

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**January 5, 1977 to May 25, 1977**

KJ PRINTING  
AUGUSTA, MAINE

## SENATE

Thursday, April 7, 1977

Senate called to order by the President.  
Prayer by the Honorable Cecil H. McNally of Ellsworth.

Mr. McNALLY: Lord for tomorrow we do not pray, but for faithful hearts and good thoughts today. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Huber of Cumberland, Ordered, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, April 11 at eleven o'clock in the morning. (S. P. 422)

Which was Read and Passed.

Sent down forthwith for concurrence.

**Papers From The House**  
**Non-concurrent Matter**

Bill, "An Act to Require the Use of Tugboats by Tankers Transiting Hussey Sound in Casco Bay." (S. P. 388) (L. D. 1301)

In the Senate March 31, 1977 referred to the Committee on Natural Resources and Ordered Printed.

Comes from the House, referred to the Committee on Marine Resources and Ordered Printed, in non-concurrence.

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

Mr. CHAPMAN: Mr. President, I move that we recede and concur.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman now moves the Senate recede and concur.

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

Mr. O'LEARY: Mr. President, I move that we adhere.

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

Mr. TROTZKY: Mr. President and Members of the Senate, I rise to support the motion of the Senator from Oxford, Senator O'Leary, that the Senate adhere on the reference of this Bill to Natural Resources.

This Bill refers to the Oil Discharge, Prevention and Pollution Control Act, which is administered by the Department of Environmental Protection. Marine Resources tends to deal with Bills in reference to fishing, salt water fishing, lobsters, clams, and so on. Fisheries and Wildlife tends to deal with fresh water organisms, but this basically is environmental legislation. So, to keep some consistency here, I hope the Senate will adhere.

Also, the Committee on Natural Resources, in preparation for the Oil Conveyance Act, legislation this year visited the Portland Pipe Line Terminal, boarded a tanker which came into port when we arrived there, became familiar with some of the oil booms that are used by the Department of Environmental Protection; also, the Chairman of the Committee spent a day in Boston on the Council of State Government, and the meeting dealt specifically with the Oil Conveyance Act.

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

Mr. CHAPMAN: Mr. President and Members of the Senate, I certainly do not desire to tend to make life difficult for the good Senator from Penobscot in any way. This really is a relatively minor matter. However, I might point out why I do feel that it properly belongs to Marine Resources Committee.

The primary issue addressed here is one of a marine matter, navigation safety, not what is contained in the vessels. They could contain ammunition or molasses, for that matter, and we still have a safety hazard that is addressed here. It just so happens that Portland is a major oil port. We have oil tankers using that facility.

The Bill, if you read it, to quote sections from it, "unless the vessel is assisted by a sufficient number of tugboats to ensure safe passage through the Sound". . . "due regard to weather conditions and to neighboring waterborne traffic, which is necessary to ensure safe transit by any vessel subject to this section."

The Southern Casco Bay lobstermen use these channels for fishing, they fish long lines of traps with buoys on either side of this channel. I might point out that in the last session of this Legislature, the Maine Resources Committee heard a Bill concerning the anchorage of tankers in Casco Bay. It so happens that is treated under Section 560, the Section preceding the Act that we are addressing right now. The Marine Resources Committee has also heard the Double Bottom Tanker Bill. I would like to see this assigned to Marine Resources.

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

Mr. TROTZKY: Mr. President and Members of the Senate, this Bill states that the Department of Environmental Protection shall adopt regulations setting forth the required number of tugs, and so on.

It empowers the Department of Environmental Protection to promulgate regulations, environmental regulations and the Natural Resources Committee reviews many of these DEP regulations.

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

Mr. MERRILL: Mr. President, in all my time in this Body, these battles over where Bills get sent, have always been one of the least interesting of discussions to me. I feel a little bit like the bride of Frankenstein, today, because the Bill that is being discussed is my own and, frankly, you know, my interest in which Committee it gets sent to is so minimal that I can not start to describe it to you.

