

# 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**

June 14, 1978

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**First Special Session**

September 6, 1978 — September 15, 1978

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APPENDIX

## SENATE

March 23, 1978

Senate called to Order by the President.  
Prayer by the Honorable Louis Jalbert of Lewiston.

Mr. JALBERT: O Lord bless this very honorable Body. Bless also the greatest of bodies on the other side and also the Executive on this Thursday of Holy Week. And O Lord please ask the people of Maine to keep faith with us. Amen.

## Reading of the Journal of yesterday

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

Paper from the House  
Joint Resolution

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

Joint Resolution Honoring Alice G. Nute Upon Her Retirement From the Maine Law and Legislative Reference Library.

WHEREAS, Shakespeare, in the Tempest, has the Duke say:

"Knowing I lov'd my books, he furnish'd me From mine own library with volumes that I prize above my dukedom;" and

WHEREAS, Alice G. Nute has long furnished the several branches and levels of government and the public with volumes which they, too, have prized above their "dukedom;" and

WHEREAS, Alice G. Nute, Deputy Law and Legislative Reference Librarian, has served in the statehouse for almost 35 years, longer than anyone else now working there; and

WHEREAS, Alice G. Nute, born in Houlton, raised in the shadow of Mount Katahdin, and enjoying her prime years in Augusta, has, over the years, collected an unsurpassed knowledge of the people of Maine, of their laws, histories and traditions; and

WHEREAS, in her work in the areas of circulation, sales and distribution of law books, law library operation, and the clipping service on Maine government, politics and legal profession, she has achieved a reputation as an outstanding authority in the field of legal and reference librarianship; and

WHEREAS, Alice G. Nute has, to the sorrow and sadness of her many friends, decided to retire from service of the Legislature and this State; now, therefore, be it

RESOLVED: That we, the members of the 108th Legislature, assembled at Augusta in the Second Regular Session, do hereby express our profound gratitude and appreciation of the years of tireless, knowledgeable and dedicated service of Alice G. Nute and further express our profound gratitude and appreciation of the years of tireless, knowledgeable and dedicated service of Alice G. Nute and further express our regret at seeing her retire, and our well wishes for her undoubtedly happy future; and be it further

RESOLVED: That upon adoption of this resolve in concurrence, that a suitable copy of this resolve be presented, with appropriate ceremony and emotion in tribute to Alice G. Nute, Deputy Law and Legislative Reference Librarian of the State of Maine. (H. P. 2311)

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

The SPEAKER: The Chair would ask the Senator from Kennebec, Senator Katz, to escort Mrs. Nute to the rostrum.

Mr. KATZ: Alice Nute comes to us right from the House and I am sure that she was impressed by the greater numbers of the other Body, but certainly I think that it is safe to say that the warmth of welcome and the warmth of our admiration for this remarkable woman certainly was not exceeded by the other Body. Every once in a while in life we politicians come across someone who is quiet and unas-

suming but completely professional and effective and the lady that we are honoring today is completely unassuming, modest, and extraordinarily effective, and she leaves a great big void in State service and I am sure that the Senate joins with me in the presentation of this Joint Order, this Resolution honoring a remarkable lady who has distinguished state service by the presence for over 35 years.

(Applause)

Which was Adopted in concurrence.

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

Paper from the House  
Non-concurrent Matter

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

In the House, March 22, 1978, Passed to be Engrossed as amended by House Amendment "C" (H-1217) as amended by House Amendment "A" (H-1212) thereto, in non-concurrence.

In the Senate, March 22, 1978, Passed to be Engrossed as amended by Senate Amendment "A" (S-533) as amended by Senate Amendment "B" (S-600) thereto, in non-concurrence.

Comes from the House, that Body having Adhered.

The PRESIDENT: Is it the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: I move that the Senate Recede and Concur.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate Recede and Concur with the House. The Senator has the Floor.

Mr. MERRILL: Mr. President and Members of the Senate: I believe that the Bill that we have before us today is a good Bill. It has many of the same features as the Bill that this Senate supported yesterday, as a matter of fact the only major difference in the Bill is the final price tag of the two measured. If we are in fact making a mistake by being too cautious that mistake can be corrected next January or next November or December when we are absolutely certain as to the funds that the State will have available to it.

I cannot think of one good reason why the Maine Senate today would not recede and concur with the action of the House, and I urge all members of this Senate who so sincerely want to provide tax relief to the people of Maine to vote for this. It may be our last best chance and you know I suppose all of us have varying degrees of success in the Legislative process but for most of us to try for \$20,000,000. and end up with \$14,000,000. is pretty good batting average in the Maine Senate, or anywhere in the Legislature were we know the need to recognize various points of view.

So I would urge the Senate today to put aside pride put aside partisan politics and vote to recede and concur.

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

Mr. MERRILL: I would like to request that when the vote is taken it be taken by the yeas and nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I have not participated in this discussion about taxes. It has been in good hands. I have a feeling that the leadership of this body negotiated well for us. But I have a growing suspicion that comes from having been here a few terms and understanding the political process, that if we do indeed strip the cupboard bare, the money is not going to be available for needed state services.

Now if needed state services were a hard

fact of life and not a subjective determination, I could sympathize with the point of view, but the fact is that any time there is money in the cupboard to be spent, every Legislator has a good record in fact to spend it. And if we leave this money in the cupboard for next January, I have great confidence in our ability to identify worthwhile programs to spend this money instead of giving it back to the people and I think that that is unacceptable.

This money came from the people through overtaxation, through lapsing of funds. I for one am confident enough in the States track record in estimating its surpluses, estimating its intake money to say that this money is there and it can be safely returned to the people. And when I hear some of the speeches coming from the other end of the corridor, I suspect that the motive is not to be conservative about fiscal matters but the motive is to hold on to some money so that we can fund some programs when the next Legislature comes in in January. And you mark my words if you study history at all, that is exactly the pattern of Legislative spending that has occurred in the past. So lets give the money back to the people now. Lets not hold on to it for our own nifty, dandy, little programs that might be identified in January.

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

Mr. CONLEY: Mr. President and Members of the Senate: Today is the 50th Legislative day of this session and some time this evening we are going to adjourn Sine Die and it would appear to me that 50 days have been totally wasted if this body does not pass some meaningful tax relief package.

Last evening this body overwhelmingly endorsed, as I stated, not the Republican plan, not a Democratic Plan, but a plan that truly compromised at least in my opinion with both bodies. In fact, if anything truthfully has to be said, I would have to commend you Mr. President and the Majority and the Assistant Majority Floorleader for some of the concessions made within this tax package. I ask you this morning not to act or respond in a negative manner and would urge that this Senate, so that tax relief can be brought, would follow the motion of the good Senator and my colleague from Portland, Senator Merrill. I think the time for arguing, debating, has long gone by I know that all of us and leadership has spent innumerable hours at trying to arrive at a package which would be agreeable to the majority of both Houses. And it seems to me that the final straw lies with us. Perhaps it does not meet acceptance of everyone. Perhaps the \$5,000,000. that my colleague, the good Senator from Portland, Senator Merrill referred to last night is a little bit over expensive. I do not necessarily agree with him on that issue. In fact I would point out some of the figures that we received this morning we go back to 1976 when the Legislative Finance Officer or I should say the Budget Office was estimating the revenues for that year to be \$448.1 million dollars and the actual was \$448.6 or a half a million dollars over. And generally the budget office is extremely conservative, in fact at that time, the Legislative Council met and reviewed and were talking about cutting back on state expenditures because of the fact that we thought when we came back in session that possibly there could be a \$30,000,000. deficit. In fact to give you those figures for 1976 the Legislative Finance Office had estimated \$434.5 million when actually the actual figures were \$448.6 or \$14.1 million over that estimate. Again in 1977 the budget office estimated \$370.9 million dollars and the actual was \$383.4 or a \$12.5 million surplus, and lets again review the figures as estimated by the Legislative Finance Office. They estimated \$357.3 million when in actuality we received \$383.4 or \$26.1 million over estimates.

I think that this is one of the reasons that the vast majority of the membership of this body supported the package last evening because of

the fact that those figures seem to be far more accurate from the Budget Office than figures we have received to date. Again I would urge the Senate to recede and concur so that when we leave here this evening we will have brought some tax relief back to the citizens of Maine.

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

Mr. MERRILL: Mr. President and Members of the Senate: I listened to the remarks of my good friend the Senator from Kennebec, Senator Katz. I could not for the life of me figure out whether he was speaking in favor of the motion to recede and concur or against it. Because the issue before us whether or not we are going to grant \$14,000,000 in tax relief or whether we are going to kill the Bill completely. And if there is a concern that if the money that is left will be spent on things other than tax relief, certainly none of us can predict with absolute accuracy what will happen here today if we vote to Adhere, but I would say that at best nothing will happen, that no tax relief will be granted is a safer one than the opposite. So if that is the concern of the good Senator from Kennebec, Senator Katz, I would suggest the first thing that he and people who feel like him could do, is vote in favor of this Bill.

Secondly, I do not think that it is too late even now to pursue policy similar to the one urged in the earlier days of this session by the Chairman of the Appropriations Committee, the Senator from Cumberland, Senator Huber. In encumbersome of that extra money if in fact it does materialize in terms of paying off some bonds. If in fact it is there, fifteen months from today.

So there are remedies available. The first one I would suggest is to vote to recede and concur. As I go down through the list of things that are in this Bill it is no secret that most everything is the same as it was in the Bill that this Senate overwhelmingly voted for yesterday. The income tax program, the head of household relief, the elderly tax relief, the electric, the taking of the sales tax off the electricity, gas, off the purchase of fishing equipment, and agricultural equipment for people who are engaged in the profession, and the trading credit on logging equipment, and the there is the same amount of money appropriated to corporate tax relief is in the package that was voted for yesterday.

The difference, of course, is the one time tax packages that upped the amount of the cost of the program, or the Republican plan or the loss of revenue, with do with respect to the Senator from Kennebec, Senator Speers. The \$6,000,000.

Now I repeat to the members of this Senate, what is the good reasons for refusing this program today? Certainly it represents a good balance in terms of what is granted in tax relief looking at the points of view that both sides started with. The Democrats, of course, wanted some property tax relief, there is no property tax relief here. The Republicans wanted income tax relief there is income tax relief here. The Republicans wanted to do something to at least make a symbolic statement to our corporations, that statement is here. And in fact, there was a part that was fairly hard to sell to some of my Democratic friends, are fishermen uniquely democratic? Contrary is true if anything. Are farmers uniquely democratic? Again the contrary is true. Some parts of the state you walk a far piece before you will find a democratic farmer. People who work in the woods certainly are not uniquely democratic either and people who use electricity at least at my last look who are made up of Independents, Republicans, and Democrats. This is not a Democratic plan, this is a compromise plan, and the one major difference is how much money this plan would have the state lose in the revenue collected. And that can be if the concerns of the Senator from Kennebec Senator Katz are the major concerns then I think that we can still find a

way to remedy that problem.

I really do not think that if we were looking at this initially today, outside of the context of what has gone on here, I do not think that a lot of us would vote against the motion to recede and concur, I honestly do not. I talked with the Senator from Cumberland, Senator Huber, about the problems that we faced long before these events of the last month. And very frankly this is more consistent with what he was saying then, than the program that we voted on yesterday. I talked with the people in the Legislative Finance Office this morning, and you know when you are all alone sometimes you start to think that maybe you have gone a little off the edge. Maybe you have lost some of, you are not seeing something that everybody else sees, so I went to them this morning and I said, "What do you think? Do you think that it would be prudent to have enacted that? Am I mistaken, am I being overly cautious? They said no, we think that it would be imprudent to have enacted that we have made that point privately many times. I do not dispute the fact that the revenue estimates very well might come out to be true that what is being talked about in Washington very well might not happen and that we may not have any programs that costs more than we now anticipate. But we know that in the past election year generosity has resulted in deficits. That is a matter of historic precedence. Some of the people who speak about spending programs were participants in that historic precedence. So I do not see anything wrong with the Democratic program today or the Republican program or however we want to characterize this and I do not think that there is one good reason at this point in time to deny the people of Maine \$14,000,000 in tax relief just because we wanted \$19 or because we wanted \$20.

The process of passing Bills in the Legislature is the process of give and take. I honestly cannot tell, I honestly cannot tell the members of this Senate how I would have voted today if the vote had gone differently in the House. I had not decided that question. It would have been a very hard one. And I hope at least, I hope at least, that all my colleagues in this Senate are open minded enough so that this decision is a hard one for them. If it is not, if you have not given it that much thought yet, I ask you to reconsider.

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

Mr. SPEERS: Mr. President and Members of the Senate: I speak to you here this morning as a Senator from Kennebec but also as the Majority Leader of this majority party in this Body, and let it be very well understood by the people of the State of Maine, that there has been give and take going on in this Body, and in the other body, for the past three weeks with regard to a tax relief program on behalf of the people of the State of Maine. And it has been the position of the Republican Party ever since the announcement of the Republican Plan for tax relief for the people of this State, that we wish to refrain from collecting from the people of the State of Maine well over \$20,000,000 over the next year and a half. That obviously was not the desire of the other party. And it was obviously the desire of the other party that there be collected more in tax money from the people of the State of Maine over the next year and half, than has been the desire of the Republican Party. And yet, recognizing that all of the comments made by the good Senator from Cumberland, Senator Merrill, have merit, that there are two Branches of the Legislature, that there are two parties in the Legislature, that there are many diverse interests represented in these two bodies, there has been going on, for the past three weeks and it certainly has been no secret, considerable negotiations in an attempt to put together a program that could be enacted and accepted by the Chief Executive of this State. It is certainly also no

secret that there have been many concessions made on the part of both parties in the attempt to put together such a package.

The difference between these two programs is in the one time, rebate to the people of the State of Maine, which at the suggestion of the other party, happens to be an increase in the exemptions in the State income tax from \$1,000. to \$1,200. and I suggest that that is a tax relief that all of the people of the State can recognize and can realize.

I would like to take a look at some of the history of this particular Bill. Twice we have had this Bill before us. Twice we have put amendments on in this body. Each time reflecting some of the concerns of the other branch, each time in hopes that the other branch could agree, each time unfortunately reducing the amount of tax relief to be given to the people of the State of Maine, each time changing some of the ideas that the majority party in this Branch has heretofore insisted upon. All, all in the hopes that there could be a recognition of conciliatory action. A recognition that indeed we could put together a package on behalf of the people of the State of Maine.

