

MAINE STATE LEGISLATURE

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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

Friday, April 29, 1977

Senate called to order by the President.
Prayer by the Honorable Gerard P. Conley of Portland, Maine.

Mr. CONLEY: Lord, grant to this Senate the serenity to accept the things it cannot change, courage to change the things it can, and the wisdom to know the difference.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30, 1979. (Emergency) (H. P. 266) (L. D. 334)

In the Senate April 19, 1977, Passed to be Engrossed as amended by Committee Amendment "A" (H-133), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-215), in non-concurrence.

On Motion of Mr. Redmond of Somerset, Tabled for one Legislative Day, Pending consideration.

Non-concurrent Matter

Bill, An Act Providing for the Observance of Memorial Day on May 30th. (H. P. 442) (L. D. 549)

In the House April 26, the Minority Ought to Pass Report Read and Accepted, and the Bill Passed to be Engrossed.

In the Senate April 27, 1977 the Majority Ought Not to Pass Report Read and Accepted in Non-concurrence.

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

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

Mr. COLLINS: Mr. President, I move we adhere.

The PRESIDENT: The Senator from Aroostook, Senator Collins, now moves the Senate adhere. Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I move that we insist and join a Committee of Conference.

The PRESIDENT: The Senator from York, Senator Hichens, now moves the Senate insist and join a Committee of Conference with the House.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, I am unable to see what a Committee of Conference could possibly do with this Bill. Either you have Memorial Day on May 30th, or you have it as the present law provides on the Monday of the month.

I would oppose the Motion to join a Committee of Conference.

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

Mr. HEWES: Mr. President and Members of the Senate, I do not know what a Committee of Conference will accomplish either, but it might be that they will decide that a Friday, which is contiguous to a week-end, in certain years could be, if it is on the 30th, could be Memorial Day. Who knows, something might work out, and I would support the Motion of the good Senator from York, Senator Hichens.

The PRESIDENT: Is the Senate ready for the question? The pending Motion before the Senate is the Motion by the Senator from York, Senator Hichens, that the Senate insist and join in a Committee of Conference with the House.

The Chair will order a Division.

Will all those Senators in favor of the Motion

to Insist and join in a Committee of Conference, please rise in their places to be counted.

Will all those Senators opposing the Motion to insist and join in a Committee of Conference, please rise in their places to be counted.

6 Senators having voted in the affirmative, and 24 Senators in the negatives, the Motion to insist does not prevail.

The Senate voted to adhere.

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

Mr. CONLEY: Mr. President, I now move that the Senate reconsider its action whereby it adhered, and hope the Senate will vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby it voted to adhere.

A viva voce vote being had,

The Motion to reconsider does not prevail.

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

Senate Papers

Mr. Carpenter of Aroostook presented, Bill, An Act Providing for Changes in the Laws Relating to Property Taxation. (S. P. 479)

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

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 Provide Regional Reading Consultants under the Department of Educational and Cultural Services. (H. P. 1026) (L. D. 1274)

Leave to Withdraw

The Committee on Legal Affairs on, Bill, "An Act to Regulate the Issuance of Concealed Weapons Permits. (H. P. 164) (L. D. 202)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Delay the Effective Date of the Implementation of the New State Valuation. (Emergency) (H. P. 305) (L. D. 360)

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.

The Committee on Taxation on, Bill, "An Act Amending the Elderly Household Tax and Rent Refund Act to Expand the Eligibility Ceiling for Low Income Elderly. (Emergency) (H. P. 341) (L. D. 432)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

Which Report was Read.

On Motion of Mr. Wyman of Washington, Recommended to the Committee on Taxation.

The Committee on Taxation on, Bill, An Act to Exempt from the Sale Tax all Equipment and Supplies used to Diagnose or Treat Diabetes. (H. P. 1207) (L. D. 1435)

Reported that the same be granted Leave to Withdraw.

Comes from the House Recommended to the Committee on Taxation.

Which Report was Read.