I think it will get a fair hearing by any committee it goes to. I think there is a good justification for sending it to the Committee on Labor — these men that work in these tugs are good labor people, they are members of the union, and I know it will get an awfully good hearing in the Committee on Labor.

I suppose a good argument could be made for sending it to the Committee on Business Legislation, and because there will be people who will argue that this will slow down the business that is done by the people in Portland who outfit these ships.

My point of all that, I guess, is why the argument about this? The House evidently wants it to go to Marine Resources. A Bill that is comparable to it is the Bill that has been alluded to earlier, the Bill last year that dealt with the anchorage of these tankers in the Hussey. This whole question is a question of what is the safest way to bring them in and out of that anchorage area. So that is certainly the most related piece of legislation that we dealt with in the past. I just do not see anything to be gained whether the good offices of the Senator from Penobscot, Senator Trotzky look at it or whether it is somebody else, I am sure it will receive a fair hearing and will be debated here on the floor.

So, I am going to move, in the interest of peace and harmony, and of seeing this small modest Bill receive a fair hearing, I move that we recede and concur with our Brothers and Sisters in the House.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Sagadahoc, Senator Chapman, the Senate recede and concur with the House.

The Chair will order a Division.

Will all those Senators in favor of the motion to recede and concur, please rise in their places to be counted.

Will all those Senators opposed to the Motion

to recede and concur, please rise in their places to be counted.

23 Senators having voted in the affirmative and 5 in the negative, the motion to recede and concur does prevail.

(Off record remarks.)

**Joint Order**

An Expression of Legislative Sentiment recognizing that: The University and College Labor Education Association will hold its annual meeting at the University of Maine at Orono from April 6th to April 8th, to be sponsored by the Bureau of Labor Education, (H. P. 1224)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Resolution**

A Joint Resolution In Memoriam, Whereas, the Legislature has learned with deep regret of the death of Mrs. Ruth P. Barrows who was Postmaster of Glen Cove from 1958 to 1977. (H. P. 1231)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**House Papers**

Bills received from the House requiring reference to Committee were acted upon in concurrence.

**Communications**

Legislative Apportionment Commission

April 5, 1977

Hon. Edwin H. Pert, Clerk

House of Representatives

State House

Augusta, Maine

Dear Mr. Pert:

Pursuant to the Constitution of the State of Maine, Article IV, Pt. 1, Section 3, passed by the 107th Legislature, submitted herewith is the report by the Apportionment Commission for consideration by the 108th Legislature.

Submitted to you with this report are 11 maps, one for each of the present multi-member districts, showing the proposed reapportionment for each of these districts as described in our report.

Respectfully,

(Signed) EDWIN A. HEISLER

Chairman

(H. P. 1233)

Comes from the House Read and with accompanying report, Ordered Placed on File.

Which was Read and with accompanying report,

Ordered Placed on file in concurrence.

(See Action later today)

**Senate Papers**

Mr. Speers of Kennebec presented, Bill, An Act to Provide for the Payment of the Prime Rate of Interest on Mortgage Escrow Accounts. (S. P. 419)

Which was referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Mr. Speers of Kennebec presented, Bill, An Act to Permit Governing Representation of Regional Vocational Centers by the Participating Communities. (S. P. 420)

Mr. Katz of Kennebec presented, Bill, An Act Establishing the Maine Student Incentive Scholarship Program. (S. P. 423)

Which were referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Mr. Speers of Kennebec presented, Bill, An Act Providing for Improved Accountability of Funds Expended by the Department of Mental Health and Corrections. (S. P. 417)

Which was referred to the Committee on Performance Audit and Ordered Printed.

Sent down for concurrence.

