

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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Senate Confirmation Session

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APPENDIX

SENATE

In Senate, March 21, 1978

Senate called to Order by the President.

Prayer by the Honorable Minnette H. Cummings of Hampden.

Mrs. CUMMINGS: God accept us not for what we say but for what we do. Not for declarations of piety but for acts of fidelity. Not for our good intentions but for our consistent living. Not because we have attained but because we are growing. Accept us O Lord in Thy grace and forgiveness. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

ORDERS

On motion by Mr. Conley of Cumberland, ORDERED, the House concurring, that the Joint Rules be amended by adding a new Joint Rule 19-A to read as follows:

19-A. Reporting out of Errors and Inconsistencies' legislation. Prior to reporting out any bill entitled "An Act to Correct Errors and Inconsistencies in the Laws of Maine" or "An Act to make Additional Corrections of Errors and Inconsistencies in the Laws of Maine," the Joint Standing Committee on Judiciary shall, after giving Legislators notice and an opportunity to be heard, hear proposed amendments and determine which amendments shall be included in the bill reported out. Upon reporting out the bill, no floor amendment shall be entertained in either House, except under suspension of the rules for each amendment. (S. P. 756)

Which was Read.

On Motion of Mr. Speers of Kennebec, Tabled until Later in Today's session, Ending Passage.

Committee Reports

Senate

Ought to Pass

Mr. KATZ for the Committee on Education on, Bill, An Act Creating an Interim Education Finance Commission. (Emergency) (S. P. 775) (L. D. 2204)

Reports that the same Ought to Pass pursuant to Joint Order (S. P. 753)

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

Under suspension of the rules, the Bill Read a Second Time.

On Motion of Mr. Katz of Kennebec; Tabled until later in today's Session, pending Passage to be Engrossed.

Second Reader

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

House — As Amended

Bill, "An Act to Revise the Method of Computing Legislators' Expenses." (H. P. 1996) (L. D. 2077)

Which was Read a Second Time.

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

Mr. JACKSON: Mr. President and Members of the Senate: I would ask that a Division be taken when the vote is taken. And I would like to speak to the pending piece of Legislation, L. D. 2077.

It has occurred to me that in the last session of the Legislature we attempted to shorten the Legislative Sessions by going to annual Sessions. The first session being called for a maximum of 100 days plus two extensions of five days each. The second session 50 days with provision.

It seems to me with Legislation such as this, that we are not attempting to cut the Legislative session or contain it within the 100 days or below. It seems to me with this piece of Legislation increasing the Legislative expenses from \$25. per day to \$35. per day would be in fact creating an atmosphere for extending Leg-

islative sessions possible using the emergency periods for additional dollars. I would hope that that would not be the case, but I do not see where it would be an attempt to shorten the Session whatsoever.

Another thing is that it has been said that Legislators need more money for the work that they are doing. We were handed out a sheet last Friday when we debated this piece of Legislation what your state paid its Legislators. It said basic two year salaries and expense allowances in 77 and 78. I cannot speak for the other States but I am sure that the Legislators in this Body when they look at the State of Maine and see that Maine is \$7,400. that includes the Legislative salaries for the biennium plus the \$200. expense account for constituent services. It does not reflect the expenses of up to \$25. per day and the mileage one way down and one way back because if we took that into consideration excluding the mileage it brings in \$11,000 plus for the biennium.

I think that an attempt to increase the Legislative Salaries by the expense account method is in fact a different direction then we should take. I think that if somebody wants to increase the Legislative Salaries by \$1,000. in the first year of the biennium and \$500. in the second year of the biennium should be addressed out front where the Legislative payroll is.

Another thing that I see with this is that the \$10., the initial \$10. per day is money that is not subject to tax if you can provide proof that you used the funds.

I would hope this morning that the majority of the Senators of this Body would vote against the pending motion.

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

Mr. CARPENTER: Mr. President and Men and Women of the Senate: I think it is particularly ironic this morning in light of the prayer given by the good Senator from Penobscot, Senator Cummings, that we are seeing so much piety on this particular issue. I have no problem with voting for this Bill and I would ask that when the vote be taken that it be taken by the yeas and nays.

I do fully understand what was happening around the Chamber this morning and I do understand that I am, as usual in the minority and will be on the Roll Call. As I stated on this floor Friday on this very same subject, I shall not have any problem voting for this increase and if in fact the issue does stay alive I will amend the Bill or attempt to amend the Bill to reflect it in the salary rather than the expenses.

I think that perhaps a better way to accomplish what the Senator from Cumberland, Senator Jackson, wishes to accomplish perhaps we could pass statutes saying that in order to serve the Maine Legislature you must have an adjusted gross income of a certain amount of money per year. That would probably be the most straight forward way of doing what has been accomplished in this State for many, many years. And in fact, in effect it is still being done.

I do not think that an increase in the expenses is a back door approach as I stated here Friday. I do not believe that it is anything skulldruggery or deceitful at all. I know that when I am home during the Legislative Session I spend every Saturday on the road throughout my district that is about 200 miles round trip, for which I receive no compensation. I also spend probably at least 20 hours a week dealing with matters of constituent work or Legislative business when we are not in session, for which there is no compensation. I certainly did not run for this job for the money, but I certainly do not feel that anybody should have to suffer financially for being here, suffer greatly I think perhaps it is a good idea that we should be pinched a little bit for being here that way the pay check does not become almighty important.

I personally do not make very much money I

just filed my income tax on \$6,200. total income from last year, including \$4,500. from the legislature, but I just would, I guess address myself to the pity of the arguments that have been put forth, were put forth on Friday as to who should have the right to serve in the Maine Legislature. I have some constituents at home, both Republicans and Democrats who would like to serve in elective office but cannot afford to. Fortunately because I am single, I am able to, fortunately or unfortunately depending on which side of the aisle I guess you sit on, because I am single I can afford to come down here. How much longer I do not know, but I do not quiver and shake when I open my expense check each week or my salary check and I am sure that if this were to go through that I still would not have any great trepidation about cashing my checks. Thank you.

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

Mr. HICHENS: Mr. President, I would concur with the statements just made by the good Senator from Aroostook, Senator Carpenter, and would oppose the motion to indefinitely postpone this Bill.

I was interested, as you were, to see the headlines that the Legislature votes to increase their pay, and I had people talk to me over the weekend, all of them in a joking manner, rather, that they noticed that we were going to increase our pay and I told them as I told others we are not voting to increase our pay, because we are taking the chances on being re-elected to this seat again. Those of us who choose to run.