Leave to Withdraw Report accepted.

Ought to Pass

The Committee on Liquor Control on, Bill, An Act Reinstating the Malt Liquor License Application Filing Fee. (Emergency) (H. P. 991) (L. D. 1193)

Reported that the same Ought to Pass. Comes from the House, the Bill Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on Agriculture on, Bill, "An Act Concerning Cruelty to Animals. (H. P. 581) (L. D. 708)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-206).

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

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

Ought to Pass in New Draft

The Committee on Education on, Bill, "An Act to Amend the Vocational Education Laws." (H. P. 111) (L. D. 146)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1209) (L. D. 1329)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "C" (H-190) as amended by House Amendment "A" (H-204) Thereto.

Which report was Read and Accepted, in concurrence, and the Bill Read Once. House Amendment "C" was Read.

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

Mr. KATZ: Mr. President, I would like to address the attention of the Senate to House Amendment "A" to House Amendment "C" (H-204), and I shall move indefinite postponement of that Amendment.

The Regional Vocational Schools in the State take in all of the communities in the State that are not served by the Regional Centers, and there is a whole laundry list of communities in the State, all of which belong to a Vocational Region.

The House Amendment in question under Filing H-204 would remove three tiny communities from State law, Isle au Haut, Monhegan, and Matinicus, and in this respect would make those three communities unique in the whole State.

The statement of fact in the Amendment says the purpose of this Amendment is to remove the island communities and so forth, as these communities are isolated and, therefore, are not able to participate in the Vocational program.

Monhegan has no high school students, and consequently there is no cost to Monhegan being included. But if Monhegan does have high school students, at that time and if the high school students chose to go to a Vocational School, there will be cost to Monhegan.

The Committee considered the exclusion of these three tiny communities, and felt that although they are unique in being island communities, were this Amendment to pass it would lead to the gradual disintegration of the whole darned system of Vocational Regions that we have in the State, and for that reason I rise to move indefinite postponement.

The PRESIDENT: The Chair would inform the Senator that if his Motion pertains to House Amendment "A", House Amendment "A" has not yet been brought before the Body.

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

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

House Amendment "C" (H-190), has been adopted.

The PRESIDENT: The Chair would advise in the negative. The Amendment has been read and it has not yet been adopted.

On Motion of Mr. O'Leary of Oxford, Tabled for One Legislative Day,

Pending Adoption of House Amendment "C".

Divided Report

The Majority of the Committee on, Fisheries and Wildlife on, Bill, An Act Concerning Possession of Spruce Grouse. (H. P. 623) (L. D. 764)

Reported that the same Ought Not to Pass.

Signed:

Senator:

REDMOND of Somerset

Representatives:

TOZIER of Unity

PEARSON of Old Town

DOW of West Gardiner

PETERSON of Caribou

GILLIS of Calais

MASTERMAN of Milo

MILLS of Eastport

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

Signed:

Sensors:

USHER of Cumberland

PRAY of Penobscot

Representatives:

MacEACHERN of Lincoln

ROLLINS of Dixfield

McKEAN of Limestone

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

Which Reports were Read.

On Motion of Mr. Redmond of Somerset, Majority Ought Not to Pass Report accepted in concurrence.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, An Act to Permit Hunting of Deer within ½ Hour After Sunset. (H. P. 356) (L. D. 449)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

USHER of Cumberland

PRAY of Penobscot

Representatives:

McKEAN of Limestone

PEARSON of Old Town

MASTERMAN of Milo

PETERSON of Caribou

DOW of West Gardiner

MacEACHERN of Lincoln

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

Signed:

Sensors:

REDMOND of Somerset

Representatives:

TOZIER of Unity

ROLLINS of Dixfield

GILLIS of Calais

MILLS of Eastport

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

Which Reports were Read.