Mr. Usher of Cumberland presented, Bill, "An Act to Equalize the Property Tax on Watercraft." (S. P. 421)

Mr. Levine of Kennebec presented, Bill, "An Act to Establish a Property Tax Exemption for New and Expanding Businesses." (S. P. 416)

Which were referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

Mr. Speers of Kennebec presented, Bill, "An Act Relating to Relocating the Maine Turnpike Authority Toll Booth from Augusta to Gardiner." (S. P. 418)

Which was referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

#### Study Report — State Government

Mr. Collins for the Committee on State Government to which was referred the study relative to legislative review of administrative rules and regulations of state departments and agencies, pursuant to S. P. 710 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the Accompanying Bill, An Act to Require State Agencies to Submit Proposed Rules and Regulated Information to the Legislature (S. P. 414) (L. D. 1410) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Which Report was Read and Accepted and the Bill referred to the Committee on State Government.

Sent down for concurrence.

#### Reconsidered Matter

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

Mr. CONLEY: Mr. President, with reference to H. P. 1233, Legislative Apportionment Commission report, I move the Senate reconsider its action whereby the report was received and placed on file.

The PRESIDENT: The Senator from Cumberland, Senator Conley now moves the Senate reconsider its action whereby H. P. 1233 was received and placed on file. Is this the pleasure of the Senate? It is a vote.

Mr. CONLEY: I now move, Mr. President, that this item be placed on the table.

On Motion of Mr. Speers of Kennebec, Tabled for Two Legislative Days, Pending Placing on file with accompanying papers.

#### Study Report — State Government

Mr. Collins for the Committee on State Government to which was referred the study relative to legislative review of administrative rules and regulations of state departments and agencies, pursuant to S. P. 710 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the Accompanying Bill, An Act to Improve Public Access to State Agency Rules by Providing for their Publication in a State Register by the Secretary of State (S. P. 415) (L. D. 1411) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Which Report was Read and Accepted and the Bill referred to the Committee on State Government.

Sent down for concurrence.

#### Committee Reports House

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 20 of the Joint Rules:

Bill, "An Act to Establish "Open" Primary Elections." (H. P. 481) (L. D. 596)

#### Leave to Withdraw

The Committee on Education on, Bill, "An Act to Amend the State Tuition Equalization Fund." (H. P. 258) (L. D. 327)

Reported that the same be granted Leave to Withdraw.

Comes from the House, Recommended to the

Committee on Education.

Which was Recommended to the Committee on Education in concurrence.

The Committee on Education on, Bill, "An Act Changing the Formula for State Subsidy of Education." (H. P. 616) (L. D. 836)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Liquor Control on, Bill, "An Act to Remove from the Law the Prohibition on Giving or Furnishing Liquor to Paupers." (H. P. 382) (L. D. 471)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Repeal the Oversize Lobster Law." (H. P. 337) (L. D. 428)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Transfer \$10,000 from the Boat Fund to the Lobster Fund." (H. P. 878) (L. D. 1069)

Reported that the same be granted Leave to Withdraw.

Comes from the House, The Report Read and Accepted.

Which Reports were Read and Accepted in concurrence.

#### Ought to Pass

The Committee on Judiciary on, Bill, "An Act Relating to Description of Recorded Mortgages." (H. P. 590) (L. D. 717)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed, As Amended by House Amendment "A" (H-113)

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

#### Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act to Regulate the Circulating of Initiative or Referendum Petitions." (H. P. 223) (L. D. 287)

Reported that the same Ought to Pass.

Signed:

Senators:

KATZ of Kennebec  
DANTON of York  
TROTZKY of Penobscot

Representatives:

BOUDREAU of Portland  
BUSTIN of Augusta  
BOUDREAU of Waterville  
DURGIN of Kittery  
McMAHON of Kennebunk  
TRUMAN of Biddeford  
RAYMOND of Lewiston

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

Signed:

Representatives:

MITCHELL of Vassalboro  
TALBOT of Portland  
BIRT of E. Millinocket

Which Reports were read.

On Motion of Senator Speers of Kennebec, tabled for one legislative day pending acceptance of either Committee Report.

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Pertaining to License Fees for the Regulation of Certain Amusements." (H. P. 577) (L. D. 701)

Reported that the same Ought to Pass.

