

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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APPENDIX

SENATE

October 18, 1978

In compliance with a Proclamation of His Excellency, Governor James B. Longley, the Senators convened in the Senate Chamber at ten o'clock in the morning and were called to Order by the President.

Prayer by Dr. Richard Cleaves, Augusta Mental Health Institute in Augusta.

Dr. CLEAVES: May we pray! Eternal God we ask your help and your blessing upon this body, on this day, as they seek to deal with the trusts that have been given to them. As they try to deal in fairness with the needs of all the peoples. Grant them your guidance and your strength. Amen.

The Secretary read the Proclamation.

**STATE OF MAINE
PROCLAMATION
By the Governor**

WHEREAS, there now exists in the State of Maine an extraordinary occasion whereby there are excess revenues which have been overcollected from the taxpayers of Maine and which should be returned to said taxpayers; and

WHEREAS, the 108th Maine Legislature and this Governor have an opportunity to demonstrate to the people of the State of Maine that overcollected taxes should be returned to the people; and

WHEREAS, we have been informed that we are in a position to give to the people of this state an additional \$20 million in direct tax relief while still leaving a reasonable balance for contingencies;

NOW, THEREFORE, I, James B. Longley, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, convene the Legislature of this state, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Wednesday, the Eighteenth Day of October, 1978, at ten o'clock in the morning, in order to receive communications and enact a tax relief plan which will return \$20 million directly to the people of the State of Maine.

Given at the Office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this Second day of October, One Thousand Nine-Hundred and Seventy-Eight and of the Independence of the United States of America, the Two Hundredth and Second.

James B. Longley

By the Governor

Doris Hayes

Deputy Secretary of State

A true copy.

Attest: Doris Hayes

Deputy Secretary of State

Which was Read and Ordered Placed on File.

ROLL CALL

The roll being called, the following Senators responded to their names:

Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Speers, Trotzky, Usher, Wyman, Sewall.

31 Senators having answered to the roll call, the President declared that a quorum was present.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Speers of Kennebec, ORDERED, that a message be sent to His Excellency, the Governor, informing him that in obedience to his proclamation, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was read and passed.

The President appointed Senator Speers of Kennebec to convey the message.

Subsequently, Mr. Speers reported that he had delivered the message with which he was charged.

Subsequently, a message was received from the House, through Representative Tierney of Durham, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Huber of Cumberland, ORDERED, that a message be conveyed to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed Senator Huber of Cumberland to convey the message.

Subsequently, Mr. Huber reported that he had delivered the message with which he was charged.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Speers of Kennebec, ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House immediately for the purpose of extending to His Excellency, Governor James B. Longley, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed the Senator from Kennebec, Senator Speers to convey the message.

Subsequently, Mr. Speers reported that he had delivered the message with which he was charged.

Subsequently, a message was received from the House, borne by Mr. Louis Jalbert of Lewiston, member of that body, informing the Senate that the House concurred in the proposal for a Joint Convention.

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

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

After Joint Convention

Called to order by the President.

Communication

The Legislature of the Virgin Islands
September 7, 1978

May Ross

Secretary of the Senate
Senate Office, State Capitol
Augusta, Maine 04333

Dear Colleague:

I am transmitting herewith Resolution No. 943, Bill Number 7937, passed by the Legislature of the Virgin Islands to express the support of this Territory for the Equal Rights Amendment.

The Resolution is self-explanatory and it is the wish of our Legislative Body that this document can be entered upon and made a part of your Legislative Records.

My very best regards to you.

Sincerely yours,

PATRICK N. WILLIAMS
Executive Secretary

Which was Read and with accompanying Paper,
Ordered Placed on file.

Orders

On motion by Mr. Conley of Cumberland, ORDERED, the House concurring, that three hundred twenty-five (325) copies of the Legislative Record for this Special Session be printed, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the Director of Legislative Research. (S. P. 779)

Which was Read and Passed.

Sent down for concurrence forthwith.

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

**Paper from the House
House Paper**

Bill, An Act to Provide for Property Tax Relief. (H. P. 2347) (L. D. 2214)

Comes from the House, Referred to the Committee on Taxation and Ordered Printed.

Which was Referred to the Committee on Taxation and Ordered Printed, in concurrence.

(Off Record Remarks)

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

Recess

After Recess

Senate called to order by the President

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Communications
OFFICE OF THE GOVERNOR**

September 21, 1978

The Honorable Joseph Sewall
President of the Senate

Box 433
Old Town, Maine 04468

and

The Honorable John L. Martin
Speaker of the House

Box 276
Eagle Lake, Maine 04739

Dear Joe and John:

This is to officially notify you that I have today nominated Paul R. Copeland, Jr. of Brunswick to serve as a member of the Maine State Liquor Commission. Mr. Copeland has been nominated to replace Carol Shapiro whose term on the Commission has expired.

According to Maine State Revised Statutes Annotated, Title 28, Section 51, this appointment will require conformation by the Joint Standing Committee on Liquor Control and confirmation by the Senate.

Thank you for your cooperation.

Sincerely,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

September 21, 1978

The Honorable Ralph M. Lovell
The Honorable Sidney D. Maxwell
Chairmen, Liquor Control Committee
108th Maine Legislature

Please be advised that Governor James B. Longley today nominated Paul R. Copeland, Jr. of Brunswick to serve as a member of the State Liquor Commission.

Pursuant to 28 M.R.S.A., section 51, this nomination is subject to review by the Committee on Liquor Control.

Sincerely,
MAY M. ROSS

Secretary of the Senate
Which was Read and Ordered Placed on File.

COMMITTEE ON LIQUOR CONTROL

October 5, 1978

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

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Legislature, the Joint Standing Committee on Liquor Control has had under consideration the nomination of Paul R. Copeland of Brunswick to the position of member of the Liquor Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following results:

YEAS: Senator Lovell, Representative Jacques, Representative Gray, Representative Marshall, Representative Lizotte, Representative Connors.

NAYS: Representative Maxwell, Representative Raymond, Representative Nadeau, Representative Twitchell, Representative Immonen.

ABSENT: Senator Levine, Senator Danton. Six members of the Committee having voted in the affirmative, and five members in the negative with two being absent, it was the vote of the Committee that the nomination of Paul R. Copeland to the position of member of the Liquor Commission be confirmed.

Sincerely,
Senator RALPH M. LOVELL
Senate Chairman
Representative SIDNEY MAXWELL
House Chairman

Which was Read and Ordered Placed on File.

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

Mr. LOVELL: Mr. President and Members of the Senate: You will probably note that there is, this a 6 to 5 vote. Myself being the only Senator there, Senator Danton was sick and in the hospital and Senator Levine was tied up with other things, I guess.

But I would like to say that Paul R. Copeland, who was nominated by the Governor is fully qualified. He is a graduate of the U.S. Naval Academy in Annapolis and he served in World War II, stationed in the Pacific on destroyers, and he had business experience with the National Sugar Refining Company, Knoll International, I won't go into the different — sales manager, advertising manager — George Jenson Company, vice president — General Manager, General Interiors Corporation for the last — since 1970 he has been president and the head of the Copeland Associates in Brunswick, Maine, who represent a group of manufacturing representatives throughout New England and he is President of the Casco Bay Council of Navy League, past president of Brunswick United Way and member of the Brunswick Rotary Club, and so forth. Now at the time of the hearing the Committee was in doubt, whether or not his party had been changed or not, because 2 members of the Liquor Commission were already republicans they certainly didn't want a third republican on, so consequently, Mr. Copeland had been registered as a republican. And somebody from the Committee we checked it up very carefully — somebody from the Committee called a Mrs. Pitcher, I believe, whose, there three on the Board of Registration, in Brunswick, and it had never been turned into the town clerk that he had changed to an independent, making him not a republican. So, consequently, we were in difficulty on the situation and that's why the vote

was so different — a six to five vote. However, and we also had — I have letters from the Governor here and also Mrs. Shapiro who was already on, wanted to stay on, but she had been on 10 months over her due time. Governor Longley in fact I have a copy of a letter Governor Longley wrote her and said that he would see that she was appointed to something else — some other Board, so forth. But the big thing was the change in enrollment. Now when the Committee voted they didn't know exactly what the law was. Rather the change in enrollment was in effect or whether it was not in effect. So we had an opinion from the Attorney General — I'm not going to read the whole letter dated October 13th — the office of the Attorney General says in one paragraph — "It is our view that a request to withdraw an enrollment, is effective to terminate party enrollment upon proper presentation to the appropriate local election official." Now this had been presented, four days before Governor Longley nominated him to the post, and it goes on to say — "In the case of the nomination of Paul Copeland to the Liquor Commission, I believe that the request for withdrawal was presented in sufficient time to make Mr. Copeland an unrolled voter during the period consideration of his nomination — "So, therefore, I would move that we accept Mr. Copeland as Liquor Commissioner as he seems like a fully qualified gentleman and a very fine man, and if there are any questions, I would be happy to attempt to answer them.

Mr. PRESIDENT: The Joint Standing Committee on Liquor Control has recommended that the nomination of Paul R. Copeland, Jr. be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Liquor Control be overridden? In accordance with 3 M. R. S. A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

ROLL CALL

YEAS—O'Leary.

NAYS—Carpenter, Chapman, Collins, D., Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Minkowsky, Morrell, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

1 Senator having voted in the affirmative and 32 Senators in the negative, and 1 being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Paul R. Copeland, Jr. is confirmed.

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

Mr. PIERCE: Mr. President, I would request unanimous consent to address the Senate on the record.

The PRESIDENT: The Senator from Kennebec, Senator Pierce requests unanimous consent to address the Senate on the record, is there objection? The Chair hears none, the Senator may proceed.

Mr. PIERCE: Mr. President and Members of the Senate: I think all too often when we confirm various people to commissions and boards, it is most often overlooked those people who they replaced. In this particular instance, Carol Shapiro, who is being replaced is a person who I have known for some years. While a member of the other body, I served on the Liquor Control Committee and that was a period of time when we had some vast changes in the laws. A great deal of the power that was

vested in the Director at that point were turned over to the commission and I saw Carol, as a real leader on that commission. She traveled throughout the State whenever there were hearings, she was the one member who we could always count on to be at our hearings down here. I just think she has done an outstanding job, for the State of Maine, and in her service to the commission. I did want to go on record as commending her for her service.

September 21, 1978

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 I am today re-nominating Llewellyn W. Jensen of Cape Elizabeth to serve as a public member on the Maine State Retirement System, Board of Trustees.

Mr. Jensen has served one year of a regular three-year term and his nomination will require confirmation by the Joint Standing Committee on Veterans and Retirement, as well as by the Senate.

Thank you for your assistance in the area of nominations.

Sincerely,
JAMES B. LONGLEY
Governor

Which was Read, and Ordered Placed on File.

September 21, 1978

The Honorable Samuel W. Collins, Jr.
The Honorable Albert Theriault
Chairmen, Veterans and Retirement Committee
108th Maine Legislature

Please be advised that Governor James B. Longley today renominated Llewellyn W. Jensen of Cape Elizabeth to serve as a public member on the Maine State Retirement System, Board of Trustees.

Pursuant to M. R. S. A. Title 5, Section 1031, as amended, this nomination is subject to review by the Committee on Veterans and Retirement.

Sincerely,
MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Veterans
and Retirement

October 5, 1978

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

In accordance with 3 M. R. S. A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Veterans and Retirement has had under consideration the nomination of Llewellyn W. Jensen of Cape Elizabeth to the position of member on the Maine State Retirement System, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following results:

YEAS: Senators 3
Representatives 7

NAYS: 0
ABSENT: 2

Ten members of the Committee having voted in the affirmative, and none in the negative, it was the vote of the Committee that the nomination of Llewellyn W. Jensen to the position of member on the Maine State Retirement

System, Board of Trustees be confirmed.