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

Mr. REDMOND: Mr. President, I move the Senate accept the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Somerset, Senator Redmond, moves the Senate accept the Minority Ought to Pass report? Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would be interested in hearing from both signers of the Minority and Majority Reports.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to any Senator who may care to answer, especially Members of the Fisheries and Wildlife Committee.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Mr. USHER: Mr. President, this law is in effect now, and I think it is a good law. It is a safety feature, and I think that last half hour of the day, depends on the weather, but it is a good safety feature and I would like to see it remain as it is.

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

Mr. CARPENTER: Mr. President, I would like to pose a couple of additional questions. How long have we not had the extra one-half hour, and are there any statistics to indicate that hunting accidents have decreased since you took the half hour away.

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

Mr. PRAY: Mr. President and Members of the Senate, to answer the question of the good Senator from Aroostook, Senator Carpenter, the answers are two and yes.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would request a Division, on the acceptance of the Minority Ought to Pass Report.

The PRESIDENT: A Division has been requested.

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

Will all those Senators opposed to accepting the Minority Ought to Pass Report of the Committee, please rise in their places to be counted.

1 Senator having voted in the affirmative, and 25 Senators in the negative, the Motion to accept the Minority Ought to Pass Report does not prevail.

Majority Ought Not to Pass Report accepted in concurrence.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, An Act to Permit Hunting for Small Game on Sunday during Certain Months. (H. P. 520) (L. D. 638)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

REDMOND of Somerset

USHER of Cumberland

Representatives:

McKEAN of Limestone

PEARSON of Old Town

TOZIER of Unity

DOW of West Gardiner

ROLLINS of Dixfield

PETERSON of Caribou

GILLIS of Calais

MASTERMAN of Milo

MILLS of Eastport

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

Signed:

Senator:

PRAY of Penobscot

Representative:

MacEACHERN of Lincoln

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

Which Reports were Read.

Majority Ought Not to Pass Report accepted in concurrence.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, An Act to Eliminate the Requirement That Persons Over 70 Submit to an Eye Test in Order to be Issued a Complimentary Hunting License. (H. P. 562) (L. D. 679)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

USHER of Cumberland

PRAY of Penobscot

Representatives:

MacEACHERN of Lincoln

TOZIER of Unity

McKEAN of Limestone

DOW of West Gardiner

GILLIS of Calais

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

Signed:

Senator:

REDMOND of Somerset

Representatives:

PEARSON of Old Town

PETERSON of Caribou

ROLLINS of Dixfield

MASTERMAN of Milo

MILLS of Eastport

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

Which Reports were Read.

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

Mr. REDMOND: Mr. President, I move that the Senate accept the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now moves that the Senate accept the Minority Ought to Pass Report of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Usher.

Mr. USHER: Mr. President and Members of the Senate, I would ask for a Division.

Here is another safety feature. We have some responsibility. I feel when the State is giving a free license to 70 year old people, they are accepting responsibility, and I would hate to see an accident happen after a 70 year old person received a free license, and without an eye test.

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

Mr. HICHENS: Mr. President, I rise to support the thoughts expressed by the good Senator from Cumberland, Senator Usher.

When I first ran for the State Senate, I sought the support of an old gentleman in my District, who told me that he did not know whether he could vote for me or not, because the man I was running against had promised to put in a Bill to have complimentary licenses for people over 70 years old, which he had been fighting against the Fish and Game Department for a number of years in order to have. I assured this gentleman that I would put in the Bill if I were elected. Subsequently I was and I put in the Bill. And the old gentleman coming down and testifying before the Fish and Game Committee, told them that under no condition did he want this license granted unless those people 70 years of age or older had to have an eye test. He said he did not want them out in the woods without good eyesight hunting, especially at that age.

Now we have this Bill before us, and if you read the statement of fact of the Bill it says it eliminates the eye test requirement for complimentary hunting licenses issued to persons over 70 years of age. The cost of an eye test is often greater than the cost of a license. A person over 70 may now, if he wishes, buy a license without submitting to any eye test.