Signed:

Senators:

HEWES of Cumberland  
CUMMINGS of Penobscot

Representatives:

JOYCE of Portland  
COTE of Lewiston  
GOULD of Old Town  
BURNS of Anson  
DURGIN of Kittery  
MOODY of Richmond  
DUDLEY of Enfield

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

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

BIRON of Lewiston  
SHUTE of Stockton Springs  
CARRIER of Westbrook

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed.

Which Reports were Read.

On Motion of Mr. Hewes of Cumberland, Majority Report Read and Accepted in concurrence, and the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on, Taxation on, Bill, "An Act to Repeal the Uniform Property Tax." (Emergency) (H. P. 889) (L. D. 1023)

Reported that the same Ought to Pass in New Draft under same title (H. P. 1232) (L. D. 1382)

Signed:

Senators:

WYMAN of Washington  
JACKSON of Cumberland

Representatives:

MAXWELL of Jay  
MACKEL of Wells  
TWITCHELL of Norway  
CARTER of Bangor  
POST of Owl's Head

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

Signed:

Senator:

MARTIN of Aroostook

Representatives:

COX of Brewer  
CHONKO of Topsham  
TEAGUE of Fairfield  
IMMONEN of West Paris  
CAREY of Waterville

Comes from the House, the Minority Report Read and Accepted.

Which Reports were Read.

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

Mr. JACKSON: Mr. President and Members of the Senate, you are now witnessing the second Bill on repeal of the Uniform Property Tax. I would assume the debate has not changed considerably.

This Bill has been changed considerably. This Bill does lower the total allocation to Education by approximately \$10 million. It also increases leeway from the present \$90.00 on 2 mills to \$125.00 on 2 mills. It also has in it what is known as the nuclear-cigarette tax, an excise tax on all nuclear generating equipment in the State of Maine. It removes the cigarettes from the Sales Tax exemption, so the funds are there to provide for the repeal of the Uniform Property Tax.

One thing that concerns me in previous debate in the last three years that I have been here on the Uniform Property Tax, and school funding, is that establishment of the Uniform Property Tax supposedly was for equal dollars for equal opportunity. Well, the proponents of that measure are possibly correct in their assumption and possibly incorrect on my assumption. I do not see how you can have equal dollars promote equal opportunity, not especially in a capitalistic system, so to speak.

The same opponents to the repeal of the Uniform Property Tax are proponents to removing the lid on educational funding. It seems it is a little erratic to oppose one thing and then promote something else which will expand and allow the so-called property wealthy communities additional dollars for additional programs for expansion of services, in the school system and still maintain with the low valuation communities the same plight that has been with them since Maine became a State.

I have had many opportunities, much time to think of this little dilemma that we face, the sort of impasse we are in presently. We have until next Thursday at midnight to enact a piece of legislation which covers the school funding issue. I do not think that we really have the proper amount of time frame to really work into something that would be acceptable to both sides. But on the whole, I think the whole issue has surfaced. I think we are sort of aware that we do not stand much of a chance in Legislature of having the Uniform Property Tax repealed. There is just one thing I respect. I respect the Committee on Taxation as a whole, and the Senate Chairman, Senator Wyman; and the House Chairman, Representative Carey, for the patience they have had in that Committee with the extreme pressure that we have been working under in the last week trying to get something which would accommodate both Bodies in the Legislature; We still maintained our posture and humility while working on these things, and that is one thing I can be thankful for. Nobody has come away with any big scars or any splints.

Today I am going to move for the Ought to Pass Report of this Bill, knowing fairly well what the outcome is going to be. But again, I think that it is a good Bill. It has a provision in there which leaves to the general fund for additional programs somewhere in the vicinity of \$21 million. It has been said that if we lower the allocation we are destroying the quality of education here in the State. Well, I for one asked the Commissioner for Education what happened to the quality of education if we reduced it by \$7 million. Basically that is what we are doing because we have re-established leeway at \$125.00 at 2 mills. He told me that he could not judge quality because they did not have a standard to judge it with. So I guess that is an argument for both sides.