Mr. President and Members of this Body, I think that we spoke very clearly in this Chamber yesterday. There was certainly no doubt in my mind as to the import of the action which we took in this Branch by a vote of 31 to 1 and that certainly was no doubt in my mind as to the method which clearly went to the other body. I sincerely hope that at this point, this body Adheres to the position it has taken yesterday.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I truly hope that we do not fall into the trap of blame-manship to who is at fault here. I would commend the President of this body, the leaders of both parties in this branch and the other branch with the negotiations and the movements and the compromise that has taken place these past two weeks. We can all look back at different points in the Legislative history and say well the whole problem started here or the whole problem started there. The problem will stop here today on this vote, make no mistake of it.

And I guess that I was perhaps ready last evening to vote to Adhere and I have been sitting here thinking about this and we are all wrapped up in the frustrations of 50 Legislative Days when certain things happened that we wanted and certain things did not happen that we wanted and I would sincerely beg of you this morning to stop and think about what happens tomorrow and the next 200 days or so, before any Legislature comes back and we do not know what the make up of the next Legislature will be. It may be a spend thrift Legislature. It may be a conservative Legislature, we do not know. But I want you to ask yourself where will you be 2 weeks from today. You will be back in your districts and in most cases talking to the elderly, talking to your farmers talking to your fishermen, some of us will be talking to our loggers, talking with people who use electricity and you do have a chance, you still do have a chance to provide and I am tired of the word meaningful tax relief. I think that it is being worn out these last two weeks, you do have a chance to provide some permanent lasting tax relief to the people of this state. It is not what everybody wants, certainly is not everything included in a particular package before us that I want, but if you vote to adhere, we go home with nothing.

I voted yesterday on the majority of 31 to 1 as I said on this floor with great hesitation with great trepidation because of the total price tags stop and look at the history of this particular issue. Each one of you individually. We have tried every possible maneuver within the fixed amount, I believe that the smallest fixed amount that has been discussed up to this point

is the \$18.4 million. We have tried every maneuver, every change within that package heaveny possible, and something is still wrong. Well maybe some people do have a legitimate concern about the bottom line. I have talked to members of this body who voted with me yesterday in the majority of 31 R's and D's in this body who have genuine concerns about the total amount that we are spending.

I hope that this morning we will look at the bottom line, and ask yourself do you want to do something, something substantial I think we all can agree as the good Senator from Cumberland, said a few moments ago. Look at the package, what is in there that you object to? Nothing. Not one thing in there is universally objected to in this Legislature except the bottom line. So take a look, at the package, out of the context of Thursday morning March 23 at 5 minutes of 12:00 on the 50th Legislative Day. Remove yourself from that for just a second and look at the package. I realize that my standing here this morning probably will not change a vote, but I hope that you will look at the package that you are voting on. I hope and sincerely pray that we do not get into a position of play the game my way or I will take my \$41,000,000. ball and go home, and I hope that we do not get into the situation of blame, because if we do go home from here, today, without enacting anything, you know what will take place in the next weeks and months. Well the Republicans killed it. Well the Democrats killed it. Well the Governor would not budge. Now the whole time that you are saying that the people who will benefit from this package keep right on paying.

So I do hope that you will sincerely and honestly and out of the context of this morning look at this package and that I for one will vote to recede and concur.

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

Mr. DANTON: Mr. President and Members of the Senate: After 50 days and after a message from the Governor for us to give some type of tax relief and tax reform to the citizens of Maine, I would hate to see us leave and not do anything. I think that that is an absolute failure on our part, both Democrats and Republicans. We have come this far. We in leadership, like my floor leader said earlier have worked many hours. We have had problems with our party on some of our compromises in fact many of them are not speaking to us today because of our vote last night in this Chamber. I think that we put our vote on the line last night, 31 to 1 as the majority leader said, I think there is still room there maybe, maybe we can do something. I think that we can get together Republicans and Democrats and there might be some area, I am not sure, lets go back to the board, lets see if we can do something, lets show that we are not failures. Democrats or Republicans. So I would hope that some Senator in this Chamber would get up and table this until later in today's session.

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

Mr. LEVINE: I request that this lay on the table until later in today's session.

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

Mr. SPEERS: I ask for a Division.

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

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

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

8 Senators having voted in the affirmative and 18 Senators in the negative, the motion to table does not prevail.

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

Mr. LEVINE: Mr. President and Members of the Senate: I find myself in a very awkward

position here this morning as we all do. I do not think that there is much doubt in the minds of any of the members of this Senate that I have been willing to compromise a great deal all the way through our trials and tribulations of this particular piece of Legislation.

I want to applaud the leadership in both parties here in this body for making a very direct and very heart warming attempt at compromise on this issue.

Yesterday the vote in this Chamber, on this Legislation, was 31 to 1. I do not want to cast any aspersions on the good Senator from Cumberland, Senator Merrill, much of what he says about this issue has validity, I have made statements of that nature myself, many of us here have. He has some very valid claim to what he has said here today, and what he said here yesterday, and for his vote yesterday. However, I thought that the compromise package that we voted on last night was a true compromise. I have been willing to compromise all the way through this. I want to see some of that money returned to the people of the State of Maine. I assure you I do not feel anyone will anyone will throw rocks at my house if the Motion to Adhere does prevail here today and I doubt very much that my vote is going to make the major difference here today. I think that we should consider something, something that has been said by other members who have stood up today to speak. There is still room for compromise there is still room to do something for the People of the State of Maine in the way of tax relief.

I was very upset yesterday evening. If this had come, if this Bill had been before us yesterday evening, I would very likely have voted to Adhere. But I slept on it, and perhaps it is a good thing that it did not come before us last evening because I am again willing to compromise. I want to see some relief go back to the people of the State of Maine. All the people of the State of Maine. Democrats, Republicans, and Independents alike. I represent Democrats, Republicans, and Independents alike. Yesterday I was very upset because I felt that there were certain members of this Legislature, at the other end of the hall, who idea was give and take, was you give, I take. And I plead with the members of this Senate today, let us not follow that path. It is a very quick path, but I assure you a very rough and rocky path and may do great damage to the people of the State of Maine.

So I, therefore, support the motion of the good Senator from Cumberland, Senator Merrill, to recede and concur.

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

Mr. HEWES: Mr. President and Members of the Senate: There are at least two reasons and I will be brief as to why I feel that we should not recede and concur. Fairness and employment here in Maine.

First on fairness. Everyone seems to agree that there is going to be an anticipated surplus of about \$41,000,000. of dollars. It seems to me only fair that it would be best to return some of that money or at least credit for some of that money to those that made the overpayment because of the increased tax rate that was passed in the last session, the 107th Legislature. So I submit that this is not fair and adequate in giving enough relief to those who over paid because of increase income tax rates.

The second is jobs. The unemployment rate in Maine is high at the present time. There will be no employees in Maine if there are no employers. This does not give adequate relief in my opinion to the businessman, to the employers. I think that the token of \$37,000 break as indicated in the Bill, as before us now for businesses for employers, is not adequate to help employment for our youth. Jobs for our young people. I hope that you will vote against the pending motion.

The PRESIDENT: The Chair recognizes the

Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: When I voted for the Bill before us yesterday, \$19.8 million package, I plan on voting that way again today.

My only concern throughout all of this, whether it is \$14. million level or any level of spending, is the question was there enough money going to be left in the till for an upcoming Legislature to fund the negotiations going on between the State Employees and the State. That is only my only concern. New programs, if they are justified and if we have the money we will fund them. That is the way that it has always been, but to let money aside, as the good Senator from Kennebec, Senator Katz said, to fund programs we will find the programs as long as we have the money. My only concern I said was the negotiations going on between the State Employees and the Executive Branches of this Government. If I am fortunate enough to return here, I shall do the responsible thing and fund that money for State Employees and their pay raises. Thank you very much.

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

Mr. PRAY: Mr. President and Members of the Senate: I just like to respond to the comments made by the good Senator from Cumberland, Senator Hewes, in reference to jobs.

In 1974 when I was first elected to the Maine Senate in the two years following unemployment in one area of my district in the county of Piscataquis is around 17 percent. Unemployment in that county now is back in the single figures of around 8 percent or in the high 7 percent.

I have here a book that many of you perhaps have received is the New England Economic Project telling about the economic outlook for 1978. And its concern is the tax situation that we have in the State of Maine that prevented industries or new jobs coming into the State of Maine, I only quote and point out to him and to the rest of you that the personal income growth in the State of Maine through 1977, 76 and 77 increased by 13.6 percent. Jobs increased 12,000 that same time period starting off with the beginning Maine was at a roughly \$22,000,000. deficit. We passed in the 107th tax reform, or a tax increase of some refer to it, and still the employment situation in the State of Maine improved. So I think to throw that up as an argument against any type of tax relief and that is what we are being faced with at this time. Any type of tax relief, tax reform, whatever you want to call it, is not quite being fair or truthful. I expressed concerns the other day, when I stood up here and supported along with my Republican colleagues the package that had been last offered through the amendment for the President of this Senate. I expressed concerns that the economy of the State of Maine, of tax relief, of property tax relief, but in the spirit of compromise I went along with that proposal. And I think today many of us are asking you the members of the majority party in this Chamber, to go along with some type of tax relief to the people of this State. Lets not make it political. Lets not throw up arguments such as the employment conditions and situations in this State. Lets be a little bit realistic as to what we are dealing with and we are dealing with the people of Maine. It is very easy to stand up in this Chamber and continuously talk about what we are doing for the people of this State makes good rhetoric. But the bottom line is how we vote.

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

Mr. JACKSON: Mr. President and Members of the Senate: I have been sitting here this morning with great interest in listening to the debate that has been going on and I guess probably the apologies for the various votes that have been taken.

Mr. President and Members of the Senate

and I am sure that many of you are aware that I was one of the original members of the Ad-HOC Committee that formed and set on a course intended to provide meaningful tax relief for the taxpayers and citizens of this State. We started approximately around the 15th of January after we found that there was an indication that we had a surplus in excess of \$41,000,000, supposedly. On the 25th day of January the members of that Committee released various proposals in the areas of tax reform and last week we saw a proposal which was put into Legislative document form, and yesterday, we saw a complete proposal which both bodies of this Legislature voted upon.

I feel that myself in working with this program from its inception until now, that I have been amenable to it. It is from the original proposal that I presented to the taxation committee when we heard the Joint Order which allowed the Taxation Committee to report out a proposal on Tax Reform. The proposal that had been given to the Legislature vary quite differently from the proposal that I first worked on. I think that both members, both parties of this Legislature in this body especially in good faith attempted to provide for meaningful Tax Relief to the citizens of the State of Maine. I think that was quite indicative in the vote was taken yesterday afternoon or early last evening. I think that it represented the views of the members of this Body. It also reflected on the views of their constituents, in their various districts. I voted, yesterday, for this package and I voted in good faith and I think that we attempted in good faith to provide meaningful Tax Relief to the people of this State. I do not feel that I have to stand here this morning and defend my vote and my vote will be not to Recede and Concur. I do not feel that I have got to apologize to my constituents, in my district, I do not feel that I am going to go home guilty if we do not pass the proposal that the good Senator from Cumberland, Senator Merrill thinks that we should pass. I see in this calendar, tabled and especially assigned for, Tabled and Unassigned, six various proposals. I feel that we will give the members of this legislature an attempt to provide Tax Relief through these vehicles (L. D. 2098), (L. D. 1910), (L. D. 1994), (L. D. 2099), and (L. D. 1988).

Mr. President, I would like to commend you, the Majority Leader, the Minority Leader, the Assistant Majority Leader, and the Assistant Minority Leader in your attempts to lead this Legislature through these difficult times and I think that you fellows have attempted and you did in good faith try to provide these people meaningful Tax Reform for the citizens of the State of Maine.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to respond to a few of the things that have been said here today.

First of all, I would like to respond to the remarks of the good Senator from Cumberland, Senator Hewes. The question of fairness. We have discussed these issues a lot in the past. I do not know what would have been fair in regards to Property Tax versus Income Tax. I know that the money that we collect from Income Tax, excuse from property tax in the State of Maine has gone up more the total amount has gone up more than the amount that we collect from Income Tax in the last four years, but there is nothing in this that deals with the problems of property tax, that was something that was conceded to and left out by the Democratic Party previously in this process. What is in here is Sales Tax and Income Tax Relief. The Senator from Cumberland, Senator Hewes, mentions the fact that there is only \$37,000 relief to corporations. I would refer the good Senator and anybody mutually concerned to the amendment that is on this Bill (H-1212). Read the final figure. Look at the

computations, the fact of the matter is that there is no difference in the total amount of money of Tax Relief to corporations under this proposal and the proposal that we voted on yesterday.

A slightly different way it works. The relief is given on the first \$25,000 of income whether the company makes more or not that is where the relief is focused, the total amount is the same and all corporations in Maine if they are lucky enough to have an income will benefit from it.

There has been a lot said about the history of this Bill by the good Majority Leader the Senator from Kennebec, Senator Speers. I just have a few things flash in my mind as I think of this Bill. I remember the early days of this session, conversations with members of both parties. With my Leader, the Senator from Cumberland, Senator Conley, and with other members of this body in both parties. The great concern that was expressed that this not become a partisan issue. That we let the Taxation Committee work on this matter, that the Taxation Committee made up of members of both parties would come out with a plan that had neither the Democratic nor the Republican stamp on it and in that way, through that vehicle, we can assure that this would not become a political football, and that we could do something for the people of Maine, and I recall on the day that was referred to in that great newspaper of the Northern Part of the State, the Bangor Daily news and I quote, "Huber's Black Thursday" on that day I remember someone calling me up and telling me of what had transpired and the conversation that followed. And the person that I was talking to said that was a real cool for those Republican Legislators and I said I think that they bought themselves some very good publicity in the short term. But I am afraid that what will follow as a result of this will in the long term benefit only those candidates who are outside of this legislature, because by making this a partisan issue, the chances of success are removed to almost zero and the only candidate that will benefit from that, the candidates that do not serve here. The candidates that do not have to take the blame for what happens here. There is no question that the public is not going to be able to sort out in the whole segment of events who is to blame. If we are set in the privacy of our living room and in a candid moment with ourselves, we probably have a hard time assessing who is to blame after having been here all this time. So the blame is going to fall on all of us as it should. The failure is ours collectively if we fail to act here today.

But Mr. President, through you I would like to ask a question not only to my colleagues here but to the members of the press and the people of the state. I think is the relevant question to ask today. Why would anybody vote to adhere?