Sincerely,
 Senator SAMUEL W. COLLINS, JR.
 Senate Chairman
 Representative ALBERT THERIAULT
 House Chairman

Which was Read, and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Veterans and Retirement has recommended that the nomination of Llewellyn W. Jensen be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Veterans and Retirement be overridden? In accordance with 3 M. R. S. A., Chapter 5, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

The Doorkeepers will secure the Senate.
 The Secretary will call the roll.

ROLL CALL

NAYS—None.

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

ABSENT—None.

No. Senators having voted in the affirmative and 33 Senators in the negative, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Llewellyn W. Jensen is confirmed.

September 28, 1978

Honorable Joseph Sewall
 President of the Senate
 and

Honorable John L. Martin
 Speaker of the House
 Dear Joe and John:

This is to officially notify you that I have today nominated Richard H. Bagley of Machias and Richard I. Morin of St. Agatha to serve on the State Board of Education.

Both have been nominated to serve three-year terms on the State Board and will replace Julia Nault of Machias and Floyd Haskell of Houlton respectively. Pursuant to Title XX, Section 51 of the **Maine State Revised Statute Annotated**, both nominations will require confirmation by the Joint Standing Committee on Education and by the State Senate.

Thank you for your assistance in this regard.

Sincerely,
 JAMES B. LONGLEY
 Governor

Which was Read, and Ordered placed on File.

September 29, 1978

The Honorable Bennett D. Katz
 The Honorable Arthur P. Lynch
 Chairmen, Education Committee
 108th Maine Legislature

Please be advised that on September 28, 1978, Governor James B. Longley nominated Richard H. Bagley of Machias and Richard I. Morin of St. Agatha to serve on the State Board of Education.

Pursuant to 20 M.R.S.A., section 51, these nominations are subject to review by the Committee on Education.

Sincerely,
 MAY M. ROSS

Secretary of the Senate

Which was Read, and Ordered Placed on File

Committee on Education

October 10, 1978

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

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Richard H. Bagley to the position of member of the State Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 3

Senator KATZ, Kennebec
 Senator PIERCE, Kennebec
 Senator USHER, Cumberland
 Representatives 5
 Rep. LEWIS, Auburn
 Rep. PLOURDE, Fort Kent
 Rep. BAGLEY, Winthrop
 Rep. WYMAN, Pittsfield
 Rep. BIRT, E. Millinocket

NAYS: Senators 0

Representatives 4
 Rep. CONNOLLY, Portland
 Rep. FENLASON, Danforth
 Rep. MITCHELL, Vassalboro
 Rep. BEAULIEU, Portland

ABSENT: Rep. LYNCH, Livermore Falls

8 members of the committee having voted in the affirmative and 4 in the negative, it was the vote of the Committee that the nomination of Richard H. Bagley to the position of member of the Board of Education be confirmed.

Sincerely,
 BENNETT KATZ
 Senate Chairman

Which was Read, and Ordered Placed on File

Mr. PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Richard H. Bagley be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee.

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

Mr. KATZ: Mr. President and Members of the Senate: You will notice that this was a divided Committee Report. The reason for the division I think is rather interesting. Mr. Bagley is a community leader he comes from Washington County, he represents the point of view that I think is going to be extremely valuable on the Board of Education. But within the Committee and this has come up again and again, is not a really clear understanding of what the prerogatives of the Legislative Committee are, in dealing with a nomination. And it has been suggested that some clarification of law or statutes next time might be in order.

The position of member of the Board of Education, is a, in many respects a policy making job. The requirements of the qualifications are not spelled out in statute and consequently if you get, thirteen dedicated to use the word properly, members of a Committee who are anxious to do their job, as they see their job, in front of them, each one asks different questions as to the qualifications of a nominee. Does he have any previous experience in education, has he shown any previous interest in education, has he held any positions on local boards of education and the like. I think that the four mem-

bers of the committee who voted against this confirmation were more concerned, about this type of thing, than any lack of basic confidence in the nominee himself. I wanted to explain to the Committee the reason, as I see it, for the eight to four vote.

The PRESIDENT: Is the Senate ready for the question?

A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the committee.

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

ROLL CALL

YEAS—None

NAYS—Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT—Merrill.

No Senators having voted in the affirmative and 32 Senators in the negative, 1 Senator being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Richard H. Bagley is confirmed.

COMMITTEE ON EDUCATION

October 10, 1978

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

Dear President Sewall:

In accordance with 3 M. R. S. A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Richard I. Morin to the position of member of the Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 3

Representatives 9

NAYS: Senators 0

Representatives 0

ABSENT: 1 (Rep. Lynch, Livermore Falls)

12 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Richard I. Morin to the position of member of the Board of Education be confirmed.

Sincerely,
 BENNETT KATZ
 Senate Chairman

Which was Read, and Ordered Placed on file.

Mr. PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Richard I. Morin be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden? In accordance with 3 M. R. S. A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

Mr. MARTIN: Mr. President and Ladies and Gentlemen of the Senate. I could not resist this opportunity this afternoon to say a few words on behalf of Richard Morin of Saint Agatha. of

Aroostook County.

I can say that I have known Richard Morin for well over fifteen years, besides being a good and personal friend of mine, he is also my banker. Mr. Morin is an individual of high morals, and is respected by the banking community at great length. He also works well with his superiors and subordinates. Presently Mr. Morin is manager of the Fort Kent — correction of the Northern National Bank in Fort Kent. And is also one of their vice-presidents. Among his many community involvements include the fact that he is trustee and vice-president of the Northern Maine Medical Center Hospital, in Fort Kent. He is also a director of the Fort Kent Chamber of Commerce. He is past chairman and director of the SAD 33, a small SAD district in Frenchville and St. Agatha, has been a member for the past 9 years. He is a past director of the Aroostook Mental Health Center and he has been involved also for the past 9 years with the Saint John Valley Bilingual Project Entitled, SEVEN. I hope today and wish today that the Senate confirms the nomination of Richard I. Morin.

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

Mr. KATZ: Mr. President this Richard Morin is not the Richard Morin who was the manager of the Kennebec Journal for some years. This is the young man a very nice young man a very dynamic young man, and it was fascinating to us to discover how many backers are Democrats.

The PRESIDENT: Is the Senate ready for question?

A vote of Yes will be in favor of overriding the recommendation of the committee. A vote of No will be in favor of sustaining the recommendation of the committee.

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

YEAS—None

NAYS—Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Sewall.

ABSENT—Merrill, Wyman.

No Senators having voted in the affirmative and 31 Senators in the negative, 2 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Richard I. Morin is confirmed.

Office of the Governor

September 29, 1978

The Honorable Joseph Sewall
President of the Senate

and
The Honorable John L. Martin
Speaker of the House
Dear Joe and John:

This is to officially notify you that I have today posted Bradford S. Wellman of Bangor to serve on the Maine Guarantee Authority.

Mr. Wellman will be replacing Henry Lowe whose term on the MGA expires next week.

Pursuant to M.R.S.A., Title 10, Section 701, this nomination will require confirmation by the Joint Standing Committee on State Government and the Maine Senate.

Thank you for your assistance.

Sincerely,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

September 29, 1978

The Honorable Donald F. Collins
The Honorable Peter J. Curran
Chairmen, State Government Committee
108th Maine Legislature

Please be advised that Governor James B. Longley today nominated Bradford S. Wellman of Bangor to serve as a member of the Maine Guarantee Authority.

Pursuant to 10 M.R.S.A., Section 701, this nomination is subject to review by the Committee on State Government.

Sincerely,
MAY M. ROSS
Secretary of the Senate

Which was Read, and Ordered Placed on File.

Committee on State Government

October 17, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall,

In accordance with M.R.S.A. Title 10, section 701, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Bradford S. Wellman to the position of a member of the Maine Guarantee Authority.

After a Public Hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS—Senators 1
Representatives 7

NAYS—Senators 0
Representatives 0

ABSENT—Sen. Snowe, Sen. Martin, Rep. Locke, Rep. Silsby, Rep. Diamond.

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Bradford S. Wellman to the position of a member of the Maine Guarantee Authority be confirmed.

Sincerely,
DONALD COLLINS
Senate Chairman
PETER CURRAN
House Chairman

Which was Read, and Ordered Placed on File.

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

Mr. COLLINS: Mr. President and Members of the Senate. You may recall that a member of the Maine Guarantee Authority is required to evaluate historical and financial information, feasibility studies and managerial competence of businesses that request loan guarantees through financial institutions.

Our nominee today is exceedingly well qualified to perform those duties. Brad Wellman is an Attorney, he is a former chairman of the Board of Seven Island Land Company and he currently is a bank director and a professional business consultant. I am sure that you would join with the Committee in approving his nomination.

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

Mr. MARTIN: Mr. President and Ladies and Gentlemen of the Senate I would like the record to show, if I had been present at the hearing, I would have voted for the confirmation of Bradford S. Wellman, to the position of a member of the State Maine Guarantee Authority.

Mr. PRESIDENT: The Joint Standing Committee on State Government has recommended that the nomination of Bradford S. Wellman be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on State Government be overridden? In accordance with 3 M.R.S.A.,

Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

YEAS—None

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

ABSENT—Carpenter, Merrill.

No Senators having voted in the affirmative and 31 Senators in the negative, 2 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Bradford S. Wellman is confirmed.

September 29, 1978

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 I have today nominated Eugene W. Beaulieu, Esq. of Old Town and David C. Pomeroy, Esq. of Cumberland Center to serve as commissioners on the Workers Compensation Commission.

Pursuant to Maine State Revised Statutes Annotated, Title 39, section 91, these appointments will require confirmation by the Joint Standing Committee on the Judiciary and by the Maine State Senate.

Thank you for your cooperation in this area.

Sincerely,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

September 29, 1978

The Honorable Samuel W. Collins, Jr.
The Honorable Richard A. Spencer
Chairmen, Judiciary Committee

108th Maine Legislature
Please be advised that Governor James B. Longley today nominated Eugene W. Beaulieu of Old Town and David C. Pomeroy of Cumberland Center to serve as Commissioners on the Workers Compensation Commission.

Pursuant to 39 M.R.S.A., section 91, these nominations are subject to review by the Committee on Judiciary.

Sincerely,
MAY M. ROSS
Secretary of the Senate

Which was Read, and Ordered Placed on File

COMMITTEE ON JUDICIARY

October 17, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Eugene W. Beaulieu, Esq. to the position of Commissioner on the Workers Compensation Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called

the roll with the following result:

YEAS: Senator 2
Representatives 7
NAYS: Senators 0
Representatives 0

ABSENT: Senator Mangan and Representatives Henderson, Hughes and Devoe

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Eugene W. Beaulieu, Esq. to the position of Commissioner on the Workers Compensation Commission be confirmed.

Sincerely,
SAMUEL W. COLLINS, JR.
Senate Chairman
RICHARD A. SPENCER
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Eugene W. Beaulieu be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

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

Mr. CURTIS: Mr. President, in accordance with the provisions of the recently enacted law, to improve the administration of the Worker's Compensation Law, Governor Longley, has recommended two highly qualified nominees for commissioners.

Eugene W. Beaulieu of Milford, is a 58 year old attorney, who possesses the requisite knowledge, experience, and concern for the proper administration of the Worker's Compensation Law.

Mr. Beaulieu is a native of Old Town, and is a graduate of Old Town Schools, St. Joseph's University, and Suffolk Law School. He has been practicing law since 1958, has been a very effective Assistant District Attorney in Penobscot County and has extensive trial experience.

Mr. Beaulieu made a most favorable impression on the Judiciary Committee. In my opinion, Governor Longley has made an outstanding choice in nominating Gene Beaulieu to the position of Commissioner, and the people of Maine will be most ably served by confirmation of this dedicated public servant.