I would remind you that a person over 70 has to

have an eye test to drive a car, and just because they do not have to have an eye test to buy a license, I think maybe that is the law which we ought to pass rather than reduce the safety features that we have by the present law.

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

Mr. JACKSON: Mr. President and Members of the Senate, I have one question, and then I have a statement, and I would hope somebody would answer the question after I am finished.

I would like to know how many people 70 years old or over have shot anybody out in the woods. That is the question.

Just an observation from reading the Bill, I just looked it. If this fellow, if he submits himself to an eye test, it would probably cost him somewhere around \$25.00 to \$30.00 to get the complimentary license.

I would ask if you think the old gentleman is going to go out there and submit to an eye test when he can walk down to the town office and pay \$7.50 for a hunting license, instead of paying \$28.00 to \$30.00 for an eye test.

I think this would be placing an undue hardship on our elderly people in the State; Many of them enjoy the wildlife, go out walking in it, walking through the woods. Some of them might like to carry a firearm. In order to carry a firearm they must have a license.

I just sort of wonder, I think probably these elderly gentleman and women that are hunting that are 70 years or over, might just be a little more cautious than the younger people in the woods with 20/20 vision.

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

Mr. PRAY: Mr. President and Members of the Senate, as the Report was read, as you can all see, I was on the Majority Ought Not to Pass Report. But since that time, since signing that, I have switched my position, and I rise today to encourage the Members of this Body to go along with the Chairman of the Committee, the good Senator from Somerset, Senator Redmond.

As has been pointed out, there are a lot of inequities in the system at this time, or loop-holes as far as an individual being able to go out and hunt without requiring an eye test. All he has to do is go down and buy a license, and he is way ahead of the game already.

I would just rise to encourage the Members of this Body to go along with the good Senator from Somerset, Senator Redmond, and accept the Minority Report.

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

Mrs. SNOWE: Mr. President and Members of the Senate, a constituent in my area raised the same inconsistency in the law, which would allow an individual over 70 to go to the town office and buy a license, whereby you are eliminating the eye test.

The license cost \$7.50, and more often than not the eye test will require a great deal more than that, so there is an inconsistency in the law here, and I think that we perhaps should eliminate this discrimination against senior citizens. Perhaps we should require an eye test for all those people who are seeking hunting licenses.

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

Mr. LOVELL: Mr. President, I think that in my travels around the State, and I think that in the members of the Senate that are around that age 70, we are all wearing glasses anyway. I do not think anybody is going out in the woods at the age of 70 without glasses, because I think they have to have glasses. I do not think it is necessary for them to get an eye check, because they are going to be wearing glasses anyway.

I would go along with the Minority Report.

The PRESIDENT: Is the Senate ready for the question? The pending Motion before the Senate is the Motion of the Senator from Somerset,

Senator Redmond, that the Senate accept the Minority Ought to Pass Report of the Committee.

A Division has been requested. Will all those Senators in favor of accepting the Minority Ought to Pass Report, please rise in their places to be counted.

Will all those Senators opposed to accepting the Minority Ought to Pass Report, please rise in their places to be counted.

23 Senators having voted in the affirmative, and 7 Senators in the negative, the Motion to accept the Minority Ought to Pass Report does prevail.

The Bill Read Once, and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, An Act Concerning the Collection and Use of Social Security Number by Educational Institutions Receiving State Funds. (H. P. 1068) (L. D. 1291)

Reported that the same Ought Not to Pass. Signed:

Sensors:

- HEWES of Cumberland
- CARPENTER of Aroostook
- CUMMINGS of Penobscot

Representatives:

- CARRIER of Westbrook
- BURNS of Anson
- DURGIN of Kittery
- GOULD of Old Town
- SHUTE of Stockton Springs
- MOODY of Richmond
- JOYCE of Portland
- DUDLEY of Enfield

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

Representatives:

- BIRON of Lewiston
- COTE of Lewiston

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

Which Reports were Read.