I think that is the question that should be the lead question in everybody's mind. Why would anybody vote to adhere? Because the program is \$5 or \$6 million short? That is better than nothing. Now I do not know what will happen if we vote to adhere today, but the chances of getting something are diminished considerably by that act, we know that. That does not seem to me to be a logical reason, because other Bills are on the table as pointed out by the good Senator from Cumberland, Senator Jackson, well I would point out equally that those Bills, that they can be amended could be amended to provide this extra \$5 or \$6 million and that issue could be run alone. So that reason does not really stand up to any sort of scrutiny. If that is the reason we are holding off, if that is the reason we are taking a chance to having no Tax Relief whatsoever and leaving all this money to the greedy hands of future legislatures as they are described by some of our colleagues, that is not a good reason because we can take those bills off the table and amend them with the

power of majority in this Body and send them forth and try to get more. So the question remains. Why would we vote to adhere today? If "Huber's Black Thursday" had never happened, would we be voting this same way? There is only one reason that people would vote to adhere today. I submit and that is because somehow they become locked in.

Somehow there is a matter of partisan pride involved here now and I submit that that is not a good reason not to provide \$14 million of tax relief to the people of Maine. That is not a good reason not to help our fishermen. That is not a good reason not to help our farmers. That is not a good reason not to help the people who buy electricity and those costs have been going up. If we want to do more the vehicles are there as Senator Jackson has pointed out. They can be taken off the table and we can try at it but if you vote to recede and concur today, there is \$14, million of tax relief just the way that you wanted it yesterday. That is secured. And I urge my fellow Senators here today to follow that course then Senator Jackson, the Senator from Cumberland, can move one of these Bills off the table and we can try for the extra, but \$14 million will be in hand.

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

Mr. KATZ: Mr. President, this Senate is simply going to be the poorer because the Senator from Cumberland, Senator Merrill will not be here next year. I have watched this extraordinary young man develop into an outstanding speaker and this was his finest hour just now. He declaims and he thinks clearly and beautifully and for a while there, he so confused me, I was not listening to what he said.

Why am I going to vote to adhere. I was embarrassed. I spoke earlier and I left the Senate in the confusion as to whether I was going to punt or run out for a quick kick. I am going to vote to adhere and I will tell you the basic reason and there are two of them, and they are very clear. And parenthetically, I think, that the Senate is interest in how campaign is going to make the state very interesting.

I am going to vote to adhere for two reasons and they are very simple. In the first place, I am confident that we will get another whack at it. I just sense that we are not going to take all that money and put it into some of Maine's banks—and-just-draw-interest-on-it-until-next-January. I am confident that is not going to happen.

And another reason that I am going to vote to adhere is I am taking a look at the Appropriations Table and what is on the Appropriations Table and who sponsored what is on the Appropriations Table and there is the darndest coincidence you have ever seen. Some of the biggest advocates of fiscal responsibility are the biggest spenders on the Appropriations Table. Now I am not sure that interest of the State of Maine would be served by taking that bird in the hand that the Senator talks about and giving back this partial payment back to the people and leaving the rest there for January because there was nothing in this picture that faces me that makes me confident that we can hold off adequately. The thrust of important programs which simply must be funded with this money that is going to be sitting there so attractively, available. So I guess I will say to the Senator from Cumberland, Senator Merrill, I am going to vote to adhere for those two reasons and have some confidence that we can come back and dispose of the full amount rather than to leave it on the table to spend on programs in January and if I am in error, it is not the first nor the last mistake I have made in this Legislature for sure.

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

Mr. PRAY: Mr. President and Members of the Senate: Just to respond to the previous speaker.

I have done a quick check of those Bills on

the Appropriations Table and I think that some insinuations have been made and I would just like to clarify them. Of the 35 Bills on the Appropriations Table, 20 of them are sponsored by Republicans. So if we are going to advocate and insinuate that one body or another is big spender or that one party or another are advocating wild spending I think that it should be clear as to who has the money Bills in. I think that we ought to look at the sponsors and we will find some of them are candidates for higher office. I do not think that there is anything wrong with that, a lot of those programs sponsored by both Republicans and Democrats I would support. But to throw around the comments and the innuendos as an attempt to keep money to spend, and perhaps in my own bias is as I sit here and I feel as if it is my party that is being picked on and is the big spender, I would like the case to be clarified as to who those sponsors are and the list is there for every member in this Body to look at and see whom the individuals are and what party that they are aligned with.

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

Mr. CHAPMAN: Mr. President and Members of the Senate: One of the previous speakers referred to the debate that we are having this morning, what I am hearing this morning does not really sound like debate to me, I see it as nothing more than position taking, the reverse of a lot of positions that were taken by this body last night, witnessed the vote 31 to 1 in support of the measure that we discussed last night. I see some wallfiling go on here by some rather vocal supporters of that measure last night. Both the Legislative and Executive Finance experts have verified the \$41 million surplus as conservative and I have been impressed by the accuracy of the track record of these people over the number of years. I would direct your attention again to what the Senator from Kennebec, Senator Katz said, certainly surplus left in the till will indeed be spent on more programs and it is my understanding that the people of the State of Maine do not want more government, they want less government. I would urge the Senate to vote to adhere.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill, who having spoken three times requests leave of the Senate to speak a fourth. Is it the pleasure of the Senate to grant this leave? It is a vote.

Mr. MERRILL: Mr. President and Members of the Senate: I am sorry that every time that the Senator from Kennebec, Senator Katz speaks he leaves immediately thereafter. The Senator from Cumberland welcomes and is gratified by the return presence, of the Senator from Kennebec, Senator Katz.

You know Senator Katz flatters me all too much. I have to admit that the other day I made a slip and referred to the Majority Leader as the Senator from Kennebec, Senator Katz. I think that that probably was a Freudian slip because in my own mind I do think of him as the leader of the Republican Party. Their work horse. The man with the real oratorical skills. The man who has been here for so long and yet when push comes to shove is the man that leads his party nine times out of ten and his ability to do that at times is astounded and amazing and so I am indeed flattered that he would make any recognition of my abilities here today, but I think that his oratory does not fail him; his reasoning does.

First of all, I make an apology to the Senator from Kennebec, Senator Katz. He refers to the Appropriations Table and all the bills upon it. Well he attended the meeting of the Appropriations Committee yesterday. I was not able to be there for all of it, and that brief part of it that I was able to be there, I did not hear him speak against one of those spending bills, he must have done it right before I came. I know that his reason to be there was probably to speak against some educational spending bill

and I just missed the opportunity to hear him do it. So I apologize to him in that respect.

Let me say that the reason beyond the Senator's concern about too much educational spending and other things, that we vote against this program today is because we want to do more because we are afraid of these big spenders getting their hands on this and, parenthetically, the Governor's fond of saying, we probably can do something even if we do not get this at least there will be another chance we might refer to this as Senator Katz roulette.

Well let me say this, we can pass this \$14 million we have it in hand that much we have done, then we can try to get more. What is wrong with that? Isn't that the more prudent course to pursue? Isn't that more likely to assure that all this money will not be available to the big spenders and please I urge all of you to keep in mind that the Senator from Cumberland, Senator Huber, came up with a real good plan before, "Huber's Black Thursday" is a way we could put some of this money away. We could sort of lock it up in advance to keep it away from all our big spenders, all of those guys who want to spend more money on education and all those thrills. He came up with a way to do it and we could still use it it is not too late. The Appropriations Bill has not been passed. If that is the concern, no I suggest that no good answer has been given to the question. There is only one answer Pride. And we all know what the bible said about pride.

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

Mr. HICHENS: Mr. President and Members of the Senate: Late yesterday afternoon I elated as were the other 31 members of this Senate I believe that we had almost unanimously passed a Republican version, if you want to call it that, of the tax bill. Then I walked down the corridors of this State House and I listened to a very influential member of the other Body tell Legislators not to worry that the House or the other Body turned down that version of the tax bill that the Senate would eventually come around. I did not believe it. When I heard him repeat it for the second time. This morning as I hear members of this body get up and change their position I can see that this man was much more influential apparently than I ever thought that he was.

I too am going to vote to adhere. It bothers me to think that we are going to let a package like this go out of our grasp and perhaps go home with nothing done for the people of our State. But I cannot conscientiously go along with the recede and concur motion this morning.

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

Mr. LEVINE: Mr. President and Members of the Senate: I somewhat resent the implication that because there are certain members of this body that are changing a position here today that they are in the wrong. I have changed my position a great number of times on this because I do believe in compromise. I do not believe that anybody belongs in politics that is not willing to compromise I think that if you are going to set your feet in cement you had better go home and do it in your back yard so you can be close to home. I have changed my position a number of times but I would remind all the members of this body that I was one of only 20 members of the Democratic party in caucus, a joint caucus between Democratic House and Senate members two days ago, that stood on their feet to support the proposal that we voted out of here last night. And I supported it again last night, I do not support the move that would be made if the motion presently before us were to be defeated to Adhere. I think that is irresponsible. I think that it is a little too games again, and I think that it is a little too serious for us to continue to play games and as the good Senator from Cumberland, Senator Merrill, said to play prideful games. I have

changed my position a number of times, I have spoken with representatives of the Governor, people representing his position people representing the Republican position, people representing the Democratic position, all of those positions have been changed, all of us here have changed our position at one time or another on this particular piece of Legislation. So lets not throw out accusations of people changing their positions. I do not think that anybody here really believes in his own mind in his or her own mind that either package that we would have before us is the perfect package, because we would then be assuming that they are in fact perfect. Where that all of us combined are perfect. I do not think that there is such a thing as a perfect package. When you talk about government whether it is on a local, state or Federal level, you talk about business, or you talk about labor, you are talking about doing the best you can with what you have to work with.

So again I tell you I support the motion to recede and concur, and I will live if the whole procedure breaks down. I will continue to survive. I am not going to die tomorrow if that money is left in the till. I do not think that any of us will have a stroke or any other great malady take place simply because of that happening. but I think that we would all much prefer to do something for the people of the State of Maine to return some of these monies. If the argument is over how much fine, let both sides stand up and discuss the why's and wherefore's of how much but lets discuss that lets not discuss the changing of position. Lets not discuss apologizing. I am not apologizing for anything. I have tried to do the best that I can with what I saw before me to work with and I think that we all have up to a point, I think that there are a lot of members of this body that are upset by the actions taken by the other body last evening but lets not allow that upset to destroy a plan, which right now to me looks very nebulous at best.

The PRESIDENT: Is the Senate ready for the question?

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: again I rise to add a little more light to the subject I guess. I sort of am concerned with what the good Senator from Cumberland, Senator Merrill, has to say. And I have to concur with what the good Senator from Kennebec, Senator Katz, said a little earlier in the debate and it sort of reminds me of a story which I heard many, many years ago, and it was a bed time story at one time and it was about Robin Hood. Sitting here and listening to the debate at the end of it I thought that it was a little humorous and the good Senator from Somerset, Senator Levine, mentioned something that concerned me greatly, I apologize Kennebec, playing with the taxpayers of the State of Maine. I think that it is a question and the question is the level of funding of the tax package and evidently that is what concerns the good Senator from Cumberland, Senator Merrill. The question of the \$5.7 million. That \$5.7 million at one time reflected a \$20.00 tax credit to the income payer of the State of Maine up to a \$20.00 tax credit for those people who had paid taxes and had been overcollected in that area, in the income tax area. Now I hear the good Senator from Cumberland saying and other members of this Legislature that if we overcollected it we should not attempt to give it back. Now this is where I sort of see the problem with the Sheriff of Nottingham and Robin

Hood, I sort of preceive that some members of this Legislature who want to keep the \$5.7 million as the sheriff of Nottingham, and I preceive the other members who want to return \$5.7 million in one short funding in Robin Hood and I would go on record Mr. President, and I would like to have every member of this body vote against the Sheriff of Nottingham and vote with Robin Hood.

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

Mr. CONLEY: Mr. President, I do not claim to be either one. However, the good Senator from Cumberland, Senator Jackson, has mentioned. I stated this morning, and it seems almost hours ago, that I intend to vote to recede and concur with the House. And I do so only because I feel that there is no other alternative. I stated and it has been stated by several other members of this Senate, that over the last couple of weeks maybe as far back as three weeks, that leadership has been trying to work out a tax relief plan that would be acceptable just to a majority of both houses. It is strange to me that now we are placed in a position that I have to vote to recede and concur because I stated there is no option.

But when I looked back at last night and saw 31 members of this Senate had voted to accept the compromise package, not a Republican package, not a Democratic package, I see the vast majority in fact almost every member of the minority party at the other end of the hall vote to accept the compromise. I see the Chief Executive on the second floor state that the package would be acceptable to him, and there is certainly a question in my mind as to what is wrong with the Legislature.

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

Mr. FARLEY: Would the Motion to Recede be in order?

The PRESIDENT: The Chair would advise the Senator that the Motion to Recede would be in order, but being practical the Motion to Concur would have to follow shortly thereafter as the Bill is not in a posture to be amended.

The only motions basically available are the Motions to Recede and Concur or Adhere.

Is the Senate ready for the question?

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

A Yes vote will be in favor of the Motion to Recede and Concur.

A Nay vote will be opposed.

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

#### ROLL CALL

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

NAY — Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, McNally, Morrell, Pierce, Redmond, Snowe, Speers, Trotzky, Wyman, Sewall.

ABSENT — Lovell.

10 Senators having voted in the affirmative and 22 Senators in the negative, with 1 Senator being absent, the Motion to Recede and Concur does not prevail.

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

Mr. MERRILL: I move that this item lay on the table until later in today's Session.

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

Mr. SPEERS: I ask for a Division.

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested on the tabling motion. In order for the Chair to order a Roll Call it must be the ex-

pressed desire of one-fifth of those Senators present and voting.

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

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

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Merrill, that this item be tabled until later in today's session.

A yes vote will be in favor of the Motion to Table.

A nay vote will be opposed.

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

#### ROLL CALL

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

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

ABSENT — Lovell.

12 Senators having voted in the affirmative and 19 Senators in the Negative, with 1 Senator being absent, the Motion to Table does not prevail.

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

Mr. MERRILL: Mr. President, I would like through you, to congratulate the majority party for their party discipline that they have shown here today, if nothing else, and I think that they have shown very little else.

The Senate voted to Adhere.

On Motion of Mr. Huber of Cumberland, Receded until 3:00 in the afternoon.