The PRESIDENT: Is the Senate ready for the question?

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

YEAS—None

NAYS—Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trozky, Usher, Wyman, Sewall.

ABSENT—Katz, Merrill

No Senators having voted in the affirmative and 31 Senators in the negative 2 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Eugene W. Beaulieu is confirmed.

Committee on Judiciary
October 17, 1978

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

In accordance with 3 M. R. S. A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of David C. Pomeroy, Esq. to the position of Commissioner on the Workers Compensation Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators—2
Representatives—7
NAYS: Senators—0
Representatives—0

ABSENT: Senator Mangan and Representative Henderson, Hughes and Devoe

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of David C. Pomeroy, Esq. to the position of Commissioner on the Workers Compensation Commission be confirmed.

Sincerely,
SAMUEL W. COLLINS, JR.
Senate Chairman
RICHARD A. SPENCER
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of David C. Pomeroy be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M. R. S. A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

ROLL CALL

YEAS—None.

NAYS—Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Jackson, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trozky, Usher, Wyman, Sewall.

ABSENT—Huber, Katz, Martin.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent and none being less than two thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of David C. Pomeroy is confirmed.

Office of the Governor
September 30, 1978

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 have today posted Paul A. MacDonald of Woolwich to serve as an Active Retired Judge of the Maine District Court.

Pursuant to MRSA, Title 4, section 157B, this appointment will require confirmation by the Joint Standing Committee on Judiciary and the Maine Senate.

Thank you for your assistance.

Sincerely,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

October 2, 1978

The Honorable Samuel W. Collins, Jr.
The Honorable Richard A. Spencer
Chairmen, Judiciary Committee
108th Maine Legislature

Please be advised that Governor James B. Longley, on September 30, 1978, nominated Paul A. MacDonald of Woolwich to serve as an Active Retired Judge of the Maine District Court.

Pursuant to 4 M.R.S.A., section 157B, this nomination is subject to review by the Committee on Judiciary.

Sincerely,

May M. Ross

Secretary of the Senate

Which was Read and Ordered Placed on File

Committee on Judiciary

October 17, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Paul A. MacDonald to the position of Active Retired Judge of the Maine District Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators — 3
Representatives — 8
NAYS: Senators — 0
Representatives — 0

ABSENT: Representatives Hobbins and Devoe

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Paul A. MacDonald to the position of Active Retired Judge of the Maine District Court be confirmed.

Sincerely,

SAMUEL W. COLLINS, JR.

Senate Chairman

RICHARD A. SPENCER

House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Paul A. MacDonald be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

Mr. HICHENS: Mr. President and Members of the Senate: It is with great reluctance that I stand and oppose the recommendations of this Judiciary Committee. But I have on my desk a letter that you all have copies of, signed by Representatives, who represent the district from which Mr. MacDonald, Judge MacDonald has been nominated from and also a copy of a newspaper, which states, that the Rockland City Council opposes MacDonald as Active Retired Judge and the Selectmen of the Towns of Thomaston and Warren, also oppose his recommendation. I think that these representatives

and these council members and selectmen know Judge MacDonald much more than I do and I think we should take their recommendations under consideration as we vote this afternoon.

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

Mr. COLLINS: Mr. President. The objections that were raised that have been mentioned by the Senator from York, Senator Hichens, were also presented to the Judiciary Committee yesterday. They were carefully considered and the committee felt that they should look at the over all picture of the judicial system rather than popular dissatisfaction with certain specific acts of a particular judge. It is undoubtedly true that this judge has made mistakes, most judges do. Judges sometimes have to dismiss cases, because they are not well prepared. Sometimes this is the fault of the prosecution, sometimes its the fault of the police, sometimes its just a matter of circumstances, but those decisions have to be made according to the rules of law that are given to us by statute by decisions of our courts, at all levels. The judge is active retired is a substitute. He fills in when people are sick or on vacation. He goes throughout the State where he is needed, sometimes to catch up a docket when a particular case load gets behind. This sort of catching up help is important to our system. It doesn't cost the state any money, the judge gets no extra pay, he gets his regular retirement pay. The only expense to the State is his mileage, when he is coming and going to his assignment. We have 3 active retired judges now in the District Court System and they fill in when they are needed. I have been in the experience of having a judge come down from Dover-Foxcroft, to take a day of hearing Civil Matters, Divorces, Custody, Collections in the Small Claims Court, various matters that are easily shunted aside in the press of the more urgent criminal business. And, we need this kind of help in our system if we want justice to be promptly administered we need to have our system moving ahead at full speed and not delayed by the inevitable problems that come with illness and disproportionate case loads. I recognize that my own vote will not be the most popular, in some areas of my district, and in other areas of my district I think that it is recognized that a man should not necessarily be condemned, for having making some mistakes during his career. I would urge you to vote No.

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

Mr. PRAY: Mr. President and Members of the Senate: I am not as well aware of the Judicial System as my colleague from Knox, Senator Collins on the rules of law. But I am aware of the Legislative process in which we either desire to pass legislation as an emergency, which becomes effective immediately or some set time period less than the 90 days, at which regular legislation becomes law, if it makes it through the process. I think that the comments given by the Senator from Knox, Senator Collins is well taken. In this instant of which Judge MacDonald came to at least my attention and to fame throughout the state was not a mistake. He knew exactly what he was doing. He decided that a law had been passed and that it would be a matter of days before it would be affective and he disregarded the process of which we have established and under that brief statement I will be joining the Senator from York, Senator Hichens in voting against the nomination that before us. I would hope that many of you would stop and take a look at these instances, where we have individuals, within our society, which we call law and tend to interpret it the way they want to. It is a small mistake that he has made I agree in this one instance, but it is mistakes like this which multiply, by others as they see others get away with it.

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

Mr. MANGAN: Mr. President and Members of the Senate: I probably am in a different position than most of the people in this body, because I am an attorney and I have had a chance to practice in Judge MacDonald's court a few times. As far as the explanation before the Judiciary Committee yesterday afternoon, Judge MacDonald indicated that as soon as the legislature passed the law, in June, back a couple of years ago, saying that there would not longer be helmets required, the general public, the man in the street, the main citizen, felt at that point, that there was no longer a requirement to wear helmets. Very few citizens understand that the law does not take effect for 90 days after the adjournment of the legislature, and in many instances he felt that would be very unfair. However, as a practicing attorney I have practiced in his court, probably a half dozen times in my lifetime. I don't recall winning too many times, on civil matters. Each time that I was in Judge MacDonald's court, Judge MacDonald is extremely fair, extremely judicious, he had a very good judicial temperament, there was order, the trials were fair, his ability to think and to act on motions was superior. I felt Judge MacDonald did a very good job and I felt that he deserves today renomination. I can't see any reason for not renominating him. Therefore, I supported him yesterday and I don't feel that the helmet law is a great a chance if we go back to Judge Perkins on his opinions on certain rules of court, and his interpretation of it, which forced the Legislature to eventually to change the law. I don't think that hurt Judge Perkins, when he ran up to the Supreme Court for the Superior Court nomination. I don't think that because of this approach that we should deny Judge MacDonald his renomination and I would urge that this afternoon. Thank you.

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

Mr. CHAPMAN: Thank you Mr. President. Members of the Senate. I enjoy the distinction of residing in the same town as Judge MacDonald, I know him fairly well. His district includes the County of Sagadahoc and I can certify that he is quite well regarded there as a sincere, hard working judge, and there have been no people expressing discontent to me, about his appointment as an active retired judge. To the contrary I have had many people in my area urge, that his nomination be confirmed. I also join in urging confirmation of Judge MacDonald.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I think that the Senate might be interested in some of the testimony which was presented yesterday, at the hearing on the confirmation of Judge MacDonald, in that recommendation by the Judiciary Committee. For one thing, Judge MacDonald himself indicates in a retrospect—he said that perhaps his helmet decision was not the wisest thing to do. He indicated that there were two possibilities available to him and he thought in all fairness to these people who were not wearing their helmets within 90 days after we had changed the law. The first one was the one that he did and that was to dismiss the cases. Second alternative and I seem to indicate that perhaps that would have been the wiser alternative to take, would have been to find the people guilty and then to have suspended the sentence. Well, in my opinion I guess, I concur with the Judge's decision, that perhaps it wasn't the wisest thing to do, but on the other hand, sometimes the quality of mercy is not strained enough. The people who are not familiar with the technicalities of the statutes that we passed, ought not to be held guilty, if they violate I think a rather minor provision. Second

thing, I think that the Senate might be interested in are the people who spoke for and against the confirmation. The one opponent was the Representative from Rockland, Representative Wayne Gray from District 58. The proponents include the following people who reside, some who are practicing attorneys, in the areas: Donald A. Spears, of Bath, who is the current President of Sagadahoc County Bar Association, and who described Judge MacDonald's integrate sound intellect, great willingness to accept responsibility, and his industriousness and production as a Judge. Curtis Payson, from Rockland who spoke in favor of the confirmation for the Knox County Bar Association; Daniel Donavan of Bath, who spoke as a representative of the Bath Area Chamber of Commerce; Attorney Stanley Tupper who described Judge MacDonald's outstanding job; and Attorney Ronald Hart who was the former President of the Sagadahoc Bar Association. All those people spoke in favor of the confirmation as did, I think, interesting enough, John Atwood who is the only candidate for District Attorney from Prosecutorial District #6 an area served by the District Court.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to speak briefly on this issue that has been joined here in the Senate. I remember when we debated the changes in the methods of confirmation and one of the things over which there was some concern, expressed by individuals here and around the State, was the whole matter of us handling the reappointment of sitting judges, and how that process would be handled. This is an occasion I think to make a statement, at least, in regards to my own feelings about that process. First, let me say that, I think, that Judge MacDonald acted entirely incorrectly in the matter of the Helmet Law which has become so well recorded around the State. Our laws are prescribed, that the law, do not go into effect until 90 days after adjournment. In this specific instance there was discussion, around these halls, after the law was passed of introducing a measure which would, in fact, have the helmet law be an emergency measure and have it taken effect immediately. That idea was put aside, in face of the argument, that that sort of procedure could then be followed: could be followed all the time and make a mockery of the distinction, if we would pass a law as a regular law and then say well we passed it, lets make it an emergency. And there is a reason for this 90 day delay, there are several good reasons, and not the least of which is that it gives citizens of the State, a chance through the initiative referendum process, to set aside a law that they don't want to see go into effect. So there is a rule of law here that has many good reasons, one of which I have articulated and I think that its the job of the Judiciary to enforce the law. And I think that it is important that they set an example to be meticulous in doing, so, because people look to their example. Their power comes from the fact that they interpret the law, as our power comes, from the fact that we make it and hope that people respect it, and certainly the judges that we confirm. So I certainly wouldn't want my vote, which is going to be in favor of allowing Mr. MacDonald to be an active retired judge, to be interpreted as condoning his decisions in that particular case. However, I think that it would be proper for this Senate to establish a precedent here, that we are going to be very cautious in our confirmation procedures dealing with people who have been sitting judges, not, except in the most extreme cases, to inject ourselves into the day to day decision that the judges have made in making our decisions, as members of the Senate as to whether or not people will be reconfirmed or as in this case, will be allowed to sit as active retired

judges. I think if we establish such a rule of caution, all be it, that some of us might think that the judge acted improperly in this specific instance, I don't think that it raises itself to such a level as to warrant the Senate's second guessing a decision of a member of the Judiciary.

So I hope that the debate here today would be an occasion for the Senate to establish a rule of caution, in intervening and second judging, decisions that are made by the members of the Judiciary. We would hereby establish a level or standard or review that would certainly require a transgression of higher kind before we injected ourselves in second guessing the decisions of a separate branch of government. So I will vote to confirm for that reason. I wouldn't want my vote or maybe others who feel as I do, to be regarded or described as a vote condoning the actions that this Judge took in this particular instance, which I think were incorrect, and to a small degree possibly, but certainly to a degree undermine the public respect for the Judiciary.