It was very interesting to note in the Roll Call last week that of the 14 people that voted against the raise, 9 of them had declared that they are not interested in coming back next year. Now the good gentleman from Cumberland has also declared that he is not coming back next year and I do not know why he got so excited over whether the pay is going up or which manner the increase is going to be made, through salary or through expense account, but I am all in favor of increasing expense accounts as the good Senator from Aroostook said, our expenses through the rest of the interim between sessions amounts to a lot more then we are getting paid for it.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I also oppose the motion to indefinitely postpone this Bill, and I went back and looked at some recommendations made by an independent citizens commission called the Legislative Compensation Commission. In December of 1974 it made its recommendation to the Legislature basically to the 107th that the following salary schedule would go into effect \$5,000. for the first regular session and \$2,500. for the special session and also a recommendation that meal and housing allowances be \$25. per day. It is four years later now, but I would like to read a statement that was made at that time. The Commission feels that it is in the best interest of the State to take steps to broaden the opportunity for service in the Legislature. The ideal situation would be one in which every capable and interested citizen regardless of economic circumstance would be able to serve in the Legislature. The ideal may be beyond our grasp but the gap between ideal and reality in Maine is now so great that narrowing it is morally imperative. The 107th and 106th Legislature did raise salaries. However, during the last four years a period of time there has been inflation rate.

I am sure that in my city there are many citizens who would like to run for Legislature who cannot afford to do so. I also feel that in a Democracy such as ours, everyone should be able to serve in the Legislature regardless of their economic circumstances.

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

Mr. HEWES: Mr. President, I have been requested and agreed with the Senator from York, Senator Lovell, to pair my vote with him. If he were here he would vote in favor of the Bill and I, against.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now requests leave of the Senator to pair his vote with the Senator from York, Senator Lovell, who if he were here would vote yea and the Senator from Cumberland, Senator Hewes, would vote nay. Is it the pleasure of the Senate to grant this leave? It is a vote.

The pending question before the Senate is Passage to be Engrossed. 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 Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I am a little bit confused on the motion. I thought the motion was to indefinitely postpone and now I understand it is Engrossment. Is that right?

The PRESIDENT: The Chair would answer in the affirmative. The pending question is Engrossment.

There has been no motion made to indefinitely postpone.

On Motion of Mr. Speers of Kennebec, Tabled until later in Today's Session, pending Passage to be Engrossed.

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

Order

An Expression of Legislative Sentiment recognizing that: The Blue Blazes of Westbrook High School, coached by Archie Manooogian, have won the 1978 State of Maine Class A Basketball Championship for Girls, (S. P. 757).

Is Presented by Senator Usher of Cumberland, Cosponsored by: Representatives: Carrier and Laffin of Westbrook.

Which was Read.

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

Mr. USHER: Mr. President and Members of the Senate: for many years Westbrook High has been noted to excell in basketball on a male line. Saturday night we witnessed true representation of the finer sex. Our girls truly performed to the highest caliber against the great team of Mt. Blue. We in Westbrook are very proud of our queens of State Class "A" Girls Basketball.

Which was Passed.

Sent down forthwith for concurrence.

Paper from the House Joint Order

An Expression of Legislative Sentiment recognizing that:

The Rams of Cony High School have won the State of Maine Class A Boys' Basketball Championship for the Academic Year 1978, (H. P. 2287)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. KATZ: Mr. President, I am terribly sorry that the Senate did not get a chance to meet these fine young men, they were here this morning. Everyone who met them felt that they looked like champs and they are real champs. I found out to my amazement that the Secretary of the Senate knows everyone of these boys and has known them all their lives apparently and there was a time when I was trying to get the Secretary of the Senate to consider an elected political career and what I saw this morning would have indicated she would

have done very well.

Ten years ago my son was on the Cony undefeated team and my wife and I travelled all over the state to every single game and I found out that the state is a very big place and whenever there is a game in Rumford it snows like the blazes and the nights seemed to be awfully long.

I have never seen a group of men who made me more proud of representing the city than these boys here this morning and there is only one fly in the ointment because last week the Senator, before I mention that I should say that my joy this morning is shared by the Senator from Penobscot, Senator Pray, because as everybody knows, Coach Pound comes from Stearns where he set all kinds of records himself and I have to admit that we had to go to Stearns to get our winning coach. But the thing that I am deeply concerned about and could stand some reassurance on is last week the Senator from Cumberland, Senator Hewes and I made a very small token wager on this game and we made the mistake of entrusting the funds to the Senator from Penobscot, who strangely enough is not here and he looks like he has not been here since then and we are starting to feel very, very uneasy indeed.

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

Mr. HEWES: Mr. President and Members of the Senate: I too would like to congratulate the Cony team. I was very proud of South Portland in their battle a week earlier, they are fine young men, but Cony deserves the championship and I wish them the very best of luck in representing the State of Maine in the New England Tournament coming up in the near future.

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

Mr. CARPENTER: Mr. President, not to allow any part of the record to go uncorrected. I would just point out that the good coach from Cony, Mr. Pound received most of his basketball education in later years at a place called Ricker College in Houlton.

Which was Passed in concurrence.

(Off Record Remarks)

Out of Order and Under Suspension of the Rules;

On motion by Mr. Huber of Cumberland, ORDERED, the House concurring, that the following be recalled from the Governor's office to the Senate: 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) (S. P. 758)

Which was Read and Passed.

Sent down forthwith for concurrence.

Out of Order and Under Suspension of the Rules;

On motion by Mr. Katz of Kennebec, ORDERED, the House concurring, that the Joint Rules be amended by repealing Joint Rule 33 and enacting in its place the following:

33. Expressions of legislative sentiment. All requests for expressions of legislative sentiment shall be presented in such manner as standardized by the Legislature. No legislative instrument recognizing achievement or expressing legislative sentiment shall be in order for introduction unless the achievement being recognized is a state-wide interest and significance and equally recognizes all persons or groups within the State which have currently attained that achievement or are the subjects of that sentiment. (S. P. 759)

Which was Read.

On Motion of Mr. Speers of Kennebec, Tabled until later in Today's Session, pending Passage.

The PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, is the Senate in possession of Bill, "An Act to Clarify the Education Laws." (H. P. 2018) (L. D. 2093)?

The PRESIDENT: The Chair would answer in the affirmative. The Bill having been held at the request of the Senator.

Mr. KATZ: Mr. President, I move that the Senate reconsider its action whereby the Senate receded and concurred.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby it receded and concurred with the House. Is it the pleasure of the Senate? It is a vote.

Mr. KATZ: I now move that the Senate recede from its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, 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.

Mr. KATZ: Mr. President, these motions are necessary to clear an inconsistency in the Bill. I move that the Senate recede from the Adoption of Senate Amendment "A".