#### Recess

#### After Recess

Senate called to order by the President:

#### Enactor

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

#### Emergency

"An Act to Clarify the Education Laws." (H. P. 2018) (L. D. 2098)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

#### Communication

#### Committee on Taxation

March 22, 1978

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

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

Total Bills received	24
Unanimous Reports	20
Divided Reports	4
Ought to Pass	3
Ought to pass as amended	6
Ought to pass in New Draft	2
Leave to Withdraw	6
Ought not to pass	3
Recommittals 1	

Signed:

Respectfully,

SEN. J. HOLLIS WYMAN

Senate Chairman

Which was Read and Ordered Placed on File.

#### Enactor

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

"An Act to Provide Compensation and Benefits Agreed to by the State and Council 74, American Federation of State, County and Municipal Employees, (AFSCME) for Employees in the Institutional Services Bargaining Unit. (H. P. 2273) (L. D. 2202)

This being an emergency measure and having received the affirmative votes of 30 Members of the Senate, was Passed to be Enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

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

#### Communication

Honorable Joseph Sewall,

President of the Senate

and

Honorable John Martin,

Speaker of the House

Dear Joe and John:

This is to officially notify you that I am, hereby, withdrawing the nomination of John C. Caldwell, nominated on March 8, 1978 to serve as a member of the State Board of Education.

Due to the concern that a conflict of interest situation may arise by Mr. Caldwell's membership on the State Board, we feel it is in the best interest of the nominee at this time, to withdraw our nomination.

I respectfully request your cooperation in this regard.

Thank you.

Sincerely,

Signed:

JAMES B. LONGLEY

Governor

(S. P. 765)

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

#### Enactor

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

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

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

Out of Order and Under Suspension of the Rules; On motion of Mr. Katz of Kennebec,

#### Joint Orders

ORDERED, the House concurring, that the Joint Rules be amended by repealing Joint Rule 20 and enacting the following in its place:

20. Ought not to pass reports. Any bill or resolve, which bears an ought not to pass notation signed by at least 12 members of the committee to which it has been referred, shall, upon notification of such action to both Houses, be placed in the legislative files. No further action shall be taken following such disposition unless such bill or resolve is recalled for reconsideration by vote of two-thirds of both Houses. (S. P. 766)

Which was Read.

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

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 ex-



pressing legislative sentiment shall be in order for introduction unless the achievement being recognized is a statewide title, or unless the achievement or sentiment is of statewide interest and significance. (S. P. 767)

Which was Read.

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

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

#### Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing that:

Linda Poirier has been recognized for her outstanding academic record by being chosen Valedictorian of Oak Hill High School, (H. P. 2306)

Kevin Slattery has been recognized for his excellent academic record by being chosen Salutatorian of Oak Hill High School, (H. P. 2307)

The following members of the Senior Class of Oak Hill High School have compiled the ten best academic records in that Senior Class: Linda Poirier, Kevin Slattery, Brian Sanborn, Ann Bubier, Linda Handrich, Timothy White, Dian Lucille Fournier, David Couillard, Jean Knight and Sallie Strout, (H. P. 2308)

Alvin C. Richards will celebrate the 100th anniversary of his birth on March 30, 1978 (H. P. 2309)

The City of Rockland has become the leading port in Maine in fish landings with 49 million pounds of aquatic products, involving \$4.3 million in revenue, which has been made possible by the inventive genius of small industries, fishing fleets and their brave and industrious crews servicing the area, (H. P. 2310)

The University of Maine at Farmington has won the Maine Women's Intercollegiate Basketball Championship for 1978, (H. P. 2312)

Rudolph A. Bisson, of Sanford, has attained the high honor and distinction of Eagle Scout as a member of Troop 327, (H. P. 2316)

Ryan M. Jackson, of Sanford, has achieved the high honor and distinction of Eagle Scout as a member of Troop 327, (H. P. 2317)

Heidi Picher, Alan King, William MacDonald, David Parlin, Kathie Millier and Michelle Jodoin, students at Winthrop High School, will represent Eastern New England at the National Catholic Forensic League in Washington, D.C. in May, (H. P. 2318)

Heidi Picher, of Winthrop High School, will represent New England in the National Forensic League Student Congress in June at Northwestern University, (H. P. 2319)

Reverend Daniel C. Tuttle is retiring from the East Winthrop Baptist Church and the Manchester Community Church after 41 years of dedicated service in the ministry, (H. P. 2320)

Arthur "Jack" Goodwin, a life-long resident of Shapleigh, is retiring after many years of faithful service to that community as selectman, town moderator and as a member of various boards, (H. P. 2321)

Jennie Pearse of Searsmont has been selected from over 100 Maine persons to receive a 1978 Jefferson Award for her devotion and service to her community, (H. P. 2322)

Dorothy Billings of Damariscotta has been selected from over 100 Maine persons to receive a 1978 Jefferson Award for her devotion and service to her community (H. P. 2323)

Manley O. Chase of Fairfield has been selected from over 100 Maine persons to receive a 1978 Jefferson Award for his devotion and service to his community, (H. P. 2324)

Delmont M. Merrill, of Brewer, has been named President of Husson College, (H. P. 2326)

The Selectmen of Madawaska, recognizing the rich tradition and many contributions of Maine's Acadian citizens, the first European settlers in the St. John River Valley, have de-

signed June 28, 1978 as Acadian Day, (H. P. 2327)

The Portland West Neighborhood Planning Council has successfully established a community-based Foster Grandparent Program serving elders and children of the city. (H. P. 2328)

David K. and Daniel W. Sutherland, sons of Mr. and Mrs. Lloyd Sutherland of Houlton are members of the Houlton High School varsity debating team, which won the New England District National Forensic Championship for 1978, (H. P. 2329)

Dr. Samuel Wagner of Winterport, whose tireless service to his community at all hours of the night and day has earned him the respect of his many Waldo County friends, has been selected from over 100 Maine persons to receive a 1978 Jefferson Award, (H. P. 2330)

Come from the House, Read and Passed. Which were Read and Passed in concurrence.

#### Joint Order

WHEREAS, the State has granted monopolies to public utilities such as electric companies, gas companies and water companies in order to ensure that utility equipment and facilities are not duplicated at an unnecessary expense; and

WHEREAS, the State grants these monopolies under the condition that the utilities are subject to state regulation; and

WHEREAS, these utilities pay property taxes to the municipalities in which their equipment and facilities are located; and

WHEREAS, under the utility law, the property taxes paid by utilities are reimbursed them by their ratepayers through utility rates; and

WHEREAS, the result of this process is that ratepayers residing in municipalities, other than the ones in which utility equipment and facilities are located, pay property taxes through their utility rates to other municipalities; and

WHEREAS, there has arisen some question as to whether or not the property taxes paid by utility ratepayers should benefit a wider number of persons, other than just the residents of municipalities in which public utility equipment and facilities are located; now, therefore, be it

ORDERED, the Senate concurring, that a Joint Select Committee on Property Taxation of Utilities be established to study the question of the benefits conferred upon municipalities and utility ratepayers by property taxes paid by utilities; and be it further

ORDERED, that this committee be comprised of 3 members of the Senate to be appointed by the President of the Senate from among the members of the Joint Standing Committee on Taxation and the Joint Standing Committee on Public Utilities and 7 members of the House of Representatives to be appointed by the Speaker of the House from among the members of the Joint Standing Committee on Taxation and the Joint Standing Committee on Public Utilities; 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 recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this order shall be forwarded to members of the committee. (H. P. 2325)

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

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

#### Joint Order

WHEREAS, Forestry programs are offered in some of the vocational schools of this State;

and

WHEREAS, because of the hazards associated with this vocation the schools are having difficulty in obtaining insurance; and

WHEREAS, training is necessary for this vocation and must be continued in order to supply the job needs of the State's biggest industry; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Business Regulation shall study the problem of insurance in the vocational schools in order to determine a means of providing adequate insurance coverage while students are receiving necessary training in the vocational school system; and be it further

ORDERED, that the committee shall complete this study no later than 90 days prior to the First Regular Session of the 109th Legislature and submit to the Legislative Council within the same time period its findings and recommendations, including copies of my recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee. (H. P. 2305)

Come from the House, Read and Passed as amended, by House Amendment "A" (H-1228) Which was Read.

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

#### Committee Report Senate

##### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, 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)

reports that the Senate recede from its action whereby it Passed the Bill to be Engrossed; recede from its action whereby it adopted Committee Amendment "B" (S-543) and indefinitely postpone same; read and adopt Conference Committee Amendment "A" (S-605), submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A";

that the House recede from its action whereby it Passed the Bill to be Engrossed; recede from its action whereby it adopted Committee Amendment "A" (S-542), as amended by House Amendment "A" (H-1177) thereto; recede from its action whereby it adopted House Amendment "A" to Committee Amendment "A" and indefinitely postpone same; indefinitely postpone Committee Amendment "A"; read and adopt Conference Committee Amendment "A" (S-605), submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A", in concurrence.

D. F. Collins, Bennett D. Katz, John D. Chapman, Committee on part of Senate

Peter J. Curran, G. William Diamond, Eugene Churchill, Committee on part of House

Which was read.

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

Mr. COLLINS: Mr. President, I move acceptance of the Conference Committee Report. Unlike some of our other actions of the last day or two, I am happy to report that this is a unanimous report, and reflects the viewpoint of both the House and the Senate. This report amends the current law which compensates major policy making positions. It establishes in one place in the Statutes the salary ranges which may be paid to such positions. It increases each of the ranges which may be paid by two additional steps. It actually provides in each step about a five percent increment it also increases the salaries that may be paid to the

Public Utilities Commission Chairman and the Public Utilities Commission members, and it does safeguard that particular area by specifying a set sum for those positions so that they are in a protected position. It also increases the salary of the State Auditor, and the State Treasurer from \$17,500. to \$20,000. and \$15, to \$18, respectively and finally it establishes an effective date of January 8, 1979 for implementation.

Which Report was Accepted.

Sent down forthwith for concurrence.

#### Enactors

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

"An Act to Establish the Health Facilities Information Disclosure Act." (S. P. 695) (L. D. 2136)

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

"An Act Pertaining to Ordinary Death Benefits Under the Maine State Retirement System. (H. P. 1885) (L. D. 1939)

"An Act to Abolish the Mental Health and Mental Retardation Improvement Fund and Make Provision for Future Funding of Existing Programs from the General Fund. (H. P. 2010) (L. D. 2085)

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

"An Act Making Certain Substantive Revisions to the Marine Resources Statutes. (H. P. 1939) (L. D. 2019)

Pursuant to Section 8, Part 1, Article IV of the Constitution of Maine, two-thirds vote of the membership present is required. This Bill, having received the affirmative vote of 29 Members of the Senate was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Emergency

"An Act to Revise the Municipal Boundary between the Town of Old Orchard Beach and the City of Saco." (H. P. 1980) (L. D. 2072)

Having received the affirmative vote of 29 Members of the Senate was Passed to be Enacted and having been signed by the President, was by Secretary presented to the governor for his approval.

#### Emergency

"An Act to Make Necessary Corrections in the Knox County and Lincoln County Budget, the Errors and Inconsistencies Act and the Administrative Procedure Act." (S. P. 760) (L. D. 2205)

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

Mr. COLLINS: Mr. President for the purposes of reconsideration of the Amendment, I move that the Senate suspend its rules.

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.

Mr. COLLINS: Mr. President, I now offer Senate Amendment "B" to L. D. 2205 (S-607) and I also move that we reconsider engrossment.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate reconsider its actions whereby L. D. 2205 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Senator from Knox, Senator Collins, now offers Senate Amendment "B" to L. D. 2205 and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" (S-607) Read.

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

Mr. MERRILL: Mr. President, is it correct

understanding that this amendment corrects an error which corrects an error which corrects the Errors and Inconsistencies Bill?

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

Senate Amendment "B" Adopted.

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

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

#### Committee Report

##### House

#### Ought to Pass as amended

The Committee on Education on, Bill, "An Act Authorizing the Issuance of Bonds by the Town of Houlton to Acquire Certain Assets of Ricker College." (Emergency) (H. P. 2314) (L. D. 2208)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-1229).

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

Which Report was Read and Accepted in concurrence.

The Bill Read Once.

Committee Amendment "A" Read and Adopted in concurrence.

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

The Bill, as amended, Passed to be Engrossed in concurrence. Sent forthwith to the Engrossing Department.

#### (Off Record Remarks)

On Motion of Mr. Huber of Cumberland, Receded until the sound of the Bell.

#### Recess

#### After Recess

Senate called to order by the President.

#### Orders of the Day

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

Mr. HUBER: Mr. President, I move that L. D. 2104 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table: L. D. 2104. "An Act to Establish Training Requirements for Corrections Officers.

Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: Mr. President, I now move that the rules be suspended.

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

Mr. HUBER: I now move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

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

Mr. HUBER: I now move reconsideration of Adoption of Committee Amendment "A".

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

Mr. HUBER: I present Senate Amendment "A" to Committee Amendment "A" and move its adoption.

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

Senate Amendment "A" (S-616) Read and Adopted.

Committee Amendment "A", as amended. Adopted.

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

Mr. SPEERS: Would The Chair please identify the Bill.

The PRESIDENT: The L. D. that we are considering is 2104, "An Act to Establish Training Requirements for Corrections Officers."

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

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

Mr. HUBER: I now move that L. D. 1972 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table: L. D. 1972. "An Act Concerning the Catastrophic Illness and Medically Needy Programs."

Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: Mr. President, I now move that the rules be suspended.

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

Mr. HUBER: I now move that the Senate reconsider Passage to be Engrossed.

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

Mr. HUBER: I now move that the Senate reconsider its action whereby it adopted Committee Amendment "A".

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

Mr. HUBER: I present Senate Amendment "A" to Committee Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber not offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption. The Secretary will Read Senate Amendment "A".

Senate Amendment "A" (S-612) Read and Adopted.

Committee Amendment "A", as amended. Adopted.

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

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

Mr. HUBER: I move that L. D. 1973 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table L. D. 1973, "An Act to Expand the Elderly Low Cost Drug Program."

Is it the pleasure of the Senate. It is a vote.

Mr. HUBER: Mr. President, I now move that the rules be suspended.

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

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

The PRESIDENT: The Senator from Cum-

berland, Senator Huber, now moves that the Senate reconsider its action whereby L. D. 1973 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I move that the Senate reconsider adoption of Committee Amendment "A" as amended.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider its action whereby it adopted Committee Amendment "A" as amended.

Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I now move that the Senate reconsider adoption of Senate Amendment "B" to Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves the Senate reconsider its action whereby Senate Amendment "B" was adopted to Committee Amendment "A". Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I now move that the Senate indefinitely postpone Senate Amendment "B" to Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves indefinite postponement of Senate Amendment "B". Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I now present Senate Amendment "C" to Committee Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "C" to Committee Amendment "A" and moves its adoption. The Secretary will Read Senate Amendment "C".