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

Mr. PRAY: Mr. President and Members of the Senate: After listening to the Senator from Cumberland, Senator Merrill, speak, a choice of words was "reconfirmation" and then he corrected himself, but I like to have clarified in my own mind, once an individual is confirmed as an active retired judge, it is my belief, that that is permanent. That he does not deserve as an active retired judge for a set period of time then comes up for reconfirmation. Could anybody correct that if that is erroneously stated?

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

Mr. COLLINS: Mr. President, the appointment is for a seven year term.

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

Mr. GREELEY: Mr. President and Members of the Senate: As far as the helmet law is concerned the judge in the Waldo County District Court made the same kind of a ruling that Judge MacDonald made. Nothing was ever said, or done about it.

The PRESIDENT: A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

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

ROLL CALL

YEAS—Carpenter, Hichens, Pray.
 NAYS—Chapman, Collins, D.; Collins, S.; Conley, Curtis, Danton, Farley, Greeley, Hewes, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT—None
 3 Senators having voted in the affirmative and 30 Senators in the negative, and 3 being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Paul A. MacDonald is confirmed.

Office of the Governor
 September 30, 1978

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 I have today named Alan C. Pease, Esq. of Wiscasset to serve as Judge of the Maine District Court, District VI.

Alan Pease will be replacing Paul A. Mac-

Donald who has resigned, effective upon his replacement confirmation.

Pursuant to MRSA, Title 4, section 151, this appointment will require confirmation by the Joint Standing Committee on Judiciary and the Maine Senate.

Thank you for your assistance.

Sincerely,
 JAMES B. LONGLEY
 Governor

Which was Read and Ordered Placed on File.

The Senate of Maine
 October 2, 1978

The Honorable Samuel W. Collins, Jr.
 The Honorable Richard A. Spencer
 Chairmen, Judiciary Committee
 108th Maine Legislature

Please be advised that Governor James B. Longley, on September 30, 1978, nominated Alan C. Pease of Wiscasset to serve as Judge of the Maine District Court, District VI.

Pursuant to 4 M.R.S.A., Section 151, this nomination is subject to review by the Committee on Judiciary.

Sincerely,
 MAY M. ROSS
 Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Judiciary
 October 17, 1978

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

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Alan C. Pease, Esq. of Wiscasset to the position as Judge of the Maine District Court, District VI.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result.

YEAS: Senators 3
 Representatives 7
 NAYS: Senators 0
 Representatives 0
 ABSENT: Representatives Hobbins, Henderson and Devoe.

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Alan C. Pease, Esq. to the position of Judge of the Maine District Court, District VI be confirmed.

Sincerely,
 SAMUEL W. COLLINS, JR.
 Senate Chairman
 RICHARD A. SPENCER
 House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Alan C. Pease be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

ROLL CALL

YEAS—None

NAYS—Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Wyman, Sewall.
 ABSENT—Merrill, Usher.

No Senators having voted in the affirmative and 31 Senators in the negative, 2 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Alan C. Pease is confirmed.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Paper from the House
 Committee Report
 Ought to Pass - As Amended**

The Committee on Taxation, on Bill, An Act to Provide for Property Tax Relief. (H. P. 2347) (L. D. 2214)
 Reports that the same Ought to Pass as amended by Committee Amendment "B" (H-1297)

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

Which Report was Read.
 On Motion of Mr. Speers of Kennebec, tabled until later in today's session.

At Ease

Off Record Remarks

On Motion of Mr. Huber of Cumberland, Recessed until the sound of the bell.

Recess

After Recess

Senate called to order by the President.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

September 29, 1978

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 I have today nominated Paul Haney of South Portland to serve as the alternate labor representative on the Maine Labor Relations Board.

Mr. Haney will replace Gary Cook whose term on the Board has expired.

Pursuant to Maine State Revised Statutes Annotated, Title 26, section 968, this appointment will require confirmation by the Joint Standing Committee on Labor and confirmation by the Senate.

Thank you for your on going assistance in this area.

Sincerely,
 JAMES B. LONGLEY
 Governor

Which was Read and Ordered Placed on File.

September 29, 1978

The Honorable Cecil H. McNally
 The Honorable David W. Bustin
 Chairmen, Labor Committee
 108th Maine Legislature

Please be advised that Governor James B. Longley today nominated Paul Haney of South Portland to serve as th alternate labor representative on the Maine Labor Relations Board.

Pursuant to 26 M.R.S.A., section 968, this appointment is subject to review by the Commit-

tee on Labor.

Sincerely,
MAY M. ROSS
Secretary of the Senate
Which was Read and Ordered Placed on File.

Committee on Labor
October 18, 1978

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

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Paul Haney to serve as alternate Labor representative on the Maine Labor Relations Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators — Unanimous

YEAS: Representatives — Unanimous

ABSENT: Rep. James Elias, Madison

11 members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Paul Haney to the position of alternate Labor representative on the Maine Labor Relations Board.

Sincerely,
CECIL McNALLY
Senate Chairman
DAVID BUSTIN
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Paul Haney be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

ROLL CALL

YEAS—none

NAYS—Carpenter, Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT—Conley, Minkowsky, Morrell.

No Senators having voted in the affirmative and 30 Senators in the negative, 3 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Paul Haney is confirmed.

Office of the Governor
September 29, 1978

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House

Dear Joe and John:

I am today nominating Annalee Z. Rosenblatt to serve as a member of the State Personnel Board.

Annalee Rosenblatt will be replacing Asa Richardson who resigned from the Board.

Pursuant to MRSA, Title 5, section 591, this appointment will require confirmation by the Joint Standing Committee on Labor and by the Senate.

Thank you for your assistance.

Sincerely,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine
September 29, 1978

The Honorable Cecil H. McNally
The Honorable David W. Bustin
Chairmen, Labor Committee
108th Legislature

Please be advised that Governor James B. Longley today nominated Annalee Z. Rosenblatt to serve as a member of the State Personnel Board.

Pursuant to 5 M.R.S.A., Section 591, this nomination is subject to review by the Committee on Labor.

Sincerely,
MAY M. ROSS
Secretary of the Senate

Which was Read, and Ordered Placed on File.

Committee on Labor
October 18, 1978

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

Dear President Sewall:

In accordance with 3 M. R. S. A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing committee on Labor has had under consideration the nomination of Annalee Rosenblatt to the position of member of the State Personnel Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following results:

YEAS: Senators—Unanimous

YEAS: Representatives—Unanimous

ABSENT: Rep. James Elias, Madison

11 members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Annalee Rosenblatt to the position of member of the State Personnel Board.

Sincerely,
CECIL McNALLY
Senate Chairman
DAVID BUSTIN
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Annalee Rosenblatt be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden? In accordance with 3 M. R. S. A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

ROLL CALL

YEAS—None

NAYS—Carpenter, Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Danton, Farley,

Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT—Conley, Minkowsky.

No Senators having voted in the affirmative and 31 Senators in the negative, 2 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Annalee Rosenblatt is confirmed.

AT EASE

Senate called to order by the President.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

ORDER

An Expression of Legislative Sentiment recognizing that:

Jim Beattie of South Portland, who on October 15, 1978 was the winning pitcher for the New York Yankees in a crucial World Series Game, has become the first graduate of South Portland High School, the first Ivy-Leaguer, and the first Maine native within memory ever to win a World Series Game, (S. P. 780) was presented by Senator Hewes of Cumberland. Co-sponsored by Representatives Curran of South Portland, Gill of South Portland and Howe of South Portland.

Which was Read.

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

Mr. HEWES: Mr. President and Members of the Senate. It's a pleasure to introduce this order. I don't know how many of you watched the World Series Game Sunday. I was surprised after Jim Beattie's showing to learn that he was the first native to be the winning pitcher in a World Series game. The good Senator from Washington, Senator Wyman commented that Carlton Willey had pitched in the World Series Game, in 1958, and I spoke with Carlton Willey this afternoon by telephone and he did pitch, but was not successful—but was not the winning pitcher. There were three other Maine players that have been in the World Series; Sockalesix from Old Town, a gentleman from Old Town, Mr. Pearson and I checked with his friends in Old Town and he did not win a World Series Game, Freddie Parent from Sanford who was a short stop and Bill Carrigan from Lewiston was a catcher. So I felt Jim Beattie brought credit to Maine, South Portland and I hope that the 50 million people who saw him on TV felt so, too. Thank you.

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

Mr. KATZ: Mr. President, I would like assurance from the gentleman from Cumberland, Senator Hewes, that my vote and support of Jim Beattie who is a remarkable man of whom we are all proud, in no way reflects any kind of support, directly or indirectly, for the New York Yankees.

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

Mr. MERRILL: Mr. President, I would certainly hope that the Senator from Cumberland, Senator Hewes would respond to the question. I understand that certain members of this body, who originate in New York, actually did support the Yankees, over the Red Sox in the Series, and I think that it is something that ought to be made clear before the election in 3 weeks.

Which was Passed.

Sent down forthwith for concurrence.

On Motion of Mr. Speers of Kennebec, the Senate voted to take from the Table:

House Report from Committee on Taxation—Bill, An Act to Provide for Property Tax

Relief. (H. P. 2347) (L. D. 2214)—Ought to Pass as amended by Committee Amendment "B" (H-1297)

Tabled—earlier in the day by Senator Speers of Kennebec.

Pending—Acceptance of Report.

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

Mr. HUBER: Mr. President and Members of the Senate. I rise with some trepidation today, to try to discuss our factual situation. It is 3 weeks before an election and 2 days after a full moon. The proposal before us is a 28 million dollar rebate, as you all know. It has little or anything to do with property taxes and it does, as presented, have a peculiar feature, in that, people on various forms of State support would receive the rebate except, oddly enough, the lower income elderly, who happen to be on the tax and rent refund program. This is the way the bill was presented to the Legislature and this is one of its peculiar features. The bill purports to grant \$20 million - a \$20 million tax rebate, based on our cash position, not only our cash on hand, but also cash estimated to be available prior to June 30, 1979. I have no dispute with the Governor's figures, with his revised revenue estimates. The timing of our normal budget process, whereby we review such requests, is usually that departmental requests are submitted to the budget office, and to the Legislative Finance Office approximately in mid-November. Education figures are delayed until mid-December because of necessary information from the local school units. The Executive Department then reviews and analysis the departmental requests and presents them to the Legislature, as the Governor's budget recommendation approximately in mid-February. The Legislature then further analysis the Governor's recommendations, conducts public hearings, etc., and usually passes a Current Services Budget in early June. This is the normal way we review both income and expenditures. As I said this is based on a cash position, this proposal. The next question in considering a rebate of this type, would obviously be, what are our on-going revenues and what are our on-going responsibilities, under current law. This proposal then comes prior to receiving the first item of information which would be the departmental submissions - I have requested these of the Governor and we have received these in the summary form so at least we have this one item of information available to us and I have distributed these summaries to the members of the Legislature. As Chairman of the Appropriations Committee, I feel that it is my duty to present the best and most complete information to the Legislature prior to the entrance of politics, political considerations, in our actions. I admit, that at this point, our information concerning the effect of this proposal on the next biennium on fiscal years 80 and 81 is meager. However, with this meager information I've try to make some assumptions, as best I can, and these are presented to you this morning. I used the assumption that revenues, other than the income tax, would increase as they have in the past 3 years, namely by 9.8 percent and have included the Governor's upward revision of income tax revenues, in the 1979 figures, that you should have before you. Incidentally the revenue figures for 80 and 81 used in my calculations are higher than the Governor's increased revenue estimates, which he, the Governor, claims are conservative so perhaps this is alright. I've assumed that the Legislature, in the first calculation, that the Legislature will do as well, as the Legislature had done under the Longley Administration, namely, the increase of our appropriation of 10.8 percent. I've added one further assumption which is the only place, I disagree with the Governor's figures, which I have included an amount for collective bargaining. This assumption recognizes, that collective bargaining, is