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

Mr. KATZ: I move that the Senate indefinitely postpone Senate Amendment "A", and Mr. President, and Members of the Senate, there are 11 motions here and I think that the national record is only 8, so I hope that the Senate will bear with us.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate indefinitely postpone Senate Amendment "A". Is it the pleasure of the Senate? It is a vote.

Mr. KATZ: Mr. President, I move that the Senate recede from adoption of Senate Amendment "B".

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

Mr. KATZ: Mr. President, I move that the Senate indefinitely postpone Senate Amendment "B".

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate indefinitely postpone Amendment "B". Is it the pleasure of the Senate? It is a vote.

Mr. KATZ: Mr. President, I move that he Senate recede from Adoption of House Amendment "A".

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

Mr. KATZ: Mr. President, I hope that I am not going too quickly for each Senator to follow this. I move that House Amendment "A" to House Amendment "A" be read and adopted.

The PRESIDENT: The Senator from Kennebec, now requests the Secretary Read House Amendment "A".

House Amendment "A" Read.

House Amendment "A" to House Amendment "A" Adopted.

Mr. KATZ: I present Senate Amendment "A" to House Amendment "A" and move its adoption. The Secretary will Read Senate Amendment "A".

Senate Amendment "A" (S-592) Read and Adopted.

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

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

Mr. MERRILL: Mr. President, having watched this process I cannot help but be amused by the title which is, An Act to Clarify

the Education Law. When the Senator from Kennebec, Senator Katz sets out to clarify the Education Laws many of us find it a confusing process indeed.

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

Mr. KATZ: And I for one would like to thank the Senator from Cumberland for adding his support to the construction of a huge new Cony High School.

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

Mr. SPEERS: Mr. President, I would like to pose a question through the Chair if I may to the good Senator from Kennebec, Senator Katz as to whether or not this has been checked out with the Chief Executive?

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

Sent down forthwith for concurrence.

(Off Record Remarks)

On Motion of Mr. Katz of Kennebec the Senate voted to take from the Table Bill, "An Act Creating an Interim Education Finance Commission. (Emergency) (S. P. 755) (L. D. 2204)

Mr. KATZ: Mr. President, this amendment which I am offering just provides that the funds shall not lapse. I offer Senate Amendment "A" to L. D. 2204 (S-594) and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now offers Senate Amendment "A" to L. D. 2204 and moves its adoption. The Secretary will Read Senate Amendment "A".

Senate Amendment "A" (-594) Read and Adopted.

The Bill, as amended, Passed to be Engrossed. Sent down forthwith for concurrence.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland, recessed until 4:00 in the afternoon

Recess

After Recess

Senate called to order by the President.

The President laid before the Senate:

Bill "An Act Relating to Appropriating Funds for Certain Municipal Governments." (H. P. 2096) (L. D. 2139)

Tabled — March 17, 1978 by Senator Speers of Kennebec

Pending — Adoption of Senate Amendment "A" (S-581)

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President I request permission of the Senate to withdraw Senate Amendment "A" for consideration.

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

Mr. MERRILL: Thank you Mr. President. I would now like to offer Senate Amendment "B" to L. D. 2139 and speak to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now offers Senate Amendment "B" to L. D. 2139 and moves its adoption. The Secretary will Read Senate Amendment "B". Senate Amendment "B" (S-595) Read.

The PRESIDENT: The Senator has the Floor.

Mr. MERRILL: Mr. President and Members of the Senate: You will recall when we discussed this issue last week, we talked about the problems of those communities within school administrative districts and it would still con-

tinue to pay above and beyond the cost of education even though the vote had been taken last December to repeal the Uniform Property Tax. After a further discussion last week, with people from the Department of Education and with the Senator from Kennebec, Senator Katz, we also discovered the problem of those towns within school administrative districts that would be forced to tax at a level above the 10 mill rate which is now called for in the Educational Funding Act because of the formulas they find themselves operating within. As a result of that, I have offered Senate Amendment "B" today.

Senate Amendment "B" focuses on both those types of towns within school administrative districts. Those paying above and beyond the cost of education, those paying above 10 mills. When the total amount of money that is, would take to completely irradicate that problem was computed, it came to approximately \$1.6 million. It seems to me to be in excess of what we could consider having a good chance of being enacted into law here. So the proposed amendment would refund or give directly to the municipalities an amount equal to 60 percent of that total commitment of what it would take to make those communities whole.

And I might say finally, that this money is not allocated from the general fund as such, but this money will be allocated to the communities a year from April if, and only if, the school funding account which has been created by this years Legislature runs a surplus as we expect that it will in that case and at that time when that money is materialized, this \$1 million will be granted to these towns for the purpose of correcting this problem. Now I might say that this is obviously not a long term solution to this problem any more than the similar sort of approach we took back in the regular session of the 107th was a permanent solution to the rapid increases in tax rates that some towns felt as a result of the passage of 1994.

But this is, I think, a temporary solution or at least a temporary partial solution which maybe will be recognized as a commitment on the part of the Legislature to look to the problem and to do something until that time the Committee on Educational Finance which we are in the process of creating and in the next couple of days will be funding, can look at this whole problem and come up with some solution of a more permanent nature. It therefore, would be my hope that we could adopt Senate Amendment "B" today and pass this Legislation.

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

Mr. HEWES: Mr. President and Members of the Senate: I would inquire of the good Senator from Cumberland or anyone else, if this source of the funds the general purpose aid for local schools is the same, say \$5 million that the Senator from Kennebec, Senator Katz indicated to us might be available from the \$173 million that was voted in the general Education Funding Bill?

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

Mr. MERRILL: Mr. President and Members of the Senate: I think that the answer is clearly yes. I want to make my position or the position that this Amendment offers completely clear. We anticipate that there will be a surplus because we have designed a system that brings us surplus in order to make it deficit proof we anticipate as the Senator from Kennebec, Senator Katz has said, a surplus of \$4 or \$5 million. That we can be pretty much count on. If this Bill passes there will be one million dollars less available next year from that surplus then otherwise would be available to the 109th Legislature. If the surplus does not materialize, in other words, if the spending is to the full extent that we have authorized, there will be no money spent on this program but as has been pointed out earlier in the debate that the likeli-

hood of that is so remote as to be not expected. But there is nothing funny money about this. If the money does not materialize, it will not be spent and there will be no mistake that if the money does materialize it is in essence pre-allocated in this fashion. I see this Legislature doing something towards solving the problem during the time period in which we will be working towards a more permanent solution to what is a very complicated problem that comes about as a result of the vote of the people in December to repeal the Uniform Property Tax.

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

Mr. JACKSON: Mr. President and Members of the Senate: I rise to support the good Senator from Cumberland, Senator Merrill in his amendment.