Senate Amendment "C" (S-614) Read.

Senate Amendment "C" to Committee Amendment "A" Adopted.

Committee Amendment "A", as amended, Adopted.

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

Sent down forthwith for concurrence.

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

Mr. HUBER: I move that L. D. 1976 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table: L. D. 1976, "An Act to Allow Intermediate Care Facilities to be Reimbursed under the Medically Needy Program."

Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I now move that the Senate suspend its rules.

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

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

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider its action whereby (L. D. 1976 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I move that the Senate reconsider adoption of Committee Amendment "A".

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

Mr. HUBER: I now present Senate Amendment "A" to Committee Amendment "A" and move its adoption.

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

The Secretary will Read Senate Amendment "A"

Senate Amendment "A" (S-609) Read and Adopted.

Committee Amendment "A", as amended, Adopted.

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

Sent down forthwith for concurrence.

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

Mr. HUBER: I now move that L. D. 2073 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table: L. D. 2073.

"An Act to Appropriate Funds for the York County Community College."

Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I move that the Senate suspend its rules.

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

Mr. HUBER: I now move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider its action whereby L. D. 2073 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I now present Senate Amendment "A" to the Bill and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now presents Senate Amendment "A" to L. D. 2073 and moves its adoption. The Secretary will Read Senate Amendment "A"

Senate Amendment "A" to (S-615) Read and Adopted.

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

Sent down forthwith for concurrence.

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

Mr. HUBER: I move that L. D. 2074 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table: L. D. 2074.

"An Act Appropriating Funds to Establish Emergency Shelters for Family Members who are Victims of Family Violence."

Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I move that the Senate suspend its rules.

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

Mr. HUBER: I now move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider its action whereby L. D. 2074 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I now move that the Senate reconsider adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider its action whereby it adopted Committee Amendment "A" to L. D. 2074. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I now present Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

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

Senate Amendment "A" (S-610) Read and Adopted.

Committee Amendment "A", as amended, adopted.

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

Mr. HEWES: Mr. President and Members of the Senate: I have some question about this particular Bill. Perhaps I do not understand it in its entirety but as I understand, is this the Bill by which the State would interfere into the domestic affairs of families. If that is the case I am not sure that this is that we should be enacting this Bill. The State cannot cure all of the worlds ills and I think as you all know and I think that most of us here are strong people and I do not think that the government ought to be stepping in and siding on one side or the other. If there is a need, localities do and may anyway, provide some emergency relief such as the Fair Harbor Shelter in Portland. I would like to have some answers to this question and if I have understood the bill right, then I would hope that we would move to indefinitely postpone the Bill.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, has posed a question through the Chair to any Senator who may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President, in view of a lack of an answer, I move the indefinite postponement of this Bill and all of its accompanying papers.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves that the Senate indefinitely postpone L. D. 2074 and its accompanying papers.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: It is my understanding that this Bill, came before the Appropriations Committee and had its hearing and the recommendation of that Committee and the recommendation of Leadership was to cut back on the funding of this Bill to \$200,000.

It is my understanding that there is a very serious problem throughout the State with domestic violence. Where mothers are beaten up, children are beaten up, and that because of problems of having to stay with the family that mothers have to continue to endure this violence at home. This would establish centers around the State whereby the mother and the children could get immediate relief from the problems of the beating that they incur at home. Just recently such a project has been established within the City of Portland or the Greater Portland Area. It is not being funded by local dollars and it has from, what I understand, provided some very needed relief for such problems that I have discussed. I think that it would be a very serious injustice for this Senate to take a negative action upon this Bill today and I would urge the Senate to vote against the pending motion.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would join with my colleague, the good Senator from Cumberland, Senator Conley, with regard to his comments regarding this particular piece of Legislation. This matter has been discussed by this body, in its passage through the Legislative process, it has reached the Appropriations Table, it has been discussed by the Appropriations Committee and by the leadership of the entire Legislature, and it has been the concerted opinion, combined opinion of the Appropriations Committee and the Leadership of both Bodies that it is worthy of funding at least to the extent that has been amended, and I would ask the support of my party in this body, for this particular piece of Legislation.

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

Mr. HICHENS: Mr. President, I would sup-

port the motion of the good Senator from Cumberland, Senator Hewes, I realize that there are problems brought to our attention throughout the State. But I do not think that we have gone into the depth of the need to fund this for \$200,000, not knowing just what we are getting into. I have a study order to study the domestic violence problems of the State of Maine which has Committee members on it for Judiciary Human Resources, Human Services Council, and others to study this problem and I think that we should have an opportunity to do that without funding any such Bill as we have before us and then possibly the 109th Legislature can take care of it as an emergency Bill if that need is found.

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

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

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

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

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

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

Sent down forthwith for concurrence.

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

Mr. HUBER: I move that L. D. 2084 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate take from the Special Appropriations Table L. D. 2084. An Act Relating to the Inspection of Dams.

Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I now move that the Senate suspend its rules.

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

Mr. HUBER: I now move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

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

Mr. HUBER: I move that the Senate reconsider adoption of Committee Amendment "A" as amended.

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

Mr. HUBER: I now move that the Senate reconsider adoption of Senate Amendment "A" to Committee Amendment "A".

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

Mr. HUBER: I now move that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I now present Senate Amendment "B" to Committee Amendment "A" and move it adoption.

The PRESIDENT: The Senator from Cum-

berland, Senator Huber, now offers Senate Amendment "B" to Committee Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" to Committee Amendment "A" (S-613) read and Adopted.

Committee Amendment "A", as amended, Adopted.

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

Sent down forthwith for concurrence.

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

Mr. HUBER: I move that L. D. 2102 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table: L. D. 2102—AN ACT to Establish a Solar Water Heater Demonstration Program for Maine.

Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I now move that the Senate suspend its rules.

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

Mr. HUBER: I now move that the Senate reconsider its action whereby this Bill was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Mr. Huber, now moves that the Senate reconsider its action whereby this Bill was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: I now present Senate Amendment "A" and move its adoption.

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

Senate Amendment "A" (S-611) Read and Adopted.

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

Sent down forthwith for concurrence.

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

Mr. SPEERS: Mr. President, I would now move that the Senate remove from the Table L. D. 1948.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L. D. 1948.

House Report — from the Committee on Taxation — Bill, "An Act to Provide for a 2% Income Tax Credit for Taxable Years Ending in 1978." (H. P. 1891) (L. D. 1948) Leave to Withdraw

Tabled — March 7, 1978, by Senator Jackson of Cumberland

Pending — Acceptance of Report.

Is it the pleasure of the Senate?

It is a vote.

Mr. SPEERS: Mr. President, I move that the Bill be substituted for the report.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Bill be substituted for the Leave to Withdraw Report of the Committee. Is it the pleasure of the Senate? It is a vote.

The Bill was Read.

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

The PRESIDENT: The Chair recognizes that same Senator.

Mr. SPEERS: Mr. President, the good Senator from Cumberland, Senator Conley, the Minority Leader of this Body and I present Senate Amendment "A" to L. D. 1948 (S-617) and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now offers Senate Amend-

ment "A" to L. D. 1948 and moves its adoption. The Secretary will Read Senate Amendment "A".

Senate Amendment "A" (S-617) Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: Very briefly, I suppose that it is true indeed that hope springs eternal especially in the first or second day of spring.

This amendment is an amendment to present a tax relief program to the people of the State of Maine. It is an amendment which basically we have been talking about earlier today, yesterday and a few days ago as well. It includes within it all those items of sales tax exemption, and income tax reductions that we have agreed upon amongst ourselves it both parties, both branches of the legislature and it addresses the particular problem that has been explained as being the difference between the two branches of the Legislature earlier today. That particular problem being the question of the exemptions, the rate of exemption being increased from \$1,000 to \$1,200 for the next taxable year. The cost of that exemption being \$5.7 million. And there have been concerns expressed that the \$5.7 million may not be available when that money is needed to fund that particular increase in the exemption. And that concern has been addressed in this particular amendment and the amendment provides that unless the actual total general fund revenues for the first six months of the fiscal year 1978-79 meet or exceed the estimate as revised by the Governor and approved by the Legislature, unless that happens this section will not go into effect. And it is the intent of the Legislature by enacting this piece of Legislation that the money will be available to fund this particular section of the Tax Relief Program and this amendment provides automatically that unless that money is available the section will not go into effect.

Mr. President and Members of this Senate, all of the members of this Legislature have labored very long and hard to come up with a tax relief program for the people of the State of Maine and indeed when it has seemed that we would be leaving here without a tax relief program many have continued to labor and continued to come up with suggestions and proposals and methods by which the concerns that have been expressed may be addressed. It is my belief and it is certainly my hope that those concerns have been addressed in this amendment, that this amendment which becomes the entire Bill may be adopted in this Body and that it may indeed be adopted by the other Body as well and presented to the Governor for his signature.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to speak briefly to this amendment tonight if I could. I think that the amendment that is presently being offered by the Senator from Kennebec, Senator Speers, comes pretty closely to what I suggested would be preferable to me yesterday in response to the question from the Senator from Cumberland, Senator Jackson. And I am glad to see that we have arrived at a proposal that does meet those concerns that some of us had towards the possibility of short falls in revenue.

The only thing that I would like to say at this time and if my statement is incorrect in the view of any Senator I wish that it would be corrected now, and that is that there is not only the possibility of short fall in revenue but there is also, I suppose, the possibility that we might be called back for some purpose in a special session to make increased expenditures. And at that time, I would hope that we would be prepared to look at this \$5.7 million that we have held in obeisance and to make sure that what we are doing and do is prudent in regards to this expenditure which will be triggered somewhere around January 20th. Now whether we

seek to characterize this as a \$19.8 million plan or a \$14.1 million plan with 5.7 held in obedience. I suppose as a matter of schismatics but I would just like to have an understanding in my own mind and I think of everyone here in the Senate that we will be prepared to deal honestly with this \$5.7 million and to recognize that there are two possible problems before this would be implemented and it is my full hope and expectation that it will be implemented but I think that we ought to make that clear to everyone that if we have to come back and appropriate extra monies for some purpose, that we will, honestly, all of us, take a look at the spending position that that would put us in and act in a way that we think is in the best interest of the State from the standpoint of sound fiscal management.

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

Mr. JACKSON: Mr. President and Members of the Senate: I rise to concur with the good Senator from Kennebec, Senator Speers. And I know that we have something here which I hope will be acceptable to both bodies of the Legislature and the Governor. One thing that I would like to point out to the good Senator from Cumberland, Senator Merrill, when I asked him the question yesterday, and his response was, and I would not want anybody to mislead. His answer was, "I would postpone the one time tax relief until we return in January then if the money materializes, most members of the body are so confident that it will, then we will go ahead and grant this proposal."

I think that we have attempted to take a positive step with this Amendment and I am sure that we accept the good faith attempt of the Senator from Cumberland to guide us in the right direction.

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

Mr. SPEERS: Mr. President and Members of the Senate: I wish to comment on the statement made by the good Senator from Cumberland, Senator Merrill.

I think that basically he is indeed correct, and that should the unfortunate occur and that the revenue income actually does not meet the revenue estimates and should we indeed have a situation in the special session or indeed ever at the beginning of the 109th Legislature where there is an exceptional appropriation that is needed over and above what is contemplated at this time. That obviously the source of revenue is going to have to be reviewed and certainly this as well as any other source of revenue that may be identified at that time, will, of course, be reviewed and the amount of revenue will, of course, have to be met for that particular appropriation.

Senate Amendment "A" Adopted.

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

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

Mr. HUBER: Mr. President, I move that L. D. 2049 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table: L. D. 2049, An Act to Provide for Refunding of Municipal Claims under the Maine Tree Growth Tax Law.

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

Mr. JACKSON: Mr. President, I move that we suspend the rules.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves that the Senate Suspend its rules. Is it the pleasure of the Senate? It is a vote.

Mr. JACKSON: Mr. President, I would like to reconsider the action whereby this Bill was Passed to be Engrossed.

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

Mr. JACKSON: I move that we reconsider the adoption of Committee Amendment "A" as amended.

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

Mr. JACKSON: Mr. President, I further move reconsideration of Adoption of House Amendment "A" to Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves that the Senate reconsider its actions whereby it adopted House Amendment "A" to Committee Amendment "A". Is it the pleasure of the Senate? It is a vote.

Mr. JACKSON: Mr. President, I move the Indefinite Postponement of House Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves the Indefinite Postponement of House Amendment "A". Is it the pleasure of the Senate? It is a vote.

Mr. JACKSON: Mr. President, I move the reconsideration of House amendment "B" to Committee "A".

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

Mr. JACKSON: Mr. President, I move the Indefinite Postponement of House Amendment "B".

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves the Indefinite Postponement of House Amendment "B". Is it the pleasure of the Senate? It is a vote.

Mr. JACKSON: Mr. President, I further move the indefinite postponement of Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves Indefinite Postponement of Committee Amendment "A". Is it the pleasure of the Senate? It is a vote.

Mr. JACKSON: I now present Senate Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now offers Senate Amendment "A" to L. D. 2049 and moves its adoption. The Secretary will Read Senate Amendment "A".

Senate Amendment "A" (S-601) Read.

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

Mr. PRAY: I would like to pose a question through the Chair to the Senator from Cumberland as to whether or not he has a Senate Amendment "A" to Senate Amendment "A". So as to a parliamentary question is, if he does, would not this be a proper time to offer that amendment?

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

Mr. JACKSON: Mr. President, I do have the amendment to the amendment. I am sorry I should have been on my feet. I apologize to the good Senator from Penobscot.

Mr. President, I now present Senate Amendment "A" to Senate Amendment "A" and move its adoption.

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

Senate Amendment "A" (S-602) Read and

Adopted.

Mr. JACKSON: I present Senate Amendment "C" to Senate Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now offers Senate Amendment "C" to Senate Amendment "A" and moves its adoption. The Secretary will Read Senate Amendment "C".

Senate Amendment "C" (S-608) Read.

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

Mr. SPEERS: An inquiry to the Chair, are we still on L. D. 2049?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I apologize for holding this process. As we are going through here, I would like to ask a question to the sponsor of this amendment as to if he could briefly explain what the amendment does. I am turning the pages and still do not know the filing number.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question to the Senator from Cumberland, Senator Jackson, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. JACKSON: Mr. President and Members of the Senate: First Senate Amendment "A" to the original Bill was an amendment which was needed to bring the correct position of spending into place, the appropriation, and after further consideration, we were told that we were under funding the program by in excess of \$200,000.