going on now, is going on under present law, and I think it's safe to assume that the final settlement will not be zero, I've included a figure which is totally arguable, but I think it is conservative. Basically my concern, which again shows up in this calculation, is the same concern that I warned the Legislature about early this year, prior, to what was known as Huber's Black Thursday. I warned the Legislature that they were at that time setting up a revenue and expenditure pattern, which consisted of revenues of \$435.5 million this is on-going revenues and expenditures on-going expenditures of \$458 million, \$22.5 million higher. This is, to me, a cause for concern and I think it should be a cause, for concern, to the entire Legislature. In the departmental requests and going back to the 10.8% assumption concerning appropriations increases, I would point out that if you look at the 3 biggest departments; namely, Education, Human Services and Mental Health and Corrections - these are the biggest departments and have had commissioners that have acted very responsibly in the past. The increases in these departments are 12.6 - excuse me, 12.5 percent, 12.6 percent and 20.6 percent respectively. They are considerably higher than the assumption, I used in my calculation and the results of my calculation indicate deficit positions in the approximate amount of \$20 million in each of the fiscal years 80 and 81. I think that the facts of our budget right now are, that to continuing existing programs, the legislature will have to make the type of cuts, it has not been willing to make in the past, simply to continue what we are doing now. And again I don't dispute the Governor's revenue estimates, but the Legislature cannot appropriate above the revenue estimates of the Governor. The Governor has said he would probably have more revenues than the \$11 million used in his calculations. However, we cannot appropriate hearsay, rumors or whatever if the Governor is not willing to certify higher than the \$11 million I think the results of my calculation are still cause for concern. I hope my assumptions are wrong, but I think this election eve present may lead to a permanent tax increase, in the perhaps worse case. The best case maybe that the election eve present that we may give in this, rather extraordinary Special Session it may eliminate the possibility of real and meaningful Property Tax Reform. It may eliminate the possibility of reduction of our outstanding debt our return of money to those who have actually provided the surplus, from which this so-called surplus, almost entirely comes, mainly the Personal Income Tax. While on the subject of Personal Income Tax, and estimates, it has been said that the Governor's estimates have been consistently, better than the Legislatures. They have been consistent, they have been consistently wrong, but at least they have been consistently wrong on the high side, which has saved us in many ways. I have mentioned the possibility of reducing debt service cost and I point out to you currently in our budget we have 52 million a year, of debt service, of which \$19.2 million is interest payments incurred by taxpayers. It also interesting that this \$20 million rebate is considered in mid-October whereby we get rid of \$20 million dollars in early November we'll issue \$14 million of bonds, further incurring debt service, of which \$19.2 million is interest payments incurred by taxpayers. It's also interesting that this \$20 million rebate is considered in mid-October whereby we get rid of \$20 million dollars in early November we'll issue \$14 million of bonds, further incurring debt service, and interest for taxpayers. I can't seem to make those 2 facts, make much sense. Incidentally, I would say that any cash on hand that we do have is currently being invested to taxpayers benefit, at the rate of about 8.1 percent. Today I am afraid we are playing under two sets of rules, one is logic and one is politics and they seem to be heading in totally opposite direc-

tions. I presume politics will prevail because of the timing of the session. My position has been referred to as political suicide, and at this point when reason seems to have left the scene. I would rather refer to my position as self-inflicted euthanasia. Quite frankly, I think my constituents have considerably more sense then is probably going to be exhibited here today. I would hope that sanity would prevail and this Legislature would somehow defeat this proposal, in its various forms, on favor of sensible, well thought out, and permanent plan for tax relief to the extend that funds are actually available.

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

Mr. MERRILL: Mr. President and Members of the Senate. While we consider the general question of acceptance of the Committee report, particularly in light of the general statements made by the Senator from Cumberland, Senator Huber, I would like to correct the record at least with regards to one point and make one general observation. It has been stated repeatedly and was stated this morning, when we joined in Joint Convention, but the Chief Executive of the State, that we left the State only with a \$4 million surplus, and that is held up as precedence that we should consider. Well first of all, it's not exactly accurate to say we left with only \$4 million because due to the efforts of some, we at least managed to have a \$6.7 million fail-safe, if revenue estimates happen to fall short. I might say that if we are not going to follow the policy of history, which is simply to rewrite it every other day, when it suits our convenience. I think that it is important to point out that the question of how much surplus that we should leave was a matter of great amount of debate in this Legislature, and I certainly don't feel bound, by the fact that the Legislature left this \$4 million surplus with a \$6.7 million fail-safe, as one of the people who. I think at least, was most vocal if not most persuasive in saying that it wasn't adequate. So certainly all of us shouldn't feel duty bound by that precedent which I believed was a bad one. Secondly, I'd just like to set the record straight, I think, as one man's opinion as to what the proper role for this Legislature to follow with regards to the obligations that we face, in the area of collective bargaining. I concur with the Chief Executive and others when the argument is made that the Legislature should not inject itself into the process in such a way as to suggest the final outcome. That would be improper and if people urged that position on me who were representatives of an employee group, or representatives of the employer, I would tell them, that I thought it was improper. However, I think that it is only prudent, proper, and part of our duty to consider the expenditures that we might face which include, legally the expenditures that will come about when the collective bargaining agreements are successfully negotiated with the largest bargaining agent, that is the State Employees' Association. So we find ourselves in a difficult position. It would be wrong for us to ignore this possible expenditure. As wrong as it would be for us to try to set the exact amount that would be settled on. But for anyone to suggest that its improper for this Legislature to consider and to try to make some provisions for a cost that our law says is going to be coming upon us is absurd. The position advocated by the Chief Executive with regards to collective bargaining and what that should mean to us is absurd. Its as absurd as the fact that if we face any other expenditure, mandated in law that we say we shouldn't talk about it because we shouldn't know how much it was going to be yet. This body and the body at the other end of the hall is given the powers under the Constitution to expend the peoples' money and to levy taxes and to me and if you are going to do it responsibly that means you consider expenses that you are going to face. It

troubles me to see history rewritten with regards to the four million and it troubles me to hear a position which is so patternly absurd repeated time and time again and accepted as if it was somehow a reasonable position. It is not reasonable to suggest, that in our desire to stay out of the details of collective bargaining that we should ignore a major expense that our own State laws are going to bring upon us. I would hope that, at least in this body we could put that argument aside as simply an absurd argument and not have to deal with it here anymore.

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

Mr. KATZ: Mr. President. There's one executive in this State and the very nature of the job indicates that the executive makes his decisions on his own. He gets all kinds of advise, but when the last round is fought, he makes a decision and that is the position of the executive. There are 184 members of the Legislature and each of us is sovereign in that we represent about 30 thousand people, at least in this body. Each of us in a very real respect is a paid lobbyist, for our constituents in particular and people, at least in this body. Each of us in a very real respect is a paid lobbyist, for our constituents in particular and people state-wide in general. I've always viewed myself as a paid lobbyist for the people and it is much more difficult when you try to get a consensus of 184 people. Perhaps decision making is more lonely for the Chief Executive, but its much more difficult for the Legislature. And for that reason, I think, the Legislative process tends to be a lot slower and lot more filled with controversy. I have the deep concern when the legislative process attempts to put the legislature in a position to do things that really it is not constructed to do. If this body were to turn decision making over to the President of the Senate and give him our proxy to go down the other end of the corridor and play India Wrestling with the Speaker of the House and arrive at a Legislative decision it would be a lot easier. Wouldn't be as good, but it would be a lot easier. Now this is the second time this legislature has, I think, been used in a manner which I say probably it shouldn't be used. To be pushed into complicated positions, to try to do things in a rapid manner, that really we are not capable of doing. It's like taking a locomotive and entering it in a 100 yard dash.

And all of us are proud of the Legislature. This legislature gave, to start off the year with about \$5 million in tax relief to certain communities because of the repeal of the Uniform Property Tax. And we gave quite a bit of thought of how to respond in all honesty to what the people have said. Now one part of our response disturbed me. We gave some million dollars in tax relief to six out-of-state utilities, that own 50% of Maine Yankees. And I think that if the general public was not aware of this, at least all of us in the Legislature were aware of this. And I have waited in vain for some evidence that we were going to try to recapture that million dollars for the benefit of Maine people. I haven't seen it. Major issues require significant debate, significant settling of the issue, a chance for action and reaction with our constituents. I guess perhaps because I solicited I have had more action and re-action from my constituents than most, I've got 80 letters. Most of them from State Employees but some very thoughtful letters. I am deeply concerned here about State Employees too and I think that the statements made by the Senator from Cumberland about what is appropriate and what is inappropriate for the Legislature are right on target. One does not have to be the smartest man in the world, to know that we have some very unhappy and very uneasy state employees. Now their our employees—and when their unease turns into resentment and hostility, any management should sit up and take notice. And perhaps I am more concerned

about that one issue than any other. But the thing that really disturbs me about this bill, I guess I expressed earlier, this year when we were talking about tax reform. I remember doing a certain amount of hassling with the Senator from Cumberland about my basic premise. That if, indeed, we have over-collected taxes from people, and we have, and if, indeed, we were going to try to make a refund — to the people we should give the refund — to the people from whom we over-collected. One does not have to be very smart to realize that the Personal Income Tax over-collected \$11.4 million last year and over \$6 million already this year. These are people from whom we collected more money than we needed. As I look over the state's budget, the state's revenue account, I look in vain for any evidence that this state government has over-collected from many property tax owners in the state, or any renters in the state, the fact is that we have not. We have over-collected income tax. Now the Governor has indicated that this perhaps might have been one of his favorite ways of reimbursing money, and I am confident that is true, because he has expressed concern on more than one occasion. But with the conclusion that that is not politically possible, lets take the \$20 million and not ask ourselves who gave it to us in the first place. But give it back on any basis at all to Maine people without regard to whether they had created the surplus in the beginning. I suspect that there is going to be two or three of us who vote against this bill, because of our deep concerns as to the direction this bill takes us. I cannot in conscience, nor could I in January or February of this year, support legislation which in the name of tax reform or tax rebates or anything else, gives money back to people who didn't pay it in. If we have a dislocation here it's in the Personal Income Tax. I guess what I shall be doing here today, is voting for whatever amendments seem to be the fairest in putting this bill into the best possible shape. But regrettably and I guess that maybe tis only the Senator from Cumberland who is a man of some integrity at least, he is the only one I have ever seen who had a sign outside this State House today indicating he was a man of integrity. A claim to fame, few of us have. But I suspect the vote is not going to be close, but I want to explain the extraordinary dilemma I find myself in.