On Motion of Mr. Hewes of Cumberland, Majority Ought Not to Pass Report accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Liquor Control on, Bill, An Act Relating to Location of State Liquor Stores. (H. P. 1123) (L. D. 1341)

Reported that the same Ought Not to Pass. Signed:

Sensors:

- LOVELL of York
- LEVINE of Kennebec

Representatives:

- TWITCHELL of Norway
- GRAY of Rockland
- MAXWELL of Jay
- RAYMOND of Lewiston
- CONNERS of Franklin
- JACQUES of Lewiston

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

Signed:

Sensor:

- DANTON of York

Representatives:

- IMMONEN of West Paris
- NADEAU of Sanford
- MARSHALL of Millinocket
- LIZOTTE of Biddeford

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

Which Reports were Read.

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

Mr. LOVELL: Mr. President and Members of the Senate, since I signed this Report, it has come to my attention just recently that I wish to change my position, and I will tell you why.

On the present Bill that I had voted Ought Not to Pass it states that if the liquor store has a net profit of 15 percent or over, they can not close the store. Now actually the Commission has been closing stores that were making, — well, there was no particular rule. If they were making 8 percent or some such thing as that, then they could be closed. In fact, in Saco, as the good Senator from York will tell you, they closed the two liquor stores in Saco.

Now the Commissioner sent a letter to me, which we have not acted on yet, to the Liquor Control Committee, Mr. Ingraham, and it says the Commission was lived up to its agreement with previous Liquor Control Committees that they would not open more than 30 agency stores. The Commissioners, however, wish to be removed from this gentleman's agreement, and to use their discretion as provided by law, to reassess their position and open more agency stores if they so desire.

Well, that means that there is going to be a lot of liquor stores that are making 15-20 percent net profit. Now this Bill calls that the liquor store must make at least 15 percent net profit not to be closed. Now 15 percent net profit, to any of you business people, is pretty fair net profit, whether you are in the grocery business or what business you are in. Even in the drug business, we do not show more than 4 or 5 percent net.

To close down many liquor stores, now there are 77 liquor stores in the State of Maine, and to close down maybe 15 or 20 more liquor stores, and put them into grocery stores or independent stores, if the Liquor Control Committee agrees to allow the Commission to do this, and I would not doubt but they might, so I am going to move that we accept the Minority Report, which was accepted in the other Body as Ought to Pass.

Minority Ought to Pass Report accepted in concurrence.

Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Taxation on, Bill, An Act to Reduce the Uniform Property Tax by 1/4 Mills. (H. P. 205) (L. D. 193)

Reported that the same Ought Not to Pass. Signed:

Sensors:

- WYMAN of Washington
- JACKSON of Cumberland

Representatives:

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

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

Signed:

Sensor:

- MARTIN of Aroostook

Representatives:

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

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Reports were read.

On Motion of Mr. Jackson of Cumberland, the Bill and all its accompanying papers indefinitely postponed.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Prohibit the Use of Headphones While Operating a Motor Vehicle." (H. P. 845) (L. D. 1036)

Reported that the same Ought Not to Pass.
Signed:

Sensors:

GREELEY of Waldo
MINKOWSKY of Androscoggin

Representatives:

LITTLEFIELD of Hermon
CARROLL of Limerick
JENSEN of Portland
BROWN of Mexico
ELIAS of Madison
JACQUES of Lewiston
STROUT of Corinth
HUTCHINGS of Lincolnville
LUNT of Presque Isle

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

Signed:

Senator:

McNALLY of Hancock

Representative:

McKEAN of Limestone

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-213).

Which Reports were read.

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

Mr. GREELEY: Mr. President, I move the Senate accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President and Members of the Senate, this Bill probably caused a lot of undue mirth when the representative from the other Body and myself agreed to sign this Bill out as passing. Now I wonder why we would have such curious things. Of course we were accused because the sponsor was a good looking blonde, that we might have been influenced that way, but let me give you just a little bit of something that is known and is given out by the Safety Committee.