Senate Amendment "C" was presented to Senate Amendment "A" to drop the price of reimbursement from 17 cents per acre for the tree growth properties to at least 11 cents an acre and it brings the funding level back into the appropriate place of \$325,000.

Senate Amendment "C" to Senate Amendment "A" Adopted.

Senate Amendment "A", as amended, Adopted. The Bill, as amended, Passed to be Engrossed in non-concurrence. Sent down forthwith for concurrence.

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

#### Committee Reports House Leave to Withdraw

The Committee on Education on, Bill, "An Act to Authorize a Bond Issue in the Amount of \$500,000 for use by the Maine Maritime Academy for the Renovation of a Leavitt Hall at the Academy. (H. P. 2313) (L. D. 2207)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which was Read and Accepted in concurrence.

The Committee on Education on, Bill, "An Act to Authorize Bond Issue in the Amount of \$7,350,000 for the Acquisition, Construction and Renovations of Higher Education Facilities and Equipment at the University of Maine, including the campuses at Augusta, Farmington, Fort Kent, Machias, Orono, Portland/Gorham and Presque Isle (H. P. 2303) (L. D. 2206)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which was Read and Accepted in concurrence.

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

Mr. SPEERS: Mr. President, I move that the Senate take from the table Joint Order S. P. 764.

The PRESIDENT: The Senator from Kenne-

bec, Senator Speers, now moves that the Senate take from the unassigned table:

Joint Order — relative to a Joint Select Committee on Domestic Violence be established to study the problem of domestic violence. (S. P. 764)

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

Mr. HICHENS: I now present Senate Amendment "B" to S. P. 764 and move its passage.

The PRESIDENT: The Senator from York, Senator Hichens, now offers Senate Amendment "B" to S. P. 764 and moves its adoption. The Secretary will Read Senate Amendment "B".

Senate Amendment "B" (S-606) Read and Adopted.

This Joint Order, as amended, Passed in non-concurrence. Sent down forthwith for concurrence.

#### At Ease

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

Mr. SPEERS: Mr. President, I move that the rules be suspended and that the Senate reconsider its action whereby it sent S. P. 764 forthwith to the House.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that under suspension of the rules, that the Senate reconsider its action whereby S. P. 764 was sent forthwith to the House. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. SPEERS: I move we reconsider our action whereby the Senate passed this Joint Order.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby this Joint Order was passed. Is it the pleasure of the Senate? It is a vote.

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

#### (Off Record Remarks)

#### At Ease

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

Mr. SPEERS: Mr. President, it is my understanding that the expert on the Joint Rules for the 109th Legislature is approaching the Chamber and shall be here forthwith.

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

#### At Ease

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

Mr. KATZ: I move that the Senate remove from the table H. P. 2254, a Joint Order amending Joint Rule 23.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate take from the Tabled and Specially Assigned Table:

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

Tabled — March 21, 1978 by Senator Conley of Cumberland

Pending — Passage

Mr. KATZ: Mr. President, this change in the Joint Rules, already passed by the other Body, pertains to cloture in the first regular session and I move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the adoption of H. P. 2254.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, because some of these joint orders are not readily avail-

able to us, they have been tabled for some while, I just wish that there might be some brief explanation of each one as we go through. I do not mean to hold up progress a great deal, but just to refresh our recollection a little bit.

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

Mr. KATZ: Mr. President, the Senate will recall that there was a considerable amount of work and investment of dollars over a period of some months in trying to adopt some joint rules which would expedite the session.

This one says, during any first regular session all of the requests for Bills and Resolves shall be submitted to the Director of Legislative Research not later than 1 p.m. of the second Friday following the convening of the session in January and such measures in complete final form shall be introduced into the appropriate house no later than 1 p.m. of the seventh Friday following.

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

Mr. MERRILL: Mr. President, I thank the Senator from Kennebec, Senator Katz. I understand that he said that the second Friday of the session and obviously this is not a matter of direct relevance to me but I would like to make an observation that I think that sometimes the attempt to get early cloture creates as many problems as it solves and I think that one of the reasons that we saw so many amendments in the Errors and Inconsistencies Bill this time was some of the legitimate problems that people have trouble taking care of after the early filing. I have long been an advocate of leaving people having early cloture, but leaving people one or two Bills that are outside the cloture period in which they would have a longer period to get those in. I know that that viewpoint has never been accepted by many people here but I think that in the long run if we are going to go for earlier and earlier cloture as this anticipates, that there is going to have to be some release mechanism or we are going to see the phenomenon of people passing Bills by some side route which will probably result in fewer public hearings and less public notice of what is going on. This is a very early period particularly in the first session when we have so many freshmen in this body and in the other body.

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

Mr. KATZ: There is a presumption on the presentation of these orders that the constitutional amendment, will be supported by the people this year which provides for the early convening of the Legislature. And if that is successful and we presume that it will be successful, then there will be an expanded time starting early in December. I think that all us here who have been through the torment of two sessions this time to realize that the structure may be important but the good faith and implementation is the most important thing and hope that this is a practical approach if the constitutional amendment is adopted.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Order be passed in concurrence? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: I move that the Senator remove from the Table and Specially Assigned for Wednesday, Today, A Joint Order Relative to adding a new Joint Rule 19-A. Tabled earlier pertaining to Errors and Inconsistencies in the Laws of Maine.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate take from the Specially Assigned Table:

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

Tabled — March 21, 1978 by Senator Huber of Cumberland

Pending — Passage

Is it the pleasure of the Senate to remove this Joint Order? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: The Senate will remember the concerns that were expressed here about the handling of the errors and inconsistencies Bill. This has nothing to do with the Legislative process. This is the approach that the Senator from York raised some questions on and the Senator from Cumberland raised some questions on. Unfortunately, as a practical consideration there is no time to introduce a joint order. The feeling of the Chairman of the Judiciary Committee was that the proposed Joint Order was not in proper form and I suspect that as I move for the Indefinite Postponement of this Joint Order, it will be incumbent on those of us who return too early on, to establish a proper, more orderly procedure.

On Motion of Mr. Katz of Kennebec, Indefinitely Postponed.

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

Mr. KATZ: I move that the Senate remove from the Table, H. P. 2256.

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

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

Tabled — March 21, 1978 by Senator Conley of Cumberland

Pending — Passage

Is it the pleasure of the Senate? It is a vote.

Mr. KATZ: Mr. President, this Joint Rule pertains to the filing of Bills and resolves which have been prefiled by the executive agencies and departments of Government. And it provides that they shall be introduced in complete final form not later than 1 p.m. of the fourth Friday following the convening of the session in January. I move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that H. P. 2256 be passed in concurrence.

Is it the pleasure of the Senate? It is a vote.

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

Mr. KATZ: Mr. President, I move that the Senate take from the table Specially Assigned for today, H. P. 2252.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate take from the Table:

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

Tabled — March 21, 1978 by Senator Conley of Cumberland

Pending — Passage

Is it the pleasure of the Senate? It is a vote.

Mr. KATZ: Mr. President, this Joint Order refers to study order requests, and it seems to me to be extremely cumbersome in its approach and I would move the indefinite postponement.

On Motion of Mr. Katz of Kennebec, Indefinitely Postponed in non-concurrence. Sent down forthwith for concurrence.

Mr. KATZ: Mr. President, I move that the Senate take from the Table, H. P. 2264.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate take from the table:

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

Tabled — March 21, 1978 by Senator Conley of Cumberland

Pending — Passage

Is it the pleasure of the Senate? It is a vote.

Mr. KATZ: Mr. President, this Joint Rule pertains to Study Order Reports. How do you handle and what are the deadlines for reporting the results of interim study orders? And I move

that it be passed in concurrence.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that H. P. 2264 be passed in concurrence. Is it the pleasure of the Senate? It is a vote.

Mr. KATZ: Mr. President, I move that the Senate remove from the table, S. P. 759.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate remove from the Table:

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

Tabled — March 21, 1978 by Senator Conley of Cumberland

Pending — Passage

Is it the pleasure of the Senate? It is a vote.

Mr. KATZ: Mr. President, this pertains to expressions of Legislative sentiment and we will be dealing with another on this subject. Therefore, I move that this be Indefinitely Postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Indefinite Postponement of S. P. 759. Is it the pleasure of the Senate? It is a vote.

Mr. KATZ: Mr. President, I move that the Senate take from the table S. P. 767 which was tabled a little earlier today pertaining to Joint Rule 33.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate remove from the table later in today's table,

Joint Order — relative to Joint Rule 33. (S. P. 767)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Passage

Is it the pleasure of the Senate? It is a vote.

Mr. KATZ: Mr. President, this pertains to the expressions of Legislative Sentiment a matter close and very dear to all our hearts. So dear that earlier today we dealt with 20 from the other Body. And it says that 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 of statewide interest and significance and I move its passage.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the S. P. 767 be passed.

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

Mr. O'LEARY: I move the indefinite postponement of this and will speak very briefly to my Motion.

The PRESIDENT: The Senator has the floor.

Mr. O'LEARY: Mr. President, this morning the good Senator from Kennebec, Senator Katz, escorted a lady to the rostrum for presentation and to each and every one of us we would perhaps consider it as a statewide interest, but I am sure that throughout the state they do not know this lady or are aware of her accomplishments and I am afraid that with a Joint Rule such as this that it would not be possible to recognize a lady such as that and that there are some frivolous orders coming through here recognizing various people and such and I think we best be careful in this direction and I would move the indefinite postponement.

Perhaps the leadership could come up with some kind of an agreement that they would hold down these frivolous orders. I am in complete sympathy with part of it but I cannot go with this.

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

Mr. SPEERS: Mr. President, I would certainly hope that this body would not concur with the motion to indefinitely postpone. I would believe that with regard to the circum-

stances suggested by the good Senator from Oxford, Senator O'Leary with regards to Mrs. Nute this morning, there would certainly be no member of the Legislature in either Body who would in any way or manner would challenge the ruling that that particular order would be of statewide significance and worthy of recognition.

But I do have a very great concern with regard to the dignity of the Legislative Branch of government with regard to the seriousness of the expression of sentiment that we should treat orders going through both of these two branches and is my feeling that the dignity of these two Branches has been compromised by the really wholesale expressions of sentiment which have been enacted or passed through both of these two branches and we certainly all know that they have been so passed almost by the bushelfull with very little thought being given by those of us here in these two bodies that vote for them as they go under the hammer all in one bunch. And I do have a concern with regard to the expressions of sentiment that as these are passed without very much concern given whatever to the expressions of sentiment, that really the meaning is diminished and the instances whereby there should be true recognition of true accomplishment is diminished in direct proportion to the number that are passed.

As for the suggestion by the good Senator from Oxford, Senator O'Leary that there ought to be some limitation voluntarily placed upon these orders by the leadership of the Legislature, I can assure him that this has been my ardent desire for as long as I have served as a member of that leadership and I can also assure him that it is a hope that will never be realized as long as leadership feels as it rightly must feel that it should respond to the wishes of the individuals who elect those other individuals to leadership.

I do not know whether the order that is presented here will actually accomplish what we hope to accomplish or not very certainly, particularly in this Legislative Session, we have seen more of these orders go through than we have ever had before, and I really believe that if we are to treat an expression of Legislative Sentiment as something that is deserving of recognition by one of the three highest branches of Government in the State of Maine that we should put a stop to the wholesale enactment of these orders by the bushel full.

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

Mr. PRAY: Mr. President, and Members of the Senate: I rise today to concur wholeheartedly with the concerns expressed by the Senator from Kennebec or both the Senators from Kennebec, Senator Katz and Senator Speers. While I agree with what they are attempting to do, I cannot wholeheartedly agree with the way they are trying to do it.

Being a basketball fan myself, watching NCAA playoffs, I found it quite interesting to listen to the State of Rhode Island Legislature passed an order congratulating Providence College. Providence College and the University of Rhode Island both made it to the NCAA playoffs. Providence did not fair to well, they lost the first game. So Rhode Island went on to carry on the name of the State, not receiving any type of recognition from the State Legislature so there are some pit falls to every legislative action I would guess.

But I am concerned about the wording in this Order so for that reason I am going to support the motion made by my seatmate, the good Senator from Oxford, Senator O'Leary.

As to what one would recognize as statewide interest or significance. Now I noticed just a few days past, the Senator from Kennebec, Senator Katz, introduced an order of achievement to the Cony High Rams in their quest and achievement of obtaining the State Championship of Class "A" Basketball. But there are

other sports that do not compete on a statewide level that play within conferences and these young adults, boys and girls, men and women, of Maine, I think that it is quite an achievement for them to receive some type of recognition from the Legislature is very important to them, it comes at a time when it is shaping their lives and I think that it is something that they can look back on for years, as to the time they won a particular conference, championship, Eastern Maine, or the State, and also talk about the fact that the State Legislature recognized them.

But in expressing those concerns, as I started in my statement I do share the concerns of the proponents of this order, but I do not believe that this is the way we want to do it and I would hope that members of this body would support the pending motion and perhaps when we come back in the 109th or those of this Chamber that do and those that are running and become members of the 109th would then address this problem with those who are here that remember the wholesale passage of all the orders of the 108th.

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

Mr. HICHENS: Mr. President and Members of the Senate: I too share the concerns expressed by the good Senators from Kennebec, but I will go along with the motion to indefinitely postpone this order, because I think here in the very closing moments of our 108th Legislature we are binding the 109th Legislature as to what they can do. I think that in the interim period, the Legislative Council can come up with some guidelines and suggestions which may be adopted in the first days of the 109th Legislature which may restrict the substance of the orders and the number of orders which are presented. But it says here of statewide concern or interest and significance. I have presented orders in the past honoring a person who reached their 100th birthday. That was not a statewide accomplishment, but I think that it was an accomplishment that should be recognized. I also presented another order for a man who had served his town as a town official and in many different ways for over 50 years. I think that he too deserved recognition. Another order I introduced was in observance of a bravery where a youngster saved the lives of two other youngsters who were drowning. I think that he too deserved that accommodation or recognition from the Legislature. All of these recognitions would be negligible under the passage of this order. So I will vote against it.

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

Mr. CONLEY: Mr. President and Members of the Senate: How dare, how dare the good Senator from Kennebec, Senator Katz even to consider making such a motion at quarter of eight in the evening. I have been sitting here half starved and I was saying when was the last time I ate? Only to recall Mr. President, that each member of this Senate knows the Democratic gratitude to you for such a lovely luncheon that you had prepared for us today, but what would Senator Carpenter be able to do with all those orders coming up in the house paying sentiment. He does such a miraculous fine job. Every day, every day. I pray that the good Senator from Kennebec will move the indefinite postponement of this order immediately, and if not Mr. President, I certainly will move the question.