This amendment does reflect some of the, I would say remedies to the frustrations that some of the municipal officials and school board members through my Senatorial District have expressed and they are greatly concerned and rightly so. Out of the total amount of dollars in \$977,000 effects six of my municipalities which I represent to the tune of approximately \$136,000. These are small communities. Communities which cannot afford this type of taxation and I am sure that many of the Members of this Body are aware of one community in particular that is listed here that wanted to align itself with the good Governor Melvin Thompson, I guess he refused. He wrote back and said that it was impossible. Evidently they did not want to be taxed either.

But I do support the amendment. I think that it is a step in the right direction. I think the safe guards are here if the funds are there in 1979 they shall be paid. If they are not, it will on the prorated basis as I understand it as to the amount that is available.

On Motion of Mr. Katz of Kennebec, Tabled until later in Today's Session, pending Adoption of Senate Amendment "B".

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

Papers from the House
Non-concurrent Matter

Bill, "An Act to Increase State Reimbursement for the Net Costs of Local General Assistance." (H. P. 1859) (L. D. 1922)

In the House, March 16, 1978, Passed to be Engrossed as amended by Committee Amendment "B" (H-1175) thereto.

In the Senate, March 17, 1978, Passed to be Engrossed as amended by Committee Amendment "A" (H-1164), in non-concurrence.

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

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

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

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate Insist and Join in a Committee of Conference. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I would ask for a Division.

The PRESIDENT: A Division has been requested on the motion to Insist and Join in a Committee of Conference.

Will all those in favor of the motion to Insist and Join in a Committee of Conference with the House 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 Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, I would ask for a Roll Call.

The PRESIDENT: A Roll Call has been re-

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

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, I would ask for a Roll Call.

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

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, this is the item that we debated somewhat last week in relevance to what the positions the various communities, the special larger communities in the State of Maine would be faced with and I think that the Committee of Conference is extremely beneficial because I believe it can bring forth additional information from the various controllers of municipalities to show them exactly why it is imperative that we concur with, at least have the Committee of Conference so that the entire thing can be discussed in detail. I think in discussing this matter with other Members of this Body as well as the other Branch, that a lot of people are totally confused exactly to the 30 percent plan and the .0006 plan and exactly what happens to mill rate in the community and I really believe that if we had one ample opportunity during this Committee of Conference that much of this could be resolved insofar as having everybody understand exactly what the municipalities, especially the smaller ones in the state would be faced with in the event that they did have a catastrophic catastrophe in the area.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley, has moved that the Senate Insist and Join in a Committee of Conference with the House.

A yes vote will be in favor.

A nay vote will be opposed.

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

ROLL CALL

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

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

ABSENT — Jackson, Lovell, Mangan.

13 Senators having voted in the affirmative and 16 Senators in the negative, with 3 Senators being absent, the Motion to Insist and Join in a Committee of Conference does not prevail.

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

Mr. CONLEY: Mr. President, I move that the Senate recede and concur.

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

Mr. PIERCE: I would ask for a Division.

The PRESIDENT: A Division has been requested on the Motion to Recede and Concur.

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

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

9 Senators having voted in the affirmative and 20 Senators in the negative, the Motion to Recede and Concur does not prevail.

The Senate voted to Adhere.

Sent down forthwith for concurrence.

On Motion of Mr. Katz of Augusta, the Senate voted to take from the Table:

Bill, "An Act Relating to Appropriating Funds for Certain Municipal Governments." (H. P. 2096) (L. D. 2139)

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to make for the record emphatic clear what I think the primary purpose of this Bill is and that is to provide some bailing twine to help hold together our school administrative districts in the face of the problems that have been caused by the vote in December and I would point out to the Senate that this money will not actually be released from the state treasury until one year from next month. And that it would certainly be appropriate on the part of the succeeding Legislature if it found that a town had left the school administrative district in the meantime to take steps to adjust this Bill before next April so that that money would not go to the towns and I wanted to make that clear as a matter of record so as the intent of this Legislation could be clearly understood. It is obviously a question to be looked at if it does occur by the 109th and I thought that this being on the record might make clear to them what our intentions were here today.

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

Mr. KATZ: Mr. President, I would like to reinforce the statement of the Senator from Cumberland. I am sure that no Member of the Senate wishes to appropriate over \$900,000, and find out that the money was used to pay the legal fees for the disillusion of the SAD's around the State. I think that this Legislature is doing all it can to resolve a very pesty and perplexing problem both with respect to the constitution of certain cost sharing and also the particular problem at hand. Support of this particular measure is a measure of good faith with the people that we are doing the best and certainly I would hope that the next Legislature would take another look and see whether some of the communities on this list may have abandoned their SAD's and if that is true, they may wish to take a look at the appropriations next year.

Senate Amendment "B" Adopted.

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

Sent down forthwith for concurrence.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

Mary Flagg has served the United Way with great dedication for the past 43 years and is now entering retirement, (H. P. 2292)

The Maine Public Broadcasting Network is celebrating the 25th year of public broadcasting in the United States, (H. P. 2283)

H. Lewis Taylor, M. D. is retiring after 38 years of dedicated service to the people of Dexter and the surrounding communities, (H. P. 2282)

Sharon Renee Talbot, a 20-year old Sophomore at Smith College, has been appointed to the International Women's Year Continuing Committee which will meet with President Jimmy Carter on March 22, 1978, (H. P. 2276)

The Green Street United Methodist Church of Augusta is celebrating the 150th anniversary of its establishment and location in the Capital City, and the distinction of being the oldest place of continuous worship in the City of Augusta, (H. P. 2259)

On March 5, 1978, Raymond Lee of Unity performed a heroic livesaving act, (H. P. 2284)

Gary Melanson of Boy Scout Troop No. 84 of Old Town has achieved the high rank of Eagle Scout, (H. P. 2288)

Coach Alan Switzer of the University of Maine at Orono Swim Team has, in six years, developed a team which has won two of the last

three NEISA titles and the last three Yankee Conference swim titles, (H. P. 2291)

Virginia A. Merrill, Gertrude M. Chick, Irene Kennedy, Barbara Ellis, Doris L. Mallar, Margaret H. Robbins, Madeline Griffith, Phyllis C. Small, Constance Pillsbury, Jeannette I. Whiting, Bernice L. Bixby and Barbara H. Graves are teachers in the South Portland Public School System and will retire this year, combining over 390 years of outstanding service teaching the children of South Portland citizens, (H. P. 2285)

The Women's Swim Team of the University of Maine at Orono recently won the 1977-78 New England Intercollegiate Swimming Association Title, (H. P. 2290)

The Men's Swim Team of the University of Maine at Orono, winner of the last three Yankee Conference swimming titles, recently won the 1977-78 New England Intercollegiate Swimming Association Title, its second in three years, and during that meet, set six New England records, (H. P. 2289)

Come from the House, Read and Passed.