In the year 1976 single vehicle accidents, speeding — 1968; hazardous condition — 1848; inattention — 2,053. Now lets get into the multi-vehicle accidents, in 1976: Speeding — 121; hazardous conditions — 2724; inattention — 8,248.

Now I am going to say that if you have to ride along in a car with those headphones on, it is just as bad as it was for those motorcycle people to ride along with their helmets on. I sure think the Bill deserves passage.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, we listened very attentively to this particular debate, and there was only one person that spoke as a proponent of this measure and that was the sponsor of the Bill herself. Everyone else, including the AA, the Maine Highway Safety Committee, members of the Maine State Police did not feel that there was a problem prevalent in the State of Maine in reference to people running around with headphones on their head while driving their vehicles.

Mr. President, I hope the Senate concurs with the Chairman of the Highway Committee that we accept the Majority Ought Not to Pass Report.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Waldo, Senator Greeley, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

A viva voce vote was had.

The Chair is in doubt and will order a Division.

Will all those Senators in favor of accepting the Majority Ought Not to Pass Report, please rise in their places until counted.

Will all those Senators opposed to accepting the Majority Ought Not to Pass Report, please rise in their places to be counted.

21 Senators having voted in the affirmative and 10 Senators in the negative, the Motion to accept the Majority Ought Not to Pass Report does prevail.

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

Mr. MINKOWSKY: Mr. President, having voted on the prevailing side, I now move the Senate reconsider its action, and hope the members of the Senate vote against me.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves the Senate reconsider its action whereby it accepted the Majority Ought to Pass Report of the Committee.

A viva voce vote being had,

The Motion to reconsider does not prevail.

Senate**Ought to Pass in New Draft**

Mr. Collins for The Committee on Judiciary on, Bill, "An Act Relating to Privileged Communications for Clergyman." (S. P. 259) (L. D. 782)

Reported that the same Ought to Pass in New Draft under New Title: Bill, An Act to Resolve Certain Conflicts between the Statutes and the Maine Rules of Evidence. (S. P. 478) (L. D. 1719)

Which Report was Read and Accepted and the Bill, in New Draft, Read Once

On Motion of Mr. Collins of Knox, and under Suspension of the Rules, The Bill read a Second Time, Sent forthwith to Engrossing Department.

Committee of Conference

The Committee of Conference on the Disagreeing action of the Two branches of the Legislature, on Bill, "An Act to Provide for Local Hearings by the Public Employees Labor Relations Board." (S. P. 27) (L. D. 40)

Have had the same under consideration, and ask leave to report: That they are unable to agree.

On the Part of the Senate:

COLLINS of Knox
McNALLY of Hancock
PRAY of Penobscot

On the Part of the House:

BUSTIN of Augusta
PELTIER of Houlton
ELIAS of Madison

Which Report was read and accepted.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Clarify Procedures Concerning the Issuance of General Obligations for Indian Housing Mortgage Insurance." (H. P. 594) (L. D. 849)

Bill, "An Act to Provide Funds for the Administration of the Uniform Crime Reporting Program within the Bureau of State Police." (Emergency) (H. P. 951) (L. D. 1145)

Bill, "An Act to Provide Fees for Consumer

Education Materials." (H. P. 1457) (L. D. 1685)

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1977. (Emergency) (H. P. 1481) (L. D. 1690)

Resolve, Directing the Bureau of Taxation to Provide Credits for the Commuter's Income Tax Imposed by New Hampshire for the Period January 1, 1975 to March 19, 1975. (H. P. 1482) (L. D. 1698)

Which were Read a Second Time and Passed To Be Engrossed, in concurrence.

House — As Amended

Bill, "An Act Providing for the Service of Warrants by Agents of the State Tax Assessor." (H. P. 391) (L. D. 480)

Bill, "An Act to Equalize the Registration Fee on Dogs." (H. P. 509) (L. D. 628)

Bill, "An Act Concerning the Bee Industry Law." (604) (L. D. 741)

Bill, "An Act Concerning Municipal Transit Districts." (H. P. 721) (L. D. 973)

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for Year 1977. (Emergency) (H. P. 1483) (L. D. 1699)

Which were Read a Second Time and Passed To Be Engrossed, As Amended, in concurrence.