I think if you are going to have responsibility and efficiency at the local level, you have got to put some responsibility on these people so that they will start to control their spendings. Presently under the system we operate today, it is a mandatory 13 mills this year, 12½ mills next year if we do not do anything, or whatever Bill is accepted, 12 or 11½, to raise that amount of money. Do they go to the taxpayers at the local level to raise that amount of money? No, they come to Augusta. They come to the Department of Education, the Department of Education comes to the Legislature. We then take action and tell them what they will have from the State, plus what they will have from the Uniform Property Tax. The only effort that they have at local level is on that supplemental State appropriations of 2 mills at \$90.00.

Today I would urge the Members of this Body to take a long hard look and to consider what the impact is going to be a few years down the road. We are faced, this Session, with a possibility to fund new programs — not new programs, but existing programs or commitments previous Legislatures have made, and the only way we can fund them is to go for a tax. Now whether it will be a major tax or a minor tax is the question yet to be resolved.

These are the things that concern me, and I think that if you or the Members of the Legislature sent a little bit of that responsibility back to the municipal level, the local level, and have them make the final determination as to

exactly what they want and what they do not want, concerning educational funding — I am not saying that we should not have a base, in educational funding, maybe we should, maybe that would be an answer to some of the problems in some of these Bills, but give them the opportunity to look at what they have got and make the decision if they want to continue existing with those programs they have, or they want to modify them.

Today I hope that when the vote is taken that there will be a majority which will have the same feeling that I have and possibly give this Bill its first reading and if there are any problems we foresee, we can amend in the second reading. Thank you very much.

(Off record remarks)

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

Mr. CHAPMAN: Mr. President, Ladies and Gentlemen of the Senate: We have before us another bill that repeals the Uniform Property Tax. You all know well how strongly I feel on this issue. This bill, however, has undergone some Committee surgery since it was originally printed — some rather major surgery, I might add, including a new surgical procedure that has yet to have been carefully tested and evaluated. I am referring to the excise tax on nuclear electric generating facilities.

This concerns me greatly. We are under pressure to resolve the matter of funding education now, quickly, with our deadline only a week away. Do we have time to evaluate this new idea thoroughly to ascertain all of the consequent ramifications? In singling out this one narrow segment of property for special State-wide tax sharing treatment, are we being constitutionally correct?

When one is suffering from a serious illness with time running out, one will consider taking drastic action that still offers hope. It seems to me that the proponents of repeal on the Taxation Committee have done just that in presenting to us this Bill. I now find myself faced with this kind of a decision here today.

There is also the question that the level of funding may be too low to be realistic. Will the some \$7 million below the Commissioner of Education's recommendation result in an undue burden upon many small towns? I do feel that many towns, large as well as small, if given the opportunity, would take appropriate local action to mitigate such an impact. There are areas in my view, such as expenditures for transportation, that can be reduced considerably without curtailing the concept of equal educational opportunity that we are attempting to provide.

I also realize that there has been no broad support expressed on this Bill.

Nevertheless, on the basis that this Bill originally had good sound basic provisions, many of which are still present, and knowing that we are at this point attempting to accept into consideration a Bill upon which to work, and that in all likelihood Amendments will be applied to it before it should reach enactment; and further, because of the overriding concern that I have for the repeal of the Uniform Property Tax and for the restoration of local control to our several municipalities, and for the curtailment of central government growth and influence, I am going to vote for this Bill today.

I hope that those of you who share my concerns will so indicate with a proud vote in favor of acceptance of L. D. 1382.

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

Mr. MARTIN: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Jackson is absolutely correct, this Bill has changed. Nevertheless, it still does one important thing. It repeals the Uniform Property

Tax and also creates two new taxes, on cigarettes and on nuclear generating plants.

At this time, Mr. President, I have no choice but to request a Division.

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

Mr. TROTZKY: Mr. President and Members of the Senate: It is very difficult to vote intelligently on a Bill when one does not know the effect that this Bill has on each of the many communities throughout the State. I would hope, that we could get some computer print-out so each of us would know what effect it would have on our specific towns that we represent.