Which were Read and Passed in Concurrence.

Joint Order

WHEREAS, there is growing awareness and concern about the serious problem of domestic violence in Maine; and

WHEREAS, Domestic violence results in abused and battered family members with little or no legal protection or recourse; and

WHEREAS, there is no coordinated or consistent approach to the problem of domestic violence by law enforcement agencies, courts or social agencies; and

WHEREAS, it is essential that the State of Maine address these problems through legislative study and action; now, therefore be it

ORDERED, the Senate concurring, that a Joint Select Committee on Domestic Violence be established to study the problem of domestic violence; and be it further

ORDERED, that this committee be comprised of 3 members of the Joint Standing Committee on Judiciary, 3 members of the Joint Standing Committee on Health and Institutional Services, a representative of the Maine Human Services Council, a representative of the Maine Coalition for Family Crisis Services, and such representatives of law enforcement agencies, State Government, and the judiciary as deemed appropriate; and be it further

ORDERED, that all members of the Joint Select Committee on Domestic Violence be appointed jointly by the Speaker of the House and the President of the Senate; and be it further

ORDERED, that the study of the problem of domestic violence shall include, but shall not be limited to, current and prospective legal protection and recourse for domestic violence victims; current and prospective services for victims and perpetrators of domestic violence; current powers and duties of state and local agencies and institutions on the problem of domestic violence and how those powers and duties are being carried out; and data to adequately identify the scope of the domestic violence problem; and be it further

ORDERED, that the committee, where possible, shall hold public hearings throughout the State on the problem of domestic violence; and be it further

ORDERED, that the committee shall establish recommendations which shall include all legislation, appropriations and other actions which it deems necessary to adequately alleviate the problem of domestic violence, protect the victims of domestic violence and provide necessary services to victims and perpetrators of domestic violence; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1978 and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recom-

mended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this order shall be forwarded to members of the committee. (H. P. 2280)

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

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

Joint Order

WHEREAS, the state's vocational-technical institutes and the Maine School of Practical Nursing are providing a vitally important service by preparing Maine citizens for employment opportunities, as evidenced by a successful placement of approximately 90% of their graduates; and

WHEREAS, the voters of Maine have singled out the vocational-technical institutes by showing their strong support in voting favorably on the vocational-technical institute bond issue on December 5, 1977; and

WHEREAS, the Commission on Maine's Future concluded that the "vocational-technical institutes are deserving of substantial and increased financial support because of their importance to the economic growth of Maine," and

WHEREAS, the fiscal and administrative responsibility for operating the vocational-technical institutes and the Maine School of Practical Nursing is assigned to the Commissioner of Educational and Cultural Services within whose department these schools are located; and

WHEREAS, this fragmentation of policy-making and administrative authority places the vocational-technical institutes and the Maine School of Practical Nursing in a unique position with respect to the balance of Maine's public post-secondary educational effort and further results in limitations on the flexibility which these schools have in engaging in both short range and long-range planning; now, therefore, be it

ORDERED, the Senate concurring, that a joint select committee is hereby created composed of 11 members appointed as follows: The President of the Senate and the Speaker of the House shall jointly appoint one member from the administration of the vocational-technical institutes, one member from the faculty of the vocational-technical institutes, 2 members from industry and 2 members from labor. Two members from the State Board of Education shall be appointed by the chairman of the board, 2 members of the Joint Standing Committee on Education shall be appointed by the Chairman of the Joint Standing Committee on Education and one member from the Joint Standing Committee on State Government shall be appointed by the Chairman of the Joint Standing Committee on State Government; and be it further

ORDERED, that this committee shall conduct a comprehensive review of legislation affecting these schools, including implications of collective bargaining and present conditions surrounding the operation and governance of the vocational-technical institutes and the Maine School of Practical Nursing, and shall prepare recommendations for modifying the structure and organization of these schools by December 1, 1978, and submit within the same time period those recommendations, together with complete and final drafts of any recommended legislation, to the Legislative Council; and be it further

ORDERED, that the membership of this committee shall be constituted not more than 30 days following the passage of this order and shall be reported to the Commissioner of Educational and Cultural Services; and be it further

ORDERED, that, within 30 days thereafter, the Commissioner of Educational and Cultural Services shall call a meeting of the appointed

members, at which meeting the members shall organize and elect their chairman and that the members of the committee shall receive \$25 per diem plus actual expenses in relation to each meeting attended; and be it further

ORDERED, that there shall be allocated from the Legislative Account a sum of \$3,500 for the per diem and expenses of the members of the committee; and be it further

ORDERED, that, upon passage of this order in concurrence, a copy of this order shall be sent to the Speaker of the House, to the President of the Senate and to the Commissioner of Educational and Cultural Services and that, upon appointment of the committee, a copy of this order shall be sent to each member of the committee. (H. P. 2281)

Comes from the House, Read and Passed.

Which was Read.

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

Joint Resolution

A Joint Resolution In Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Clayton "Pezzo" Bardsley of Bridgton, a beloved sportsman and businessman, (H. P. 2279)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Senate Paper

Mr. Jackson of Cumberland presents, Bill, "An Act to Make Necessary Corrections in the Knox County and Lincoln County Budget, the Errors and Inconsistencies Act and the Administrative Procedure Act." (Emergency) (S. P. 760)

(Approved by a Majority of the Legislative Council pursuant to Joint Rule 25).

Reference to the Committee on Judiciary is suggested.

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

Mr. COLLINS: Mr. President, since we dealt with the Errors Bill the Attorney General's Office has given an opinion that there are a couple of serious problems. Two of them in items outside the Errors Bill and one of them within the Errors Bill itself, and in order to correct those matters that are deemed serious, this Bill was admitted.

It is the thought of those who have been concerned with it which is largely those from the Committee on Local and County Government and the Judiciary Committee that we might move this Bill to Engrossment stage and then table it to see if there are any other last minute drastic items that might need to be attached to it. So at this time I would move that we proceed with the first reading without reference to Committee.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate dispense with the Reference to the Judiciary Committee and that we proceed with the first reading of this Bill, without reference to Committee. Is it the pleasure of the Senate? It is a vote.

The Bill Read Once, without reference to Committee under Suspension of the Rules, the bill Read a Second Time.

On Motion of Mr. Jackson of Cumberland, Tabled for One Legislative Day, pending Passage to be Engrossed.

Enactors

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

"An Act Relating to Post-graduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine. (S. P. 723) (L. D. 2177)

On Motion of Mr. Pierce of Kennebec, Tabled for One Legislative Day, pending Enactment.

