoon to accept the Minority Report.

Mr. President I would ask that when the vote be taken, it be taken by the yeas and nays.

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

Will all those Senators in favor of a Roll Call

please rise in their places to be counted.

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

The pending question before the Senate is the Motion by the Senator from Androscoggin, Senator Snowe, that the Senate accept the Minority Ought to Pass, as amended, by Committee Amendment "B" Report of the Committee.

A yes vote will be in favor of accepting the Minority Report.

A nay vote will be opposed.

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

ROLL CALL

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

NAY — Carpenter, Conley, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Usher.

ABSENT — Danton, Farley, Hewes, Hichens, McNally.

17 Senators having voted in the affirmative and 10 Senators in the negative, with 5 Senators being absent, the motion to accept the Minority Report does prevail.

The Bill Read Once.

Committee Amendment "B" Read and Adopted.

On Motion of Mr. Pray of Penobscot and under suspension of the rules, the Bill Read a Second Time.

The Bill, as amended, Passed to be Enrolled.

Sent down for concurrence.

On Motion of Mr. Huber of Cumberland, Adjourned until 10:30 in the morning, Wednesday, March 15, 1978.