The PRESIDENT: Is it now the pleasure of the Senate to accept. The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President. Ten days after we returned home from our last extraordinary occasion, Special Session in September, the Governor of the State wrote each of us a letter expressing his concerns and desires that we meet again. Under the Constitution he has the authority to determine that it is an extraordinary occasion and we once again have responded to his invitation to come to Augusta. Mr. President, I share the concern that has been expressed here, by my colleague and seat mate the Senator from Kennebec, Senator Katz. I guess I would express it perhaps a little more forcefully than he has. I think the Constitutional prerogatives given to the Chief Executive of this State are being abused. And I say this because I am unaware of any great emergency. I know of no occasion that I would truly call extraordinary that requires the presence of the House and the Senate of this State to address a single issue, that has been presented to us. As soon as I received that letter I responded to the Governor and replied that I thought it was unwise to hold a Special Session in October and I urged him not to call the session, I gave some reasons. Included among these were the ones that I thought the Legislature which would be called the 109th Legislature would be in session very shortly, certainly in January and perhaps if the people of this State approve a Constitutional Amendment that they will vote upon in November, and the Governor promptly exer-

cises his constitutional duty in that case to announce forthwith the vote, as early as December 6th of this year. And that a new legislature being comprised of people who had just recently been elected and having had the opportunity to review with their constituents and receive the confirmation or the new vote, of the people that they represent, would be in a much more logical position to make determination on such a major issue as the expenditures of apparently all or a large part of the surplus that might exist. I expressed a concern that I wasn't sure a surplus existed even though my local newspaper in its editorial referred to our sitting on \$20 million of surplus. I finally expressed my concern that the legislature should not be put in a position where it addresses issues piecemeal. A new legislature and I think the Senator from Kennebec, Senator Katz has amply described the legislature as a locomotive—as it gets up steam and starts to consider all of the problems that face the State of Maine would be in a better position to establish priorities. I've heard recently that various people in this legislature and in the state are concerned, they're concerned about the funding of the retirement fund, the bonded indebtedness and whether or not it might be wiser to expend our money in such a fashion that we would save future generations, dollars of interest, rather than provide an immediate rebate available to people now. I've heard a great deal of expression of concern about the situation the State Employees find themselves in and I sympathize with that problem and I of course, represent an area which has a fairly large number of people who indirectly at least are dependent upon the State Legislature and the Governor for the appropriations that make their salaries available, through the University of Maine. I haven't heard a great deal of discussion about the University's problems, but in the last session and in previous sessions I have raised this issue before the legislature and usually have been told that the necessities of that particular constituency, that I try to represent, would have to be set aside, at least in the fashion I would like to see them addressed, because there was a lack of money on the part of the state. I have heard discussions that there may be a serious problem involving the reimbursement to hospitals in this state of moneys they are entitled to and that there is a sixty day delay for reimbursement from the Department of Human Services as to the reimbursement to those hospitals and that the money available in that fund may run out in February. Mr. President, I am not sure of the answer to that question, I would hope that somebody who is familiar with that problem and others would address them. I've heard that there are problems regarding capital construction. I know that one of the projects that I was most concerned about and other members of this legislature were at the end of the Second Regular Session was the possible construction of a pulp and paper building at the University of Maine. A situation in which the industry was quite willing to equip a modern building for pulp and paper technology at no expense to the state and equip it in a fashion in which Maine people could be proud and which the graduates of our programs at the University and which the industry they are served by the services of that particular division of the University of Maine, would be of the highest caliber and the most modern technique.

Well, that proposal like so many others was not addressed. Other people have raised the question of the status of prisons in the State, both county jails, some of which are now closed, and the State Prison and we all know that we have law enforcement problems. At any rate my point that I would like to address as forcefully as I know how is that it is not appropriate for this legislature made up of so many people who are retiring, as I am and I guess in the colloquial term I am a lame duck.

should be spending moneys that have not yet been received by the State of Maine. In making decision that will drastically effect the priorities that 109th Legislature is able to set. So with this concern with fiscal responsibility and for the establishment of priorities, I would be very concerned about passing any legislation at this time, which does as the Governor request. In particular, I hope that if something is passed that somebody would look at this legislation and determine if it is truly fair. I raised one issue earlier today and the answer to my question, I thought was an interesting one, and that has to do with again a problem that is unique almost unique to my constituency, but I think you would find in your own areas similar problems that has to do with the question of the fairness of providing a \$32 renter rebate for every fraternity brother in a fraternity located at Orono, for example, which pays property taxes to the town of Orono. But not providing \$32. in rent rebate to a resident of a dormitories. Now if that isn't sex discrimination, I'm not sure what would be. It's this type of specific problem that needs to be addressed by a legislature which has the time and is able to address its entire wisdom outside of the limelight, and the problems of a pending election that should require us, I suggest, to reject the proposal that is before us today and to address the matter first in the campaigns that are going on, the vote of the people in November and finally by the 109th Legislature.

Which Report, was accepted in concurrence, and the Bill Read Once.

Committee Amendment "B" was Read.

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

Mr. HEWES: I now offer Senate Amendment A to Committee Amendment B and move its passage.

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

Senate Amendment "A" to Committee Amendment "B" (S-637) was Read.

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

Mr. HEWES: Mr. President and Members of the Senate: The simple purpose of this amendment is to prevent this Bill becoming law after January 15, which is the date of the budget officer would make his evaluation as to the surplus. If the Bill were signed into law by the Governor, tonight which is October 18th, it would not become effective until January 17th of 1979. Under this amendment the budget officer would have to act by the 20th of January, so if the bill becomes law tonight he would have 3 days in which to act. In fact if we are here until Friday the 20th of October, he would still have a day in which to prepare, so I feel this is essential amendment for the working of this particular bill.

Senate Amendment "A" to Committee Amendment "B" was Adopted.

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

Mr. TROTZKY: Mr. President, I present Senate Amendment B to Committee Amendment B - Senate Amendment B is filing number S-638 and move its adoption.

The PRESIDENT: The President from Penobscot, Senator Trotzky now offers Senate Amendment B to Committee Amendment B and moves its adoption.

Senate Amendment "B" (S-638) to Committee Amendment "B" was Read.

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

Mr. TROTZKY: Mr. President and Members of the Senate. For the past month I have been out visiting many of my constituents as many of you have. I made copies of a sheet that we all received from the Legislative Finance Office which shows us exactly where the surplus are accruing, if they are, and it shows the first

fiscal year ending June, we receive \$12 million in surplus and then another sheet, July, August and September we have another 6.6 million in surplus or a total of \$18.5 million in surplus. I've also — and by the way most of my constituents I've shown that the surplus has come from the income tax and its my feeling that it should have been rebated on the income tax. However, after hearing that the Governor had come out with the property tax relief and many of the leaders in this legislature had started it, I would not be an obstructionist would go along with property tax relief to the tune of 20 million, if we could afford it, if the money was there. I came in today keeping an open mind to listen to what went on in the different caucuses. I've come to the conclusion, that is probably fiscal unsound to give \$20 million in property tax relief when we have, from what I can see, \$18.5 million in surplus. Also I feel that we have a strong moral commitment to State Employees to fund the bill for collective bargaining. That moral commitment I think probably includes all of us, I believe. What this amendment does is states reassures Maine homeowners and renters that if there is a \$20 million surplus in January, it will be distributed as outlined in the Governor's bill. It also states that in the event that the surplus is something less than \$20 million that without further action by the next legislature, the lesser surplus will be pro-rated and distributed to the people. I believe this is a conservative approach and hope the Senate will adopt this amendment.

Senate Amendment "B" to Committee Amendment "B" was Adopted.

Committee Amendment "B", as amended, was Adopted in non-concurrence.

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

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

Mr. CONLEY: Mr. President, I offer Senate Amendment B under Filing S-635 and wish to speak to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Conley now offers Senate Amendment B to L. D. 2214 and moves its adoption.

Senate Amendment B (S-635) was Read.

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

Mr. CONLEY: Mr. President and Members of the Senate: The amendment that I presented to the Senate for its consideration, deals primarily with what is called and referred to in generic terms as public housing which shows up both in the Federal and the State statutes that provides for public housing for individuals who have generally large families and also low income. As you look at the amendment I have presented it reclarifies or clarifies, what I consider to be a very discriminatory procedure under the wording in the present bill. The amendment that I have offered states that a homestead means all or part of a building including a mobile home, used by the occupant as his principle place of abode, but does not include housing other than public housing which is not subject to property taxation. I think it would perhaps be interesting if we went back to look at the federal programs that deal, provide municipalities and towns the opportunity to afford what we call — a cliché "Public Housing" to those individuals who cannot afford homes of their own or substantial rents. In the old days the federal government provided what they called urban renewal, communities adopted the program and made mass clearings of generally pretty run down housing and build new construction through new construction provided decent adequate housing for people of low income. Since that program was in existence the federal government has now done away with it. They have adopted a new federal program which they refer to as Section 8 Housing, which now allows through HUD, allows

certain number of units of housing to private developers throughout the country. The Maine Housing Authority operate under it, the Portland Housing Authority operates under it and as most local housing authorities do. What happens now is people even though they are under the Section 8 Program would pay 25% maximum of their yearly earnings for rent to the Section 8 Program. Section 8 program as I said is development by private enterprise — they therefore pay property tax to the communities for the valuation placed on those properties. What it is really is that we still have on-going public housing units which are not paying property tax to communities but on the other hand both recipients qualify to the same type of program, those under public housing as I said as a generic term under the old formula have to pay the same 25% maximum of their yearly earnings for rent and its just a question, in my mind today, the way the drafting of this bill is that there would be discrimination against those individuals who live under public housing and who pay absolutely — the units pay absolutely no property tax whatsoever to the city, the city has forever lost any source of revenue from it but the individuals, still have to pay the 25% of their maximum of their yearly earnings and I just think that it is in fairness that this amendment should be adopted to give equal protection to all people who are under what we call the public housing act.

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

Mr. MARTIN: Mr. President, and Ladies and Gentlemen to the Senate. For those of you who are contemplating or thinking of supporting or voting this amendment, I would ask you to take a second and carefully read through it. I hesitate to say what I am going to say but we have studied this in Committee yesterday and at the hearing and I am really hesitant about the amendment and I'm scared its going to open the door to places like Loring Air Force. Brunswick, Fraternity Houses and the same type of setups that the Senator from Penobscot, Senator Curtis implied. I would request a Division Mr. President.

The PRESIDENT: A division has been requested. The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I would like to ask the Senator from Cumberland, Senator Conley what would the result be in a situation where, for example, in South Portland when subsidized housing was constructed and agreement was made with the city that the certain fix amount would be paid every year in lieu of taxes? How would that situation be affected by the Senator's amendment?

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

Mr. CONLEY: Mr. President and Members of the Senate: It would be my belief that if the housing authority was paying in lieu of property tax the monies to the city that these individuals would then be eligible as bona-fide recipients. We have Blue Cross-Blue Shield that is tax exempt under the statutes, or under the charter that was passed by the State; they in the city of Portland make in lieu of property taxes, make exactly what they would pay if they were — had evaluation placed on them, and would pay to the city of Portland. It seems to me that his housing authority in lieu of property taxation were making a contribution to the city that they would be eligible bona-fide recipients.

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

Mr. MERRILL: Mr. President and Members of the Senate: I might suggest that an equally interesting question is raised or maybe more interesting question is raised, in the absence of this amendment, in which case the money made — money that this housing development and the people who had homesteads within it — it was paying money to the city in lieu of prop-

erty taxes as I understand it would be eligible for no reimbursement whatsoever, because the property is not subject to property taxation. That does not raise a question as to the result, but it certainly raises a question as to the equity.

The PRESIDENT: A Division has been requested. All of those Senators in favor of the adoption of Senate Amendment "B" to L. D. 2214 please rise in their places until counted. Those opposed will please rise in their places until counted.