"An Act to Authorize Washington County to Raise Either \$1,200,000 for Construction of

\$900,000 for Renovation of a Detention Center. (H. P. 2270) (L. D. 2201)

On Motion of Mr. Wyman of Washington, Tabled for One Legislative Day, pending Enactment.

"An Act to Establish Standard Interest and Penalty Provisions for the Tax Laws." (H. P. 2070) (L. D. 2130)

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

"An Act to Clarify and Define Certain Existing Provisions of the Maine Fair Credit Reporting Act." (H. P. 2234) (L. D. 2192)

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

"An Act to Amend the Credit Life and Credit Health Insurance Laws." (H. P. 2233) (L. D. 2191)

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

Which were Passed to be Enacted and signed by the President.

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

Mr. PIERCE: In regard to those Bills, having voted on the prevailing side, I now move reconsideration and ask that the Senate vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now moves that the Senate reconsider its action whereby these Bills were Passed to be Enacted.

Will all those Senators in favor of reconsideration please say yes.

Will all those opposed please say no.

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

Which were presented to the Governor for his approval.

"An Act to Provide for Refunding of Municipal Claims under the Maine Tree Growth Tax Law." (H. P. 1969) (L. D. 2049)

"An Act to Improve the Administration of the Industrial Accident Commission." (S. P. 655) (L. D. 2015)

"An Act Creating a Statehouse Commission." (S. P. 722) (L. D. 2172)

"An Act to Increase the Reimbursement for Small-size Boarding Homes and Adult Foster Homes." (H. P. 1895) (L. D. 1952)

"An Act to Provide for Alternative Election Procedures for School Budgets on a Local Basis." (H. P. 1909) (L. D. 1970)

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

"An Act Appropriating funds to Establish Emergency Shelters for Family Members who are Victims of Family Violence." (H. P. 1979) (L. D. 2074)

On Motion of Mr. Huber of Cumberland placed on the Special Appropriations Table, pending Enactment.

RESOLVE, Authorizing the Sagadahoc County Commissioners to Pay an Overdraft for 1977. (S. P. 751) (L. D. 2200)

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

Emergency

"An Act Relating to the Transportation of Primary Wood Products." (H. P. 2162) (L. D. 2171)

Emergency

"An Act Relating to the Taxation of the Unorganized Territory. (H. P. 2139) (L. D. 2159)

Emergency

"An Act to Incorporate the Vinalhaven Water District. (H. P. 2164) (L. D. 2173)

These being emergency measures and having received the affirmative votes of 22 Members of Senate, these Bills were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Gover-

nor for his approval.

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1978. (H. P. 2241) (L. D. 2193)

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1978. (H. P. 2260) (L. D. 2197)

Emergency

RESOLVE, Authorizing Beverly Mortimer and Dennis Perkins to Bring Civil Action Against the State of Maine. (H. P. 2173) (L. D. 2174)

These being emergency measures and having received the affirmative votes of 24 Members of the Senate, were Finally Passed and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Bond Issue

"An Act to Authorize a Self-liquidating 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)

This being a Bond Issue and having received the affirmative votes of 20 Members of the Senate and 8 Senators in the negative, and 20 being more than two-thirds of the Membership present, this Bill is Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Enactor

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

"An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (S. P. 748) (L. D. 2199) (Emergency)

This being an emergency measure and having received the affirmative votes of 25 Members of the Senate and 3 Senators in the negative, this Bill is Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate:

Joint Order — relative to adding a new Joint Rule 19-A (S. P. 756)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Passage

On Motion of Mr. Huber of Cumberland, Retabled for One Legislative Day.

The President laid before the Senate:

Bill, "An Act to Revise the Method of Computing Legislators Expenses." (H. P. 1996) (L. D. 2077)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Passage to be Engrossed

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

Mr. CURTIS: Mr. President, I would like to offer Senate Amendment "A" (S-597) and move its adoption and speak to the amendment.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now offers Senate Amendment "A" to L. D. 2077 and moves its adoption, The Secretary will Read Senate Amendment "A".

Senate Amendment "A" (S-597) Read.

The PRESIDENT: The Senator has the floor.

Mr. CURTIS: Mr. President, this amendment does what I promised to do if the Bill lasted so long and that is propose an increase in the salaries for our successors who will be Legislators in the next session of the Maine Legislature.

I do this for a variety of reasons. The most

significant one of which I think is that I feel that if we are to truly to be a citizens Legislature we should provide a salary such that the citizen of ordinary means will be able to serve. And I fear Mr. President, that given our present almost token legislative salary of \$4,500 for 6 months work in the first year of the session and \$2,500 for a good three months work in the second year of the session. We are fast reaching the point where the only people who will be able to serve in the Maine Legislature are either millionaires or unemployed. I think that this would be a disservice to the State of Maine were we to go too far in that direction.

In 1973 a committee formed at the request of the Legislature in response to an order reviewed the entire Legislative Salary situation and recommended that Maine's then token salary of \$3,500, which ranked 43rd in the nation be increased not by a whole amount Mr. President, but by a great large amount, but by a modest amount of \$7,500.

Mr. President, we have not yet reached the point that was recommended by a citizen in committee in 1973 and here it is 1978. So what we are talking about is the salaries to be paid to Legislators in 1979 and 1989. We are the only people who can address the question of what shall Legislative salaries be. We cannot pass the buck to anybody else. The Constitution says of course we may not raise our own salaries but it is this Legislature if any is to address the question of what legislative salaries shall be in the next two years. And if we take no action Mr. President and that means the next time there can be any recognition of the increased cost of serving the State of Maine in the Maine Legislature and the increase cost of inflation will be for legislators serving in 1981 and in 1982. But that is entirely too long of a time I would suggest.

The duties of a Legislature go far beyond what happens here in the State House during the six months and the three months respectively that they usually are in session. As all of us know but perhaps to few of our constituents and perhaps more to the point too few of the editorial writers from whom I am afraid Legislators in the past have been fearful, the Legislators duties extend well into the interim session as we work and our successors will also work for constituencies including municipalities and individual constituents to solve their problems as they exist from day to day in Augusta.

I would suggest that the increase that I propose is a very modest one, \$2,000 for the biennium. I think that it is appropriate and I think that it is time that we take some action.

The PRESIDENT: The Chair understands that the Senator from Penobscot, Senator Curtis, 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 pending question before the Senate is the adoption of Senate Amendment "A" to Committee Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, when the vote is taken, I request that 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 adoption of Senate Amendment "A" to Committee Amendment "A".

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 — Carpenter, Curtis, Martin, Pray, Trozky.

NAY — Chapman, Collins, D.; Collins, S.; Conley, Cummings, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, McNally, Minkowsky, Morrell, O'Leary, Pierce, Redmond, Snowe, Usher, Wyman.