I would ask that someone would table this Bill.

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

Mr. CONLEY: Mr. President, I have to agree with the good Senator from Aroostook, Senator Martin. And I would move that this Bill be indefinitely postponed.

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

Mr. JACKSON: I move we table the Bill for one legislative day.

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

Mr. SPEERS: I ask for a Division.

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

Will all those Senators in favor of tabling L. D. 1023 for one legislative day, please rise in their places to be counted.

Will all those Senators opposed to tabling L. D. 1023 for one Legislative Day, please rise in their places to be counted.

9 Senators having voted in the affirmative and 20 in the negative, the motion to table does not prevail.

The PRESIDENT: The pending motion before the Senate is the Motion by the Senator from Cumberland, Senator Conley that this Bill be indefinitely postponed.

The Chair will order a Division on that motion.

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

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: I request a roll call.

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

Obviously more than one-fifth having risen, a roll call is ordered.

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, is it in order to speak on this Bill now?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. WYMAN: Mr. President, this Bill is the only Bill I know of that will provide something like \$20 million for L.D.'s and other desirable items. Now the Bill can be amended and be changed and it can have a great deal done to it to meet the objections. It has been discussed, it has been explained. I think all of us may have some reservations in respect to certain parts of it, but I would certainly hope that the Bill would be tabled for one day. This Motion was for indefinite postponement. I would oppose the motion to indefinitely postpone and would hope that someone would table it for one day, because we are talking about a lot of money and the Taxation Committee has had a short time to put this together. As I say, it is the only Bill I

know of that will take care of our needs and provide something like \$20 million for L. D.'s.

Now if we kill this Bill, sooner or later we have got to come to grips with this matter and the question is, where are we going to get our money for other deserving L. D.'s. And I certainly hope that you will oppose a motion to indefinitely postpone it.

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

Mr. REDMOND: I move we table this Bill for one day.

The PRESIDENT: The Senator from Somerset, Senator Redmond now moves that this Bill be tabled for one legislative day, pending the motion of the Senator from Cumberland, that the Bill be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Table for one legislative day, please rise in their places to be counted.

Will all those Senators opposed, to the Motion to table for one legislative day, please rise in their places to be counted.

9 Senators having voted in the affirmative and 20 in the negative, the motion to table does not prevail.

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

Mr. SPEERS: Mr. President and Members of the Senate, I certainly do not want the impression to be given that there is any heavy-handedness involved in our discussion of this Bill this afternoon in our desire to put this particular Bill to rest at this time. I do not think there is any question in anyone's mind about the fact that we have been wrestling with the issue of school funding, and school financing for several weeks now. And this particular issue, although it is before us at this time, for the first time, in its Legislative Document form, and in its form as a Report from the Committee, certainly is not a new idea. It certainly has had a great deal of discussion, both in the hallways, in numerous caucuses, day after day, week after week.

The time is at hand, as has been mentioned a number of times here this afternoon, — We have one week to come up with a decision on the school funding and some of the other issues that we have been discussing in caucuses and in the hallways. It seems to me that the time for decision has come.

I would take issue with those that say that this is the only vehicle that we have, because I think we are all aware there are a number of other Bills that are being presented from both the Taxation Committee and also the Committee on Appropriations and Financial Affairs. These Bills will be before us at the beginning of the week.

What is before us for decision in this particular Bill is the question of a repeal of the Uniform Property Tax. The Legislature has spoken on that issue through other Bills, and we have an opportunity to speak again on that issue in this particular Bill. The moment for decision is most assuredly at hand and I would hate to see us try to put this off for even another day, or two more days — pretty soon we are into the middle of next week and we are faced with the exact same problem that we were faced with last week when we had to very hurriedly extend the deadline. So I hope that we can face the issue, and vote either for or against this Bill, but do it this afternoon.

(Off record remarks)

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley that this Bill and

all its accompanying papers be indefinitely postponed.