The PRESIDENT: 6 Senators having voted in the affirmative and 21 in the negative, Senate Amendment "B" to L. D. 2214 fails of adoption. The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I like to make a brief observation, if I could, in regards to the remarks made by the Senator from Kennebec, Senator Katz, the Senator from Penobscot, Senator Trotzky as it pertains to the appropriateness of providing tax relief through income tax payers or property taxpayers. I don't intend to renew the debate that we have had previous on that question. But I simply would like to say that I think that if one assumes that my position would be in favor of property taxation and certainly clear that those two speakers are in favor of income tax relief then neither of us can feel particularly satisfied, I would suggest. Because I have made at least a modest study of various means used to relief property taxpayers and some form of direct relief in the various states around the United States and I think I understand the means that are generally used as well, maybe, as anybody here. There is certainly a circuit breaker method which uses an income tax vehicle, but which attempts to freeze a level at a percent of a person's pay and that's one method I see for property tax relief. There's another method that's been advocated in this state which would provide through the income tax vehicle a return in the form of a credit at least a percent of the person's pay in in property taxes, that would be a legitimate form of property tax relief; i. e., if a person paid in \$1,000 in property taxes that he would receive let's say a 10% credit or a credit of \$100. That could be referred to as property tax relief. The present proposal which is related only a very minor way—or two minor ways—to property tax payments. One being that the people have to live in a home that either they own or rent which is paying some property taxes, and if they are a homeowner, that the amount of rebate can't exceed the amount of property taxes—those are two fairly small connections with which to refer to this with any degree of complete candor, as a property tax relief mechanism. It is, in fact, I think, most accurate described as a credit, a pure and simple tax credit that will be given only to a taxpayer that reside in an abode and only one per abode. So its a high-bred form of income tax credit. Now I don't say this to suggest that it should make Senator Katz, the Senator from Kennebec, happy with it but merely I think because as a young person who grew up reading George Orwell and sees the approach of 1984 coming all too fast, I just have some small problem when I hear something referred to over and over again as property tax relief which I don't think can really accurately be described in that vein. So if Senator Katz has a bone to pick with this, I suggest that only a piece of that bone would be the fact that it is property tax relief because there is only a small particle of truth in that description.

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

Mr. CURTIS: Mr. President, I request a roll call vote.

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

Will all those Senators in favor of a Roll Call on the engrossment of this Bill 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 Engrossment of L. D. 2214 as amended.

A Yes vote will be in favor of Passage to be Engrossed. A Nay vote will be opposed.

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

ROLL CALL

YEAS—Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Danton, Farley, Greeley, Hewes, Hichens, Jackson, Levine, Lovell, Martin, McNally, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman.

NAYS—Curtis, Huber, Katz, Mangan, Merrill, Minkowsky.

ABSENT—None.

26 Senators having voted in the affirmative and 6 Senators in the negative, with no Senators being absent, this Bill is Passed to be Engrossed, as amended, in non-concurrence.

Sent down forthwith for concurrence.

At Ease

The Senate called to order by the President. Out or Order and Under Suspension of the Rules, the Senate voted to consider the following:

Office of the Governor

October 5, 1978

Honorable Joseph Sewall,
President of the Senate
and

Honorable John Martin,
Speaker of the House
Dear Joe and John:

I have today nominated eight members to serve on the Health Facilities Cost Review Board, a Board formed during the 108th Session of the Legislature.

Our nominations are as follows:

Gerald W. Fuller of Waterville to represent the Maine Hospital Association;

Ronald G. Tardif of Gorham to represent the Maine Health Care Association;

John A. Notis of Saco to represent an individual with 5 years experience in the field of health insurance;

Robert C. Dyer of So. Waterford to represent the public;

James R. Saunders of Lewiston to represent the public;

Elizabeth Hamilton of Caribou to represent the public;

Denis A. Blais of Lewiston to represent the public, and

Richard Spencer of Bangor to represent the public.

Pursuant to 22 M. R. S. A., Chapter 105, section 353, these nominations will require confirmation by the Joint Standing Committee on Health & Institutional Services, as well as the Maine Senate.

Thank you for your ongoing assistance.

Sincerely,

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine

October 5, 1978

The Honorable Olympia J. Snowe
The Honorable Harland C. Goodwin, Jr.
Chairmen, Committee on Health
and Institutional Services
108th Maine Legislature

Please be advised that Governor James B. Longley today nominated the following people to serve on the Health Facilities Cost Review Board:

George W. Fuller of Waterville to represent the Maine Hospital Association.

Ronald G. Tardiff of Gorham to represent

the Maine Health Care Association

John A. Notis of Saco—five years experience in the field of health insurance

Robert C. Dyer of South Waterford, public member

James R. Saunders of Lewiston, public member

Elizabeth Hamilton of Caribou, public member

Denis A. Blais of Lewiston, public member

Richard Spencer of Bangor, public member

Pursuant to 22 MRSA, Chapter 105, section 353, these nominations are subject to review by the Committee on Health and Institutional Services.

Sincerely,

MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Health and Institutional Services

October 18, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall,

In accordance with M.R.S.A. Title 22, Chapter 105, Section 353 and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of Gerald W. Fuller to the position of a member of the Health Facilities Cost Review Board.

After a Public Hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 1

Representatives 8

NAYS: Senators 0

Representatives 0

ABSENT: Sen. Greeley, Sen. Pray, Rep. Tyn-dale

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Gerald W. Fuller to the Health Facilities Cost Review Board be confirmed.

Sincerely,

OLYMPIA SNOWE
Senate Chairman

HARLAND GOODWIN, JR.
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of Gerald W. Fuller be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

YEAS—None

NAYS—Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Danton, Farley, Greeley, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Sewall.

ABSENT — Cummings, Curtis, Hewes, McNally, Merrill, Wyman.

No Senators having voted in the affirmative and 27 Senators in the negative, 6 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted and overridden. The nomination of Gerald W. Fuller is confirmed.

Committee on Health and
Institutional Services

October 18, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333
Dear President Sewall,

In accordance with M. R. S. A. Title 22, Chapter 105, Section 353 and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of Ronald G. Tardif to the position of a member of the Health Facilities Cost Review Board.

After a Public Hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 1

Representatives 8

NAYS: Senators 0

Representatives 0

ABSENT: Sen. Greeley, Sen. Pray, Rep. Tyndale.

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ronald G. Tardif to the Health Facilities Cost Review Board be confirmed.

Sincerely,
OLYMPIA SNOWE
Senate Chairman

HARLAND GOODWIN, JR.
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of Ronald G. Tardiff be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services be overridden? In accordance with 3 M. R. S. A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

ROLL CALL

YEAS—None.

NAYS—Chapman, Collins, D.; Collins, S.; Conley, Danton, Greeley, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, Morrill, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Sewall.

ABSENT—Carpenter, Cummings, Curtis, Farley, Hewes, McNally, Merrill, Minkowsky, Wyman.

No Senators having voted in the affirmative and 24 Senators in the negative, 9 Senators being Absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted and overridden. The nomination of Ronald G. Tardiff is confirmed.

Committee on Health and
Institutional Services

October, 18, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall,

In accordance with M. R. S. A. Title 22, Chapter 105, Section 353 and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of John A. Notis to the position of a member of the Health Facilities Cost Review Board.

After a Public Hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 1

Representatives 8

NAYS: Senators 0

Representatives 0

Abstaining: Sen. Pray

Absent: Sen. Greeley, Rep. Tyndale

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John A. Notis to the position of a member of the Health Facilities Cost Review Board be confirmed.

Sincerely,
OLYMPIA SNOWE
Senate Chairman

HARLAND GOODWIN, JR.
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of John A. Notis be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services be overridden? In accordance with 3 M. R. S. A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

ROLL CALL

YEAS—None.

NAYS—Chapman, Collins, D.; Collins, S.; Conley, Danton, Greeley, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, Merrill, Minkowsky, Morrill, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Sewall.

ABSENT—Carpenter, Cummings, Curtis, Farley, Hewes, McNally, Wyman.

No Senators having voted in the affirmative and 26 Senators in the negative, 7 Senators being Absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted and overridden. The nomination of John A. Notis is confirmed.

Committee on Health and
Institutional Services

October 18, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall,

In accordance with M. R. S. A. Title 22, Chapter 105, Section 353 and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of Robert C. Dyer to the position of a

member of the Health Facilities Cost Review Board.

After a Public Hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 1

Representatives 8

NAYS: Senators 0

Representatives 0

ABSTAINING: Sen. Pray

ABSENT: Sen. Greeley, Rep. Tyndale

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert C. Dyer to the position of a member of the Health Facilities Cost Review Board be confirmed.

Sincerely,
OLYMPIA SNOWE
Senate Chairman

HARLAND GOODWIN, JR.
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of Robert C. Dyer be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services be overridden? In accordance with 3 M. R. S. A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

ROLL CALL

YEAS—None.

NAYS—Chapman, Collins, D.; Collins, S.; Conley, Danton, Greeley, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, Merrill, Minkowsky, Morrill, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Sewall.

ABSENT—Carpenter, Cummings, Curtis, Farley, Hewes, McNally, Wyman.

No Senators having voted in the affirmative and 26 Senators in the negative, 7 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted and overridden. The nomination of Robert C. Dyer is confirmed.

Committee on Health and
Institutional Services

October 18, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall,

In accordance with M. R. S. A., Title 22, Chapter 105, Section 353 and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of Elizabeth Hamilton to the position of a member of the Health Facilities Cost Review Board.

After a Public Hearing and discussion on this nomination, the Committee proceed to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 1

Representatives 8
NAYS: Senators 0

Representatives 0
ABSTAINING: Sen. Pray
ABSENT: Sen. Greeley, Rep. Tyndale.

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Elizabeth Hamilton to the position of a member of the Health Facilities Cost Review Board be confirmed.

Sincerely,
OLYMPIA SNOWE
Senate Chairman

HARLAND GOODWIN, JR.
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of Elizabeth Hamilton be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services be overridden? In accordance with 3 M. R. S. A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

Mr. COLLINS: Mr. President, I think you said the name of Elizabeth Hamilton, and the next document says that it was withdrawn. I wonder if you meant to say the name of James Saunders?

The PRESIDENT: The Chair would advise the Senator, that I meant to say what was written on the sheet that was given to me, which I did.

The information that the Chair has is the nomination of Denis A. Blais, James R. Saunders and Richard Spencer, have been withdrawn and not Elizabeth Hamilton.

Is the Senate ready for the question?

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

ROLL CALL

YEAS — None

NAYS — Chapman, Collins, D.; Collins, S.; Conley, Danton, Greeley, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Sewall.

ABSENT — Carpenter, Cummings, Curtis, Farley, Hewes, McNally, Wyman.

No Senators having voted in the affirmative and 27 Senators in the negative, 7 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted overridden. The nomination of Elizabeth Hamilton is confirmed.

Office of the Governor

October 17, 1978

Honorable Joseph Sewall
President of the House
and

Honorable John L. Martin
Speaker of the House

Dear Joe and John:

Pursuant to Maine State Revised Statutes Annotated, Title 3, Section 151, I am today withdrawing the nominations of Denis A. Blais, James R. Saunders, and Richard Spencer, who were nominated on October 5, 1978 to serve as public members of the Health Facilities Cost Review Board.

At the time we made these nominations there was some question as to whether individuals could serve as incorporators of local hospitals

and also serve on the Health Facilities Cost Review Board. In light of an Attorney General's opinion issued today, we feel there is sufficient enough question as to whether these individuals can serve as public members of the Health Facilities Cost Review Board. Therefore, I am officially withdrawing these nominations and respectfully request you convey this information of the Joint Standing Committee on Health and Institutional Services.

Thank you for your assistance.

Very truly yours,
James B. Longley
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine

October 17, 1978

The Honorable Olympia J. Snowe
The Honorable Harland C. Goodwin, Jr.
Chairmen, Committee on Health and Institutional Services
108th Maine Legislature.

Please be advised that Governor James B. Longley has withdrawn the nominations of Denis A. Blais, James R. Saunders and Richard Spencer who were nominated to serve as public members of the Health Facilities Cost Review Board.

Sincerely,
May M. Ross
Secretary of the Senate

Which was Read and Ordered Placed on File.

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

Mr. COLLINS: Mr. President, I ask unanimous consent to address the Senate on the record.

Is there objection? The Chair hears none of the Senators may proceed.