ABSENT — Lovell, Mangan, Merrill, Speers. 5 Senators having voted in the affirmative and 23 Senators in the negative, with 4 Senators absent, the Senate Amendment "A" fails of Adoption.

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

Mr. CHAPMAN: Mr. President and Members of the Senate: We have discussed legislative salaries under this Bill. In my view the matter of legislative compensation is one of balance. A very important balance and I am sure that it should be addressed periodically.

It should be sufficient to properly reward the public commitment to serve but not so much that the job of being a Legislator becomes a job to be justified in on itself. Selectmen, school board members, planning board members, county commissioners, a whole host of elective public service jobs are in the Maine not compensated anywhere near the amount that reflects the time commitment involved. They are essentially positions of public service commitment. People seek these positions out of a feeling for service to the public not for the money involved. Legislative service is perhaps more of a commitment. But I feel similar in thought to prevail. We are fortunate in Maine to still have what I feel is largely a citizen legislature rather than a legislature of proficiency. We must guard against losing this favorable situation which I view as an important asset for the people of Maine.

Now the issue before us is extensively that of reimbursement for incurred expenses. This is a legitimate issue. Certainly depending upon where we live and how we live and individual circumstances, the expenses of one legislator will be different from another. Our present system admittedly does not recognize this. I am able to cover my expenses with the existing allowance. It is my understanding that little evidence was presented to the committee that would have indicated that a real problem of adequate expense reimbursement currently exists. However, I can see where it might in some cases, particularly in those situations where legislators live a long distance away. Therefore, I would like to offer an amendment which would recognize this fact that some of us may actually incur legitimate expenses beyond our present allowance arrangement. My amendment will change the language of the pending matter to allow for reimbursement for incurred expenses which are verified by actual receipts up to a total amount of \$35. a day. I feel that this will address the real needs of those who are at present being perhaps discriminated against and at the same time keep faith with the public by insuring fiscal reliability and accountability on our part as Legislators.

Mr. President, I offer Senate Amendment "B" to Committee Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now offers Senate Amendment "B" to Committee Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "B". Senate Amendment "B" (S-598) Read.

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

Mr. KATZ: Mr. President I have a brief comment and a question to ask of the sponsor. My comment is that this seems to me to result in a reduction in the compensations of about half the members of the Legislature who commute, but my specific question is this requires verifi-

cation by receipt. I am not known for having large lunches and frequently I put a quarter in the vending machine for an apple and I am not quite sure under this amendment just how I would qualify for reimbursement.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would move the indefinite postponement of Senate Amendment "B" and I would speak to my Motion.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate Indefinitely Postpone Senate Amendment "B" the Senator has the floor.

Mr. CONLEY: Mr. President and Members of the Senate: I can appreciate the thought behind the Amendment as submitted by the good Senator from Sagadahoc, Senator Chapman, but I think that this would be extremely cumbersome for many Legislators to every time that they get a cup of coffee and they wanted to be reimbursed, that they would have to stop at the nearest check out counter to get a receipt. It seems to me that most of us here are on a honor system when it comes to reimbursement or the amount of money that has been allocated for expenses. And when we have to get into a situation as once before, it use to be the previous it was practiced in the past, to get vouchers on lodging but never on meals, it just seems to me that this is really stretching things to a point where it would be almost extremely difficult for any Legislator whether it was getting a lunch or whether it was getting their vouchers for an over night stay it just does not seem to me to be honestly in good taste. I think that most people here are honest individuals and to go to the point where you have to get a receipt every time that you stop in a luncheonette makes it just a little bit extraordinary and a little difficult.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I concur wholeheartedly with the remarks of my floor-leader. I guess I am a little bit offended that the honor system is being done away with. I do not have any problem with a receipt. I think that I can vouch for most of my meals and I think that the reason that I will vote against this amendment is not that I think you are encouraging ways as it was pointed out to me a few moments ago what you are doing here is you are encouraging people to run out and buy \$10.00 steaks when indeed I usually get by on a rather light lunch, a rather light luncheon schedule, primarily because my \$25. per day, is eaten up in some part tonight larger than most by my lodging arrangement. Which we know are going to go up between now and next January, and also I believe you can check and find that most restaurants in town if they haven't already raised them once or twice this year will raise prices between now and then.

I would just ask a question, I guess, of the sponsor of this amendment, if it is his intention if I can provide receipts for all the expenses including expenses of my car and use this vehicle to depreciate my vehicle along the way considering the wear and tear over the roads between Augusta and Houlton, especially at this time of the year, I am wondering if I can use this vehicle to do this sort of thing which I think that this amendment encourages. Obviously there is a lot of division and sentiment in this Legislature as to who should be allowed to hold public office and who should not be. I still rather like my idea of submitting legislation to require that anybody running for the State Senate collect a minimum of 100 signatures and a maximum of 200 signatures and make an adjusted gross income of \$20,000. I think that that is the little amendment to the Law which we could slip in there very easily and accomplish what some members of this body would like. I am very sorry to see this tack being taken by

the opponents to the expense allowance increase I would rather have seen it, as my vote indicated, come in the salary portion of many of the people who stood on the floor of this Senate and said lets do it through the salary and not through the expenses there was a somewhat of a falling out when the Roll Call came a few moments ago. So I would just ask each of you whether you are returning or not to this body to examine your consciences and ask yourself whether you want the Legislature of the State of Maine to be the Legislature of the people and the citizenry or of the rich, the privileged, the retired, and the stupid. Thank you.

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

Mr. JACKSON: Mr. President and Members of the Senate: I do not think that it is the intent of this Amendment to question the integrity of the honesty of any Member of this Body or any member of this Legislature. I do happen to agree with the reservations to the amendment. We do recognize or the amendment recognizes possibly that there might be a problem with those members of this Legislature who live a substantial distance from the State Capitol. I agree with the good Senator from Sagadahoc, Senator Chapman, in respect to the accountability but also I do not think that the good Senator from Aroostook is looking at the members of this Legislature on the whole and I for one, question the illusions to maybe the possibility of the Legislature becoming the Legislature of the rich, illiterate, or whatever the case may be. And I think that the amendment has merit I as I said earlier I will support the amendment, with reservations, but I do think that it answers the concern that the good Senator has raised and in regards to the increase of the vote that was previously taken dealing with the increase of the Legislators salary, I for one I did not in my debate ever say that I would support an increase in the salary. I said that it was the proper channel to use. And in regards to the amendment that was presented I just did not think that it was fair that the Bill had not had a proper hearing it was a substantive concern and I just feel where we are here as Legislators we have not passed anything as yet dealing with tax relief on the citizens of the State, I do not feel that we should be, so to speak, feathering our own nest.