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

Mr. MERRILL: Mr. President, I must admit that I have a dream that someday this Senate will limit its debate to issues of statewide importance, but we are a long ways from that I am afraid.

You know I think that I probably introduced fewer orders, as few as anybody here. As a matter of fact, the only one that I can recall ever introducing was one that recognized a

person of great accomplishment to the state at the time of her death. But even as one who has had a very rigid standard in terms of my own introduction of these orders, I must say this, on the wall of the nursery in my house is an order that was introduced by the Senator from Cumberland, Senator Conley recognizing the birth of my first daughter. Now I am sure that no stretch of the imagination could be made to say that that was something of statewide significance. You know even in my most egotistical moments I would have to confess that that probably did not shake the whole state. I do not even know if it shook my street. But it was something of great significance to me, and to my wife, and the fact that that is hanging there in our nursery is something of which I am extremely proud and even if the majority party should succeed in terminating my political career this year, it is something that I can look to sometime in the future when I have a job probably cleaning the streets of Portland, point to it with pride, that I might say that after dealing with some of the Republican Legislation that cleaning the streets would very (inaudible) But at least point to with pride and say that at the time that you were born my sweet daughter at that moment at least for that brief moment, your father was someone who was recognized by the most important councils of this State. Something not of statewide importance but something awfully important to her. And I would hate to think that a man who is otherwise so generous as the Senator from Kennebec, Senator Katz, would be the man responsible for the next young person that comes in here and has the good fortune to have a healthy daughter born to him that it would be impossible to put in an order commemorating that experience because scrooge Katz the Senator from Kennebec, made it impossible here tonight.

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

Mr. SPEERS: Mr. President, I would ask a question through the Chair to the good Senator from Oxford, Senator O'Leary, now really do you believe that the leadership of either branch is going to deny the introduction of an order?

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: And that includes my distinguished colleague, the good Senator from Kennebec, Senator Katz. I am extremely disappointed in him for submitting this order as has already been pointed out. My temper flared a little bit, but I can see beyond all of this and understand why he is doing it. It is quite obvious to me this has become a partisan issue and given my track record of the past few months of winning arguments in this body, now the gentleman that used to be my friend, the Senator from Kennebec, Senator Katz, who has borrowed much of my tobacco, would like to do away with the only think that I can win in this body, and then go back home to my home in Aroostook County and tell my Republican opponent why do you have him down there he cannot do anything?

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

Mr. KATZ: Mr. President, I must admit that I do not subscribe to the notion that leadership is the proper body to deal with the question because as everybody knows, leadership is applicable, accommodating and lovable. So in one of my continuing aberrations I drafted this Joint Order hoping to deal with the problem which has been proliferating. And you know, a couple of weeks ago I had my problems with the Chief Executive in which I was properly denounced and tonight my career has hit bottom. Reputated by my colleagues. Even my friend of so long standing, the minority leader and I have one of two alternatives. Either suicide or withdrawing my motion and the withdrawal of my motion seems to be of a more temporary

nature and Mr. President, I ask leave to withdraw my Joint Order.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now asks leave of the Senate to withdraw his Joint Order which is S. P. 767. Is it the pleasure of the Senate to grant this leave? It is a vote.

(Off Record Remarks)

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

Mr. KATZ: I move that the Senate remove from the table later in the day assigned, Joint Order Relative to Rule 20.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate remove from the Table, Later Table

Joint Order — Relative to Joint Rule 20. (S. P. 766)

Tabled — Earlier in the day by Senator Speers of Kennebec

Pending — Passage

Is it the pleasure of the Senate? It is a vote.

Mr. KATZ: Mr. President, this is a joint order which related to the problem that I just discussed. It is in improper form and I move indefinite postponement.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that S. P. 766 be Indefinitely Postponed. Is it the pleasure of the Senate? It is a vote.

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 20 and enacting the following in its place:

20. Ought not to pass reports. Any bill or resolve, which is not affirmatively signed by at least 2 members of the committee to which it has been referred, shall, upon notification of such action to both Houses, be placed in the legislative files. No further action shall be taken following such disposition unless such bill or resolve is recalled for reconsideration by a vote of two-thirds of both Houses. (S. P. 768)

Which was read.

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

Mr. KATZ: Mr. President, this is a Joint Order that I just mentioned and it has now been distributed. It really is a very modest change. My experience in committee work indicates that there are very, very few 12 to 1 reports. Very, very few 12 to 1 reports which are ever enacted into Law. It happens. This would attempt to say that unless you can convince in a public hearing with all the persuasion at the disposal of the proponents unless you are able to convince two members of a Committee the Bill will be placed in the Legislative file. This proposal was brought to me from the Senator from Washington, Senator Wyman, who originally wanted it to be three. We negotiated together and it comes to you in the form of two. I think that it is progressive Legislation. It does not subvert the progress and I think it maintains the complete openness of this Legislature. I move its passage.

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

Mr. CARPENTER: Mr. President, I would move the indefinite postponement of this Order and speak very briefly to my Motion.

The PRESIDENT: The Senator has the floor.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I think that the concerns that I have are basically two. The one already mentioned by the Senator from Cumberland, Senator Hewes, in off the record remarks a few seconds ago about strengthening the Committee Structure to the point that it becomes more powerful than the deliberations of the entire body. I think that we are a long way from that even if this is adopted but I think that it is a legitimate concern. I

think that if the intent of this Order is to prevent frivolous or Legislation with very little support obviously from getting to the floor of the House or the Senate, I think that intent will be very easily circumvented. I think that probably there are no members of this Legislature regardless of party philosophy or anything else that cannot convince one member of a committee to sign out a Bill now and I submit to you that I am sure and this is something that we know occurs. I am sure that most of us could convince two members of a Committee to put their signature on a Bill to get it out to the floor so I do not think the intent of the order will be followed if it should be passed and put into the joint rules.

I would hope that you would vote to indefinitely postpone this. I think that there are a lot of things that we can do to speed the process and we do even occasionally get a 12 to 1 report that gets turned over and I can remember 12 to 1 and I can remember a unanimous ought to pass report that almost ended up being unanimous ought not to pass report not too long ago. So views are changed and positions are changed and normally a Committee has a Bill for a fairly short period of time, and individual Legislators can bring to light new evidence and change the position of the Committee in some cases but if that Bill has to have two affirmative signatures to get out, first of all we may not get it out and then paradoxically on the other side of the coin, I do not think that the intent of the whole thing will be met because I think that you can get two people to give you a signature to get it out. So I would hope that you would vote to kill this order.

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

Mr. WYMAN: Mr. President and Members of the Senate: I have talked about this some. I think that it won't make much difference but it will be a little more difficult to get two people to sign a bill. Somebody comes and says will you sign this for me, one name, so I can get it out. To be a good fellow somebody will sign. I do not think that it is going to make too much difference but I think it will help and I think when it all boils down we spend too much time and as the good Senator from Kennebec said, very few of these Bills reach the enactment stage, but they get out of committee and they get on the floor and they go back and forth and we spend this time and if anything we are being criticized for spending too much time in the Legislature and I think that it would save the state money because I think that it would shorten our Legislative Days. Maybe not much but some. And the good Senator from Aroostook says he said that he does not think that it will do any good but it certainly will not do any harm. So I hope that you will support the motion to adopt this Bill.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to speak very briefly to this and I would like to speak in favor of the Motion to Indefinitely Postpone.

In a related experience that I had last session of the Legislature last year, I had a Bill before the Business Legislation Committee and it was a Bill to remove the regulations which I thought were pinching upon business activity in this State and holding back the development of some businesses and some jobs, and I presented that Bill and had an understanding I think with most members of the Committee that it was going to receive a very good report. Unfortunately the bureaucracy was very much against the Bill, and the Bureaucracy and the good people in it have a good working relationship with many members of the Committee. To make a long story short that bounced back and forth several times. I talked to the Committee one day and it would seem like I was going to get a close unanimous report, and the next day the good Senator from Kennebec, Senator



Pierce, came up to me and told me I was going to get a unanimous ought to pass report and it went back and forth like a tennis game for a while. Finally if my recollection serves me correctly, if the only person who signed out an ought to pass report to me was the Senator from Kennebec, Senator Pierce. Now that Bill was overwhelmingly passed in this body and overwhelmingly passed in the other body, and I might say that it has now been passed into Law and I think that it is working very well.

But I think that there are occasions when it is very difficult for one reason or another to get a lot of names on a report but the idea has a great deal of merit if you can only get it to the floor. Sometimes the makeup of thinking on the Committee is not the same as the thinking on the floor. Lets face it and be honest about it, sometimes, committees are very closely tied to a particular part of the bureaucracy because they work with them for a long time I do not mean anything sinister by this but it is a fact. Sometimes it is very difficult to get a concept that is hostile to the part of the bureaucracy which they work with as a common matter onto the floor. So I think that it is important that we not limit that in any too great a regard and I think if we really think that this is a solution to our problems we better look back at some of the Bills that maybe we think are less important than others, you know. The Sucker Bill get more than two votes, two votes out of Committee and most of the legislation that I think probably troubles my good friend, the Senator from Washington, Senator Wyman, the most, probably gets fairly good reports out of Committee. So I think that this is not a good idea and I think that if one person out of thirteen thinks that it is an idea that is worthy of merit it takes very little time for these two bodies to kill a bad idea. It takes very little time for this body to kill a good idea.

So I think that we could indefinitely postpone this order today and I do not think that the Legislative process will be slowed down any by that and maybe a few good Bills like I think the one that Senator from Kennebec, Senator Pierce was good enough to sign out for me last year will become law because we failed to make this change.

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

Mr. MANGAN: Mr. President and Members of the Senate: Just a quick recollection of a bill that came up recently and it was sponsored by the good Senator from Androscoggin, Senator Snowe, and that was the Bill to give the National Guard Armory in the City of Auburn to the City of Auburn for their use. Committee Report 12 to 1 ought not to pass, 12 to 1 under this rule it could not happen. It would go down into the files. But that Bill was turned around by the Legislative Delegation from the City of Auburn. It was turned around over here and that passed unanimously and was signed by the Governor. Are we saying that we are not going to give that Bill a chance the next time it comes around if it does come around again? Are we saying that we are not going to give any of these Bills a chance? I think that the dangerous thing and I think that a majority of one on a Committee could very easily put through a good piece of Legislation as that was.

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

Mr. WYMAN: Just one word. I notice that the opponents of this Rule have been citing exceptions that one out of ten gets by. Now are we going to spend our time on these Bills over here and spend the taxpayers money on the chance that one Bill out of ten will get by. I do not think we should and I do not think the people want us to and I think that we can shorten our Legislative days some by it and I would ask for a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Cum-

berland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I do not honestly know whether or not the adoption of this Joint Rule is going to expedite the Legislative Session, but I do think that there is something sacred about first individual introducing a Bill in the Legislative Session, and secondly what happens to that Bill. There is an old fellow who use to be up here from Portland for years his name was Judge McGlauffin and he always use to make it an early credence to explaining to new Freshman Legislators coming in that any time that they did not understand a Bill they should vote against it because 50 percent of them should be killed anyway.

But I recall a few years back when that very lovable gentleman from Penobscot County, the former presiding member of this Body, I see running around the hallways here this evening, served as a peon in front of the Joint Standing Committee like myself at that time, and he was serving on the Business Legislation Committee. We had a little Irish fellow we use to refer to as sort of a Leprechaun from Portland, Bart Sullivan, and they had a Truth in Lending Bill that went before the Joint Standing Committee on Business Legislation in those days and it came out 12 to 1 ought not to pass. The craziest thing about that and this Senate was a hard core, rock ribbed, Republican Bound Senate and if you do not think that that was tough you had the Honorable Jerry Campbell as the presiding officer, you people do not remember him, I do and I still have the scars on my back to prove it. But the fact of the matter is, that the good gentleman that I referred to Ken McCloud switched his position as one of the Senate members of that Committee and also Senator Mills, before you know it like the ducks we often kid about quack, quack, quack, the Truth in Lending Law became Bill — became Law. I do not know how good it is. Perhaps the good Senator from Kennebec, Senator Katz, said that the committee originally uses its wisdom when it reported out 12 to 1. But the fact is that Legislation gets a healthy hearing and to me it would be a disappointment. If we are going to follow a Democracy, then I think that we should allow Legislation to have every breath of air that can be given to it and let it be firmly debated as it has to be without trying to or enforce this type of cloture.

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 less than one-fifth having arisen, a Roll Call is not ordered.

The pending question before the Senate is the Motion by the Senator from Aroostook, Senator Carpenter, that this Joint Order be indefinitely postponed.

The Chair will order a Division.

Will all those Senators in favor of the Indefinite Postponement of this Joint Order 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 Kennebec, Senator Katz.

Mr. KATZ: On this important issue, 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 one-fifth having arisen, a Roll Call is ordered. The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I think I probably feel a special sense of urgency about this matter you know of cutting off people that have only got one person standing for a particu-

lar position after yesterdays vote. As a matter of fact, I saw somebody on leaving the Legislature last night and they asked me if I was going to vote to Recede and Concur and I said that I was going to unless they changed the rules so that it required a second.

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

Mr. KATZ: Mr. President, if there is one thing that all of us agreed about we want to do everything we can to improve the Legislative process. That is up until the time when it comes to making a specific change. I guess I have heard as many Bills in public hearings as anybody in this Chamber, and we have a discipline committee. We have got a darn good Committee and one of the things we learn really quickly is our principle loyalty is to one another not the the fellow we sit next to in the Senate or the House and there is not a member of our committee that I know of that will accommodate his seatmate to get a Bill reported out. You can not come into the Committee on Education and buy a vote. Never. I am not sure that is true in all of the Committees around here and it seems to me that old Father Curran was right on target when I went to him before I was elected to the House of Representatives and I was coming up here for the first day and I said Father do you have any advice for me. And he said Bennett I will tell it to you just like I tell the Bishop, we have too many laws already. It seems to me that it is too darn easy for any flaky idea to get all the time and interest and exposure that this Legislature gives it. One criticism that I would make about the Maine Legislature is, we simply do not have enough time to deal with the important issues. That is true in my Committee and you think back to your committees and maybe it is true. We desperately need time to deal with the important issues. Now it seems to me that in any kind of a jury system when a Bill is on trial, it has nothing to do with the freedom of Democracy, it is nothing to do with open government. It has to do with legitimacy of your claim, that is you cannot get two people to see any merit in a piece of Legislation it really should not take up the time of both bodies that is the issue. And it is a very clean one to me. This is not going to solve many problems but it may move us. It may give us a little change, and if occasionally a Bill which should be adopted and should be enacted is not enacted, I do not think that the good Lord is going to be offended if it is delayed for the next session.