The PRESIDENT: The Senator from Knox Senator Collins now requests unanimous consent to address the Senate on the record. Is there objection? The chair hears none the Senator may proceed.

Mr. COLLINS: Mr. President and Members of the Senate: May I just briefly invite your attention to a document that was placed on our desks this morning. Entitled An Act to Establish the Maine Probate Code. The 106th Legislature established a Probate Law Revision Commission, which has been at work now for some 5 years, and has now produced this rather massive document of 283 pages. There is also a briefer summary of the act in a separate report, which is also on your desk.

The Judiciary Committee has received this material, and commenced its work on it. And has in cooperation with the commission, which is headed by former Senator John Roberts, established a schedule of three public hearings, in Lewiston, Orono, and Portland to enable the general public to become acquainted with this and to raise the question and make suggestions.

We are trying to get a running start, on what is certainly, going to be a large undertaking in the 109th Legislature. Now in this respect let me draw your attention to something that is a bit unusual. Each member of the Legislature has been provided with one copy of the proposed Bill and the Summary Report. The Legislative Council, in its wisdom, has decided that other distribution shall include, 2 copies to each County Law Library, and 2 copies to each Federal Depository Library. Beyond that, there is no distribution, unless you send in some money and by a copy of the Bill, with the Report.

If you want a copy of these 2 items it is \$6.00 if you want a copy of the long report it is \$10.00. This, of course, was a blow to the Judiciary Committee which had hoped to get this report out to the Legal Profession, the Bankers, the Accountants, the Senator Citizens and several other groups, Judges, so that they could study it and contribute something to the public hearing process.

As it is when they come to the public hearing, apparently they have to pay \$6 to get a copy to read, to know what is going on. And I suggest to the Legislature that this is a very short sighted policy, on the one hand the Legislative Council, "cracks the whip", and says get going on this get your work done early, get things moving. And on the other hand, it takes an \$80,000 study and a \$20,000 printing bill and says confine the distribution to this very narrow list not even providing a copy for the Judges of Probate. And expects us to inform the public. So I am hopeful that when the Legislative Council meets again they may think thorough on this, because my inquiry, about the sale of Legislative Documents is that there has never been a case in the past were we have charged money for L. D.'s. We purposely had this printed as an L. D. in form to save money on the ultimate printing effort.

Further experience of the State in selling reports, is that a couple of years ago, there was an attempt to sell, the composite of all the agencies and the price was a dollar and the total number of sales was 65. So that a great many copies went begging, and had to be given away. I suspect here that we are going to have about 2,500 copies or more that will not get sold. We will end up giving them away except that some will have paid and some will not have paid.

So I regret the technic employed by the Commission in slapping down the Judiciary's Committee's recommendation about the distribution. But if that is the way that it is, that's the way it is and we'll do our best and therefore I am asking the members of the Senate to try to get their copies around, to lawyers and bankers and senator citizens in their communities, because this at least will excite interest a little bit and the word may spread and maybe a few people will show up to our hearings. Because this is a major undertaking comparable to the Criminal Code which we distributed widely without cost. Comparable to the Banking Code which we distributed widely without cost, and to some other undertakings that the Legislature has done. So I hope that you will take a look at it. It is not just for lawyers there is a lot of it that is easily understood by anyone who will take the time to read it. It is something that old timers in this body will remember being debated in the 106th Legislature. The good Senator from Oxford Senator O'Leary asks me every two or three months when we should expect it, I have expected many times that he was going to file a copy of the Readers Digest to get it on the road, and ultimately it is here and I am happy that it is. I do hope that you will urge people in your communities to take an interest in it. Thank you.

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

The PRESIDENT: The Senator from Cumberland, Senator Merrill requests unanimous consent to address the Senate on the record. Is there objection? The Chair hears none the Senator may proceed.

Mr. MERRILL: Mr. President, I would just like to join the Senator from Knox, Senator Collins in urging the Legislative Council to revise its opinion. I have been referred to, I understand, as a devious spender, let there be no deviousness about this. I think that when you get into a democracy and you get to a point that you think that its saving money to make people pay for the distribution of a proposed public law that somebody's got a little awry. in what is actually savings and what isn't. This is going to affect the passing of estates in this state and I would hope that the Legislative Council would review its decision. I think its penny wise and foolish in every other respect.

The PRESIDENT: The Chair would like to advise the Senate that it has received the resignation, from the Commission on Interstate Cooperation, from Senator Merrill, which the

Chair accepts with regret, but every dark cloud has a silver lining so the Chair is appointing Senator Carroll Minkowsky to fill the vacancy caused by the resignation of Senator Merrill. The Chair wishes Senator Minkowsky the best of luck in his new endeavor.

(Off Record Remarks)

At Ease

The Senate was called to Order by the President;

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Paper from the House
Joint Resolution
STATE OF MAINE**

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

Joint Resolution Concerning Enforcement of Public Law 1977, Chapter 676

WHEREAS, the Maine State Legislature, has enacted Public Law 1977, Chapter 676, which establishes a condition of reciprocity between the State of Maine and any state, district, province or country which prohibits, in any way, the transportation of wood, pulpwood or logs from that state, district, province or country to this State; and

WHEREAS, the Legislature has reasonable cause to believe that the Canadian Province of Quebec, through law has imposed restrictions on the transportation of wood, pulpwood or logs upon Maine truck owners and operators; and

WHEREAS, these restrictions are causing undue financial deprivation to hundreds of Maine truckers and their families and are perpetrating an unfair and discriminatory practice against these Maine truckers; and

WHEREAS, the provisions of Public Law 1977, Chapter 676, require that the State of Maine shall impose similar restrictions upon the truck owners and operators from the Province of Quebec; and

WHEREAS, there has been failure, despite a sufficient period of time, to enforce the clearly stated provisions of chapter 676 against the Canadian Province of Quebec; now, therefore, be it

RESOLVED: That we the members of the 108th Legislature assembled at the second special session respectfully and urgently request commencement of immediate enforcement of the provisions of Public Law 1977, chapter 676 as it presently pertains to the Canadian Province of Quebec; and be it further

RESOLVED, That upon passage of this resolution in concurrence, a suitable copy of this resolution be sent to the Honorable James B. Longley, Governor of the State of Maine. (H. P. 2348)

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

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

Mr. PRAY: Mr. President and Members of the Senate: I cannot sit here and let this Resolution go by without saying a few words on it, particularly in light this will be the last time many of us will be here together. I can remember in my first term that I sat in the front row one time and I got into a little debate with the Majority Floor Leader, the Senator from Kennebec, Senator Speers basically in reference to legislation that was being attempted to be introduced at that time dealing with very same matter. At that time the bill didn't go very far, it did have a study order on it and the next legislature we were able to have basically the legislation that is talked about right here now, for those of us who live in a center part or northern part of the state, the area of the state where the natural resource is our trees and the importance of the economy is based upon that, many

of us have addressed the concerns of the people in our district in the inequity that has existed between this state or this country and Canada. I can remember when I first took office that the unemployment in Greenville was around 27% and I would go into Greenville many times and people would sit there and say, wanted to know why they were not working in the woods but there were trucks going through every day on their way to Canada. its hard question to explain to some of them that's, its nothing that the State Legislature can deal with, its basically the Federal Government deals with it in its trade laws. For many of these inequities have been addressed as far as we can handle it in this legislation. I met with a number of these individuals this is their livelihood, down here in the State House, in the Speaker's Office and in the hallways and in this chamber and they have great concerns for what has been happening since this law has been passed. They feel that the Legislature has been circumvented by the Executive Branch in their inability to enforce such legislation. I think that this Joint Resolution and a request to send a copy to the Governor would be the first step that this Legislature can take at this time to not only let these people know, but let the Governors know our concern is not only with the legislative process as the laws go through, but it is clear that our intentions, are carried out afterwards. So I would hope that this body would hastily agree with the other body and pass this Resolution.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. Not to belabor the point because it is late and we have another piece of very important business in front of us but I think I am concerned about very concerned about this Joint Order and the Chapter of the Public Laws that it pertains to. The more concerned I guess, in the long term about, early today we had confirmations and discussed selective enforcement if you want to call it that and as the good Senator from Penobscot, Senator Pray points out I think that this is something we have to be very conscious of and very concerned about both through the members of the judiciary, selectively enforcing laws that we pass, in effect circumventing the intent of the Legislature and in a particular instance, that we are dealing with here. This Joint Resolution, other assets of State Government if you will, not being turned to the attention of a particular law as Senator Pray mentioned we have a real serious problem. I have dealt with it over in Somerset county the last two or three months and it's very serious and things are just not being enforced or not being done the way they could be done. I hope that if there happens to be appropriate people listening at this late at night and I doubt that they are, that perhaps when they read the legislative record tomorrow they will understand how upset the legislature is that, in fact, we passed a law and, in fact it is not being enforced. That this situation that existed six months before the bill was introduced is still in existence despite the fact that apparently the problems of Quebec has not changed their rules and regulations in the way they are playing the game with our people on that side of the border, and this could turn into a very nasty situation: there is a potential here for a great deal of damage in that our people on this side of the border are getting very, very frustrated and I share the frustration most of this afternoon with some of these people. So I just hope that when the Legislative Record from this day is recorded and read that the appropriate people will note that the Legislature has again emphasized that they want something done in this particular area and I hope that it is done very soon.

Thank you.

Which Resolution was Adopted in Concurrence.

(Off Record Remarks)

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Enactor

The Committee on Engrossed Bills reports as truly and strictly engrossed the following: Bill, An Act to Provide for Property Tax Relief. (H. P. 2347) (L. D. 2214)

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

Mr. HUBER: I would request a Roll Call.

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

Will all those Senators in favor of a Roll Call on the Enactment of this Legislation 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 Enactment of L. D. 2214—Bill an Act to Provide for Property Tax Relief.

A Yes vote will be in favor of enactment. A Nay vote will be opposed.

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

ROLL CALL

YEAS—Carpenter, Chapman, Collins, D.: Collins, S.; Conley, Danton, Farley, Greeley, Hewes, Hichens, Jackson, Levine, Lovell, Martin, McNally, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

NAYS—Curtis, Huber, Katz, Mangan, Merrill, Minkowsky.

ABSENT—Cummings.

26 Senators having voted in the affirmative and 6 Senators in the negative, with 1 Senator being absent, this Bill is Passed to be Enacted.

Which Bill 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, on motion by Mr. Speers of Kennebec.

Ordered, that a message be sent to His Excellency, Governor James B. Longley, informing him that the Senate has completed all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed the Senator from Cumberland Senator Conley to convey the message.

Subsequently, Senator Conley reported that he had delivered the message with which he was charged.

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

Mr. MERRILL: Mr. President I just want to make an inquiry to the Chair as we prepare the adjournment order whether or not it would be proper to have worded "prospectively" as well as "retrospectively" so that we might adjourn any future sessions that the Chief Executive called previous to November.

(Off Record Remarks)

At Ease

At this point, a message was received from the House, through Representative Palmer, of Nobleboro, informing the Senate that the House had transacted all of its business and was ready to adjourn without day.

At Ease

Out of Order and Under Suspension of the Rules, on motion by Mr. Conley of Cumberland.

Ordered, that a message be sent to the House of Representatives informing that Body that the Senate has completed all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed the Senator from Kennebec Senator Speers, to convey the message.

Subsequently, Senator Speers reported that he had delivered the message with which he was charged.

At Ease

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

Mr. GREELEY: Mr. President, I move that this Senate Adjourn Sine Die.

The PRESIDENT: The Senator from Waldo Senator Greeley now moves that the Senate adjourn sine die. Is this the pleasure of the Senate?

Thereupon at 9:48 p.m. on Wednesday, October 18, 1978, the Honorable Joseph Sewall, President of the Senate, declared the Senate of the 108th Legislature adjourned Sine Die.