A roll call has been ordered. The Secretary will call the roll.

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

20 Senators having voted in the affirmative and 9 in the negative, and 3 Senators being absent, the motion to indefinitely postpone does prevail.

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

Mr. SPEERS: Mr. President, having voted on the prevailing side, I move the Senate reconsider its action whereby this Bill is indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Speers now moves the Senate reconsider its action whereby it indefinitely postponed L. D. 1382.

A viva voce vote being had,  
The Motion to Reconsider does not prevail.

#### Senate

The following Ought Not to Pass report shall be placed in the Legislative files without further action pursuant to Rule 20 of the Joint Rules:

Bill, "An Act to Reduce the Fee for Lobster Fishing Licenses." (S. P. 180) (L. D. 494)

#### Ought to Pass — As Amended

Mr. Collins for the Committee on Judiciary on, RESOLVE, Authorizing Robert J. Gilbert of Mexico to Bring Civil Action Against an Agency of the State of Maine. (Emergency) (S. P. 61) (L. D. 134)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-48).

Which Report was Read and Accepted and the Resolve Read Once. Committee Amendment "A" was Read and Adopted and the Resolve, As Amended, Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on Judiciary on, Bill, "An Act to Revise the Laws Relating to State Financing of the Expenses of the Superior and Supreme Judicial Courts." (S. P. 129) (L. D. 309)

Reported that the same Ought to Pass in New Draft under same title. (S. P. 424) (L. D. 1412)

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

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Repeal the State Property Tax." (I. B. 1) (L. D. 270)

Reported that the same Ought Not to Pass.  
Signed:

Senator:  
MARTIN of Aroostook  
Representatives:

TEAGUE of Fairfield  
CHONKO of Topsham  
CAREY of Waterville  
COX of Brewer  
IMMONEN of West Paris

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:  
Senators:  
WYMAN of Washington

JACKSON of Cumberland  
Representatives:

POST of Owls Head  
TWITCHELL of Norway  
MACKEL of Wells

Which Reports were Read.

On Motion of Mr. Martin of Aroostook,  
Majority Ought Not to Pass Report Accepted.

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

Mr. SPEERS: Mr. President, I move the Senate reconsider its action of accepting the Ought Not to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee.

A viva voce vote being had,  
The Motion to Reconsider does not prevail.  
Sent down for concurrence.

#### Second Readers

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

#### House

Bill, "An Act to Eliminate Membership Deadlines for the Cobbossee Watershed District." (H. P. 294) (L. D. 351)

Bill, "An Act Relating to Tax on Pari-mutuel Pools and State Stipend Law." (Emergency) (H. P. 506) (L. D. 625)

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

Bill, "An Act to Define 'North American Indians residing in Maine' for Purposes of the North American Indian Scholarships." (H. P. 324) (L. D. 415)

Which was Read a Second Time.

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

Mr. HEWES: Mr. President and Members of the Senate: I note that this Bill, which apparently is a change in the law, defines North American Indians residing in Maine in a certain fashion, and I am wondering if this might have an effect ultimately on who might benefit from any recovery that the Tribes might make in the suit that is pending.

I note that this defines the North American Indians residing in Maine as one listed on the "current" Tribal census, one who is one-quarter Indian blood, and also Members of the Malacite and Micmac Tribes, and I wonder if there will be an immigration of Indians into Maine, perhaps those that are one-quarter Indian blood, and might be recorded on the rolls of either the Passamaquoddy or Penobscot Tribes, or might become Members of the Malacite or Micmac tribes, and I wonder if this innocent definition which relates to scholarships for North American Indians, and sounds very laudable, is, in fact a change in the law.

I would appreciate it if somebody would explain what this change is, and if we, in fact, do want this change.

On Motion of Mr. Lovell of York,  
Tabled for Two Legislative days,  
Pending passage to be engrossed.

Bill, An Act to Provide for 8-person Juries in Civil Cases. (H. P. 574) (L. D. 698)

Which was Read a Second Time.