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

Mr. MANGAN: Mr. President and Members of the Senate: The question that I have is basically relating to whether the idea of one is necessarily bad. Are we wasting time when one person expresses an opinion on a Bill? For example, we look at the death penalty Bill that came up before the Legislature this year. The Committee vote was 12 to 1. I signed the minority ought to pass. That Bill itself garnished 43 votes in the House. Are we then denying 43 people their point of view? Are we saying that 43 percent of the people of the State of Maine . 30 percent or whatever the vote was are wrong and their views should not be heard? Is that considered less important than another piece of Legislation because it only garnished one vote? In Committee. Unfortunately there were not 43 of those people on that Committee to sign a unanimous report which might have gone through both houses sailingly. I think that that one vote on that one Committee is just as important as the other 12 and again I say that a majority of one is just as important as the other 12 votes.

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

Mr. MERRILL: Mr. President and Members of the Senate: The Senator from Kennebec, Senator Katz, makes a very serious and a very impassioned speech for us making this change.

And he talks about how we talk about reform all the time and then every time we come to the break of making a change we back away from it, well maybe there is a reason for it. Maybe it is because the Legislative Process is not designed to be perfectly efficient. Maybe it is because it is designed not only to pass laws but it is designed to give people a feeling that they have had an input into the process. That can be frustrating, and maybe when we have been here so long it gets too frustrating to bear, the proper posture is to just leave, because it is understandable that it would be that frustrating but that is part of the process and that is part of the reason that the Legislative Body exists. As frustrating as it is, and if we are concerned that there are too many laws, I point out that in order to remove a Law, you have got to get the Bill that would remove it out of Committee and that is essentially what I was talking about with the Bill that I was talking about with regards to Senator Pierce, the Senator from Kennebec earlier. Sometimes it is pretty hard to remove a Law. Some Committees are very disciplined and they have a very close relationship with the bureaucracy with which they work, and sometimes if you want to remove a Law that that bureaucracy does not want you to remove, you have a hard time getting one person on that Committee to go along with you, and if you have tried it, if you have tried to cut back on the bureaucracy in one of these Committees that works very closely then you will know exactly what I am talking about. And I do not think that there is anything wrong if one person is willing to support it with the Legislature having to decide on it. We can deal with these matters pretty quickly. And we do most of the time.

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

Mr. HEWES: Mr. President and Members of the Senate: I would like to support the motion to indefinitely postpone. I am not against change. When I was in leadership a few years ago, we changed the system completely. We did away with the Legislative Research Committee and had studies and the Committees work as they do in the time between the sessions. We also inaugurated the Legislative Aid Program. We also changed the number of Committees, and so change I am not against change if it is going to be beneficial, but I am afraid that some good Legislation will be lost by this proposed rule change.

I am thinking back to a time when the good Senator from Penobscot, Senator Cummings, who was the House Chairman of the Natural Resources Committee and a gentleman from Freedom named Lee Evans was the Chairman of the Committee on Agriculture, and we had a Bill that was being assigned to a Committee and it dealt with fertilizer and the Legislators who were inclined to agriculture did not want this particular limitation on the use of fertilizer where as the people, one environmentalist were very much in favor of curtailing the use. So it became very important as to which Committee this particular Bill was assigned and it is important sometimes, as to the background and experience of Committee Members. Now for example, the Committee on Labor is quite inclined toward the organized labor sentiment. Whereas perhaps, the Committee on Business Legislation is not so inclined. So it seems to me that if a Bill were to go before a particular committee it might be, the Committee might not give it the broad overview that it should be given by the Legislature as a whole. I feel that this could inhibit good Legislation and, therefore, I hope that you will vote to indefinitely postpone.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Aroostook, Senator Carpenter, that S. P. 768 be Indefinitely Postponed.

A yes vote will be in favor of Indefinite post-

ponement.

A nay vote will be opposed.

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

#### ROLL CALL

YEA — Carpenter, Conley, Greeley, Hewes, Hichens, Levine, Mangan, Martin, McNally, Merrill, Minkowsky, O'Leary, Redmond, Trotzky, Usher.

NAY — Chapman, Collins, D.; Collins, S.; Danton, Farley, Jackson, Katz, Morrell, Pierce, Pray, Snowe, Speers, Wyman.

ABSENT — Cummings, Curtis, Huber, Lovell.

15 Senators having voted in the affirmative and 13 Senators in the negative, with 4 Senators being absent, the Motion to Indefinitely Postpone does prevail.

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

Mr. MERRILL: Having voted in the prevailing side, I move reconsideration and ask the Senate to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate reconsider its action whereby it indefinitely postponed S. P. 768.

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.

On Motion of Mr. Speers of Kennebec, Recessed until 10 PM.

#### 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:

#### Committee Report

##### House

#### Leave to Withdraw

The Committee on Taxation on, Bill, "An Act Increasing Benefits for Certain Claimants under the Elderly Householders Tax and Rent Refund Act." (Emergency) (H. P. 1983) (L. D. 2070)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which was Read and Accepted in concurrence.

#### Enactors

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

"An Act to Establish a Solar Water Heater Demonstration Program for Maine." (H. P. 2038) (L. D. 2102)

"An Act to Expand the Elderly Low Cost Drug Program." (H. P. 1912) (L. D. 1973)

"An Act Relating to the Inspection of Dams." (H. P. 2007) (L. D. 2084)

"An Act Concerning the Catastrophic Illness and Medically Needy Program." (H. P. 1911) (L. D. 1972)

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

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

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

Mr. HEWES: Mr. President and Members of the Senate, I move the Indefinite Postponement of this Bill and all accompanying papers, and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. HEWES: Mr. President and Members of the Senate: I submit that this particular Bill is not needed, I think that if the Senate is going to interfere in the family domestic affairs of a family that it will become a crutch that may lead to break up a family which is not in the best interest of the people of the State of Maine. We have been getting along without this in the past. If in fact there is such a need, I think a study which I believe is in the background here, a study is presently pending, should be made and if it is determined that there is such a need then we can react upon it in some future time.

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

Mr. MERRILL: Mr. President, I would like to ask that when the vote is taken it be taken by the yeas and nays. I would like to speak briefly in opposition to the Motion made by the good Senator from Cumberland, Senator Hewes.

One time, a brief period of time, I worked in what was then a County Prosecutor's Office, and there is no problem that I found more difficult to deal with and more difficult for the criminal laws to deal with than the problem of abuse within families. I certainly would maintain to the Senate that the legislation before us is going to be an answer to that problem. No one here should think that it is not a serious problem and we do not have to do something about it. There is a great deal of violence committed within the families in this State and every other State, and there are really very few remedies that are available to people that are put in the very difficult position of having to deal with the problem. I think that for us to fail to enact this Bill today at this late hour, after it has gone through the Legislative process, after it has been recommended by the Committee on Appropriations and Financial Affairs, after it has been recommended by the Leadership, the Joint Leadership of both Houses and both parties, for whatever reason whether it is because it has become a political football at this late hour or for whatever reason, I would note that these objections that are raised by the good Senator from Cumberland, Senator Hewes, have not been raised previously, and I think that this is a needed Bill, and I think that for us to fail to do it would show a gross insensitivity to what is a very real and a very serious problem. I hope that every Senator will keep that in mind when they cast their vote yes or no.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I think that anybody who has had any personal contact with some of the victims of violence in the home would be more than happy to provide some kind of a shelter for them.

The situation is, that a woman who is hurt will stay with her abusing partner perhaps because she has no place to go, perhaps because she has no funds to support herself and probably her children, and because she is in a box that until this particular situation is given to her has afforded her no choice. There now are two places, one in Portland and one in Bangor, where women are welcomed and can go and can stay and get some counseling and from there on the services that are available to them are already in existence. What they are given is guidance and what they can use, and the services that are available to them they are given the advice of how to behave and where to go in order to protect themselves and to take care of their children in the future and it would be my hope that this Bill would pass.

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

Mr. CONLEY: Mr. President and Members of the Senate: I too would urge the Senate to vote final enactment on this Bill. There are many bills that come in the finishing hours of this session that I am sure that many of us may

have some reservations about. This particular Bill as the good Senator and my colleague from Portland, Senator Merrill has stated, has gone through the process of the Appropriations Committee, rated as a priority amongst the members of the Appropriations Committee after its public hearing. Reviewed again by the Legislative Leadership today along with the other LD's and on everyone of these Bills that the leadership has approved, given approval on, both political parties have maintained that honor to pass these Bills. It seems to me that it certainly is not what I consider would be an act of transgression to act otherwise than responsible and to pass this Bill.

I think that there is a great need of urgency as the good Senator from Penobscot, Senator Cummings has pointed out, for these women who have children who find themselves in a area of no escape but to have to maintain continual residence with the husband they live with and just continue and continue and continue to be battered. Once again, I would ask this Senate to vote for the passage of this Bill and against the pending motion.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate: I would inquire of my good colleague from Cumberland, Senator Conley, how people have existed for generations without some State facility to interfere. I submit that perhaps under a different system of Government the State does come in and perhaps raises the Children from birth in some system government but is it not that way here, and I submit that the family should not have this crutch, if you will, this outside influence to which they can turn in their turmoils, that they will be stronger and closer knit for having stayed together. I do not mean a battering situation but stay together through most everything. We do have divorce laws in this State and a substantial number of families to wind up in divorce, but I think that this proposition is not in the best interest of the people of Maine.

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

Mr. CONLEY: Mr. President and Members of the Senate: I will try to respond to the good Senator from Cumberland, Senator Hewes.

I live in perhaps a little different environment than my good friend, the Senator from Cumberland, Senator Hewes. And I see too often mothers of children who have been beaten and I am sure that the good Senator from Cumberland being in the profession as an Attorney is well aware of many of the problems that exist in this area. Time and time again wives will call the police and have the husband taken out of the home, but when it comes time to file a complaint on assault they generally think well what good is that going to do? We are trying to keep the family together only to have to go through the same problems over and over again. The mother with a family does not have many alternatives. They do not have too many options, they try to keep their family together. And because of that and the pride that they have in keeping their family together, they have to continue to experience this sadistic way of some individual who perhaps under the influence of a little intoxicating liquor or what becomes a savage that they must stay with. And I think that it is important that these shelters are provided to bring immediate relief not only to the mother but to the children, as well, and I would suggest that the good Senator from Cumberland, Senator Hewes visit the center that we have in Portland

and get a first birds eye view of what does take place.

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

Mr. HUBER: In response to the comments of the Senator from Cumberland, Senator Hewes, I would like to say that the State now only has only really one method of interfering with a domestic situation. That is to jail the abusive person. This is not very conducive to marital harmony and I would suspect that somebody who has been jailed for abusive treatment of a spouse is not very inclined to go home and be all sweetness and light. This is a less than legal step. A refuge for these people in a real stressful situation and I think that the need is real. I am worried about duplication of programs, about proliferation on programs but I think this program would serve a real need and in providing a less than legal and less than satisfactory step would serve a useful purpose.

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

Mrs. CUMMINGS: Mr. President, I would like to add that it has been statistically proven over and over again that the person who is a batterer is often the product of a family in which violence was common, and if this chain reaction can be stopped so that the children will be saved from an atmosphere which would be conducive to their growing up to become violent on their own.

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

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

#### Paper from the House Joint Order

ORDERED, the Senate concurring, that in accordance with emergency authority granted under Title 3, section 2 of the Maine Revised Statutes, the Second Regular Session of the 108th Legislature shall be extended by one additional legislative day. (H. P. 2334)

Comes from the House, Read and Passed.

Which was Reaad and Passed in concurrence.

The President laid before the Senate: "An Act Appropriating Funds to Establish Emergency Shelters for Family Members who are Victims of Family Violence. (H. P. 1979) (L. D. 2074)

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

Mr. MERRILL: Mr. President and Members of the Senate: Just briefly before we vote on this. You know I think that we are elected to come up here and represent the people and I think in many respects you find among the people who sit here a good cross section of the society as a whole. Maybe in some respects, however, we are more fortunate and I think that the remarks of the Senator from Cumberland, Senator Hewes, are in fact insensitive to that fact because he and probably most of us are fortunate enough to live in family situations where we do not have to deal with this sort of thing, and, therefore, I think that in that context it is easy to understand how someone might talk about holding the family together and staying together in the context of the sorts of problems that we are dealing with. I have dealt directly with these problems as an attorney, as a prosecutor and these problems I have seen directly within a family context and these are serious, serious problems we are talking about in some cases, and to have people have to remain exposed to this violence just because no alternative is provided, I do not think is an American approach to this problem. I think that it would be insensitive for us today to suggest that there is now some satisfactory solution to the people that find themselves in this situation. I would hope that the Senate would listen to all people who have spoken in favor of

this today and do as it has done in the past without even an objection being raised, and that is pass this Bill.

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

Mr. DANTON: Mr. President and Members of the Senate: I really was not going to speak on this bill being a single man I do not have to worry about this problem. But you know our lives have changed. You know twenty years ago, I am sure that in this Senate Chamber there would be no need to discuss this issue. The world has gotten smaller, this country has gotten smaller, and our daughters and our sons have travelled all over this country. They have gotten married and they have come back to settle here, our sons, our daughters are in this State.

Now lets take an example, John Doe leaves the State of Maine and goes to California and meets Jane Smith — marries her and comes back to Maine. She is here with no family. They have 2 children. John Doe is the type of a guy who likes to go out and have a few pops every Friday night, and he is the type of a drinker that when he goes home he wants to beat somebody up and who does he beat up most usually, and it is a fact I know of it, in my own community many, many times, who does he beat up? His wife. Who does she turn to? A girl from California in the State of Maine or is she suppose to stay in that house and keep getting beaten up every Friday night. I think that is what this whole issue is all about. There is no question in my mind, that 15, 20, 30, 40 years ago, there would be no need for this type of legislation, but things have changed whether I like it or not. I like to consider myself as sort of a conservative guy. Not too easy to spend a buck, but now the way things have changed, we just have to do some of these things and I am going to vote for this measure.

(Off Record Remarks)

On Motion of Mr. Speers of Kennebec, Recessed until the sound of the Bell.

Recess