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

Mr. CHAPMAN: Mr. President and Members of the Senate: It certainly is not my intent in offering this amendment to impugn the honesty or integrity of any Legislator. I think that we should be and are above that. But expenses mean one thing, they mean expenses, incurred items of cost to enable us to carry on our effort here and they are not salary. I think perhaps the issue that some of us are talking about here is salaries. I think perhaps that is one that should be addressed in the future with proper public hearing and discussion.

As far as vehicles are concerned these are basically vouchered right now on a per mile basis so that really is not very different. Obviously this will perhaps hurt some but benefit others. The idea of my amendment is to reflect the actual expenses incurred by Legislators it is not right for some to have incur expense obviously above and beyond what they are getting right now just to get here. And some are doing that. As far as encouraging ways perhaps that might occur but it will occur just as much under the present system now which is a flat amount with no accountability as to what we do spend of it. If we do not spend it we can keep it. That is the way that it is now. Well this would say that if we spend it we are going to be reimbursed for it. I would urge that the Senate adopt this amendment and I would ask that when the vote is taken it be taken by the yeas and nays.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: It seems to me that this is a form of equalization. Some people are able to make money the way we are paid now for our expenses whereas others it is actually costing them money. This would see to it that up to the sum of \$35.00 a day that they would get reimbursed for what they spend but they would not get reimbursed for something that they are not going to spend. To me this is a form of being sure that everybody gets paid what it costs them to stay here. It otherwise it is a hidden form of salary increase to some people and not to all so I would hope that you would support this amendment.

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

Mr. KATZ: Mr. President, I would point out to the Senator from Penobscot, Senator Cummings, that there is another equalization factor that I really think that you have overlooked. The fact is for the Legislator all of this money is taxable income, for those who are residence of Augusta, none of it is taxable income and there gets to be a little equalization factor there too.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that Senate Amendment "B" 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 Cumberland, Senator Conley, that Senate Amendment "B" be Indefinitely Postponed.

A yes vote will be in favor of Indefinite Postponement. A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Collins, S.; Conley, Danton, Farley, Hichens, Huber, Katz, Martin, McNally, Minkowsky, O'Leary, Pray, Trotzky, Usher.

NAY — Chapman, Collins, D.; Cummings, Curtis, Greeley, Hewes, Jackson, Morrell, Pierce, Redmond, Snow, Wyman.

ABSENT — Levine, Lovell, Mangan, Merrill, Speers.

15 Senators having voted in the affirmative and 12 Senators in the negative with 5 Senators being absent, the Motion to Indefinitely Postpone Senate Amendment "B" does prevail. Committee Amendment "A" Adopted.

The PRESIDENT: The pending question before the Senate is the Passage of this Bill to be Engrossed.

A Roll Call has been ordered.

The Senator from Cumberland, Senator Hewes, has obtained previous leave of the Senate to pair his vote with the Senator from York, Senator Lovell, who if he were here would vote yea and the Senator from Cumberland, Senator Hewes, would vote nay.

A yes vote will be in favor of Passage to be Engrossed.

A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Collins, D.; Collins, S.; Cummings, Curtis, Hichens, Katz, Levine, Martin, O'Leary, Pray, Trotzky, Usher.

NAY — Chapman, Danton, Farley, Greeley, Huber, Jackson, McNally, Minkowsky, Morrell, Pierce, Redmond, Snowe, Wyman, Sewall.

ABSENT — Mangan, Merrill, Speers.

14 Senators having voted in the affirmative and 14 Senators in the negative with 3 Senators being absent, and 2 Senators pairing their votes, this Bill Fails of Passage to be En-

grossed. Sent down for concurrence.

Orders of the Day

The President laid before the Senate:

Joint Order — relative to Amending Joint Rule 23. (H. P. 2254)

Tabled — March 17, 1978 by Senator Speers of Kennebec

Pending — Passage

On Motion of Mr. Conley of Cumberland, Retabled for One Legislative Day.

The President laid before the Senate:

Joint Order — relative to Amending Joint Rule 22. (H. P. 2256)

Tabled — March 17, 1978 by Senator Speers of Kennebec

Pending — Passage

On Motion of Mr. Conley of Cumberland, Retabled for One Legislative Day.

The President laid before the Senate:

Joint Order — relative to Amending Joint Rule 39. (H. P. 2252)

Tabled — March 17, 1978 by Senator Speers of Kennebec

Pending — Passage

On Motion of Mr. Conley of Cumberland, Retabled for One Legislative Day.

The President laid before the Senate:

Joint Order — relative to Amending Joint Rule 40. (H. P. 2264)

Tabled — March 17, 1978 by Senator Speers of Kennebec

Pending — Passage

On Motion of Mr. Conley of Cumberland, Retabled for One Legislative Day.

(Off Record Remarks)

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table, L. D. 1939, An Act Pertaining to Ordinary Death Benefits Under the Maine State Retirement System. Is it the pleasure of the Senate? It is a vote.

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

Mr. COLLINS: Mr. President, this Bill would have added a permanent improvement to the survivorship provisions of our Retirement Law.

The sponsors of it, however, have come to the point of reality that they feel that there is not too much change that it would get funded in this session. In examining the bill they felt that there were some good features that ought to be put into the Law that would be merely permissive, that would permit a local district that is a part of the system, to adopt these survivorship provisions on its own account if it wished to do so and, of course, if it wished to do so it would have to pay for that which it adopted. Therefore, the amendment that I will offer if the Senate permits the suspension of the rules and the backing up of this Bill, would strip out all those sections that would require any expenditure by the State and would simply add these enabling provisions permitting better survivorship provisions for those local districts that on their own choose to adopt them and to contract with them for them with the State Retirement System. Mr. President, I move that the Senate suspend its rules for these purposes.

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

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

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate reconsider its action whereby L. D. 1939 was Passed to be Engrossed. Is it the pleasure of

the Senate? It is a vote.

Mr. COLLINS: Mr. President, I move that the Senate reconsider its action whereby it adopted Committee Amendment "A". Is it the pleasure of the Senate? It is a vote.

Mr. COLLINS: Mr. President, I now offer Senate Amendment "B" to Committee Amendment "A" (S-596) and move its adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "B" to Committee Amendment "A" and moves its adoption. The Secretary will Read Senate Amendment "B".

Senate Amendment "B" (S-596) Read and Adopted.

Committee Amendment "A", as amended, Adopted.

The Bill, as amended, Passed to be Engrossed in non-concurrence. Sent down for concurrence.

The President laid before the Senate:

Joint Order — relative to Joint Rule 33. (S. P. 759)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Passage

On Motion of Mr. Huber of Cumberland, Retabled for One Legislative Day

At Ease

On Motion of Mr. Huber of Cumberland, Adjourned until 10:30 in the morning, Wednesday, March 22, 1978.