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

Mr. COLLINS: Mr. President, I present Senate Amendment "A" to L. D. 698.

The PRESIDENT: The Senator from Knox, Senator Collins, now presents Senate Amendment "A" to L. D. 698 and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-51) Read and Adopted.

The Bill, as Amended, Passed to be Engrossed. In non-concurrence.

Sent down for Concurrence.

**Senate — As Amended**

Bill, "An Act to Provide for Local Hearings by the Public Employees Labor Relations Board. (S. P. 27) (L. D. 40)

Which was Read a Second Time and Passed to Be Engrossed, As Amended.

Sent down for concurrence.

**Orders of The Day**

The President laid before the Senate: Bill, "An Act to Incorporate the Eastport Utilities District." (H. P. 498) (L. D. 627) Emergency Tabled — April 5, 1977 by Senator Cummings of Penobscot

Pending — Adoption of Committee Amendment "A" (H-98)

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

Mrs. CUMMINGS: Mr. President, I present an Amendment and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now presents Senate Amendment "A" to Committee Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A"

Senate Amendment "A". (S-49) Read and Adopted. Committee Amendment "A", as Amended by Senate Amendment "A", adopted:

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

The President laid before the Senate:

Bill, "An Act to Clarify the Definition of Activities Reportable as Lobbying." (H. P. 1183) (L. D. 1236)

Tabled — April 6, 1977 by Senator Collins of Aroostook

Pending — Passage to be Engrossed

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

The President laid before the Senate:

Bill, "An Act to Require that Newly-constructed or Reconstructed Public Buildings be made accessible to the Physically Handicapped." Emergency (S. P. 307) (L. D. 969)

Tabled — April 6, 1977 by Senator Conley of Cumberland

Pending — Enactment

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

Mr. LOVELL: Mr. President, I think of this Bill and the number of times that it has been tabled, that I have satisfied the complaints or thoughts of five or six different Senators.

This being an Emergency measure and having receive the affirmative vote of 29 Members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate:

**VETO**

Bill, "An Act to Revise the Salaries of County Officers." (H. P. 738) (L. D. 752)

Tabled — April 6, 1977 by Senator Speers of Kennebec

Pending — Consideration

On Motion of Mr. Speers of Kennebec, Retabled for two Legislative Days.

Out of Order and Under Suspension of the Rules, The Senate voted to consider the following additional papers from the House:

Bills and Resolve received from the House requiring reference to Committee were acted upon in concurrence.

Senator Curtis of Penobscot was granted unanimous consent to address the Senate on the record.

Mr. CURTIS: Mr. President and Members of

the Senate, I would like to draw your attention to two items that have been distributed in the last few days; one of them is a memorandum which was written at my request by Mr. Wayne H. Ross, the Director of the Higher Education Services for the State Department of Educational and Cultural Services. It has to do with those programs which many of you have had inquiries about regarding the opportunities for Maine Students to attend medical or dental schools out of state with some State assistance. I think you will find the memorandum helpful, and I would suggest you might care to file it and use it in response to inquiries that occur.

The second item I would like to bring to your attention is the Maine State Government Annual Report, which, although as usual, is late this year, is once again a very, very helpful document which replaces dozens and dozens of individual reports which existed previous to the Maine Legislature requiring one consolidated report. I would urge you to keep it handy as a reference work, and to utilize it in locating information that is important to us in debate. The Report includes, among other things, a summary and an analysis of each agency of the State Government, except for all of the agencies in the Judiciary Department, and provides some individual information that you will find very useful, including the name and telephone number of each person in charge of the agency, and reference to the title and section of the Maine Statute which provides directions for the existence of that agency. For example, on Pages 308 and 309 of the book, you will find information regarding Indian scholarship Committee, a topic that was of some interest just now, and the Maine State Commission for Higher Education Facilities Act, which I just discussed.

On Motion of Mr. Huber of Cumberland, Adjourned until April 11, 1977 at 11:00 in the morning.