Bill, "An Act concerning Prosecution of Fish and Wildlife Law Violators Who are 16 Years of Age or Older." (H. P. 193) (L. D. 255)

Which was Read a Second Time and Passed To Be Engrossed, As Amended, in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act to Open Floods Pond to Fishing." (S. P. 293) (L. D. 919)

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

Mr. McNALLY: Mr. President, since this is the last of the lot here, I offer an Amendment to LD 919 and move its adoption.

The PRESIDENT: The Senator from Hancock, Senator McNally now offers Senate Amendment "A" to LD 919 and moves its adoption.

Senate Amendment "A" (S-102) read.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, this is very simple to explain, it simply says that approximately 1,600 feet is as near as you can fish to the intake to this lake, where the water is taken from to go to the Bangor Water District.

There are no boats that would have motors, period, and no ice fishing.

The PRESIDENT: Is it the pleasure of the Senate to adopt Committee Amendment "A"? It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, I move that LD 919 be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves that this item, LD 919, be indefinitely postponed. Is this the pleasure of the Senate? It is a vote.

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

Mr. MERRILL: Mr. President, I would like to move reconsideration whereby this Bill was indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves the Senate reconsider its action whereby LD 919 was indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: I Request a Division, Mr. President.

The PRESIDENT: The Senator from Penob-

scot, Senator Trotzky, has requested a Division, on the reconsideration Motion.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, I would just like to remind the Members of the Chamber that we discussed this issue at a great length yesterday, and I hope that we can remain consistent and defeat this Motion so we can send the Bill along on its way.

The PRESIDENT: A Division has been requested. The Pending question before the Senate is the Motion by the Senator from Cumberland, Senator Merrill, that the Senate reconsider its action whereby, this Bill was indefinitely postponed.

Will all those Senators in favor of reconsideration, please rise in their places to be counted.

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

10 Senators having voted in the affirmative and 19 in the negative, the motion to reconsider does not prevail.

Enactors

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

An Act to Enable the City of Portland to Collect its Sewer Assessments over a Period not to Exceed 10 Years. (H. P. 531) (L. D. 647)

An Act to Clarify the Criminal Trespass Law. (H. P. 1438) (L. D. 1639)

An Act to Authorize Affiliated Banks to Operate Combined Common Trust Funds. (H. P. 423) (L. D. 528)

An Act Revising the Maine Business Corporation Act. (S. P. 229) (L. D. 707)

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

Emergency

An Act to Authorize the Transfer of all Assets and Liabilities of the Patten Water District to the Town of Pittston and the Dissolution of the Patten Water District. (H. P. 1333) (L. D. 1503)

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

Emergency

An Act to Continue Providing Aid to Certain Charitable Institutions. (H. P. 546) (L. D. 663)
On Motion by Mr. Huber of Cumberland, placed on the Special Appropriations table.

Reconsidered Matters

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

Mr. WYMAN: Mr. President, with reference to Bill, "An Act Amending the Elderly Householders Tax and Rent Refund Act to Expand the Eligibility Ceiling for Low Income Elderly." (Emergency) (H. P. 341) (L. D. 432). I move we reconsider our action whereby we voted to recommit this Bill to Taxation.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves the Senate reconsider its action whereby it recommitting L.D. 432 to the Committee on Taxation. Is this the pleasure of the Senate? It is a vote.

Mr. WYMAN: Mr. President, I now move that we concur with the other body in granting leave to withdraw on the same Bill.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves the Senate accept the Leave to Withdraw Report of the Committee in concurrence. Is this the pleasure of the Senate? It is a vote.

Mr. WYMAN: Mr. President, now with

respect to Bill, "An Act to Exempt from the Sales Tax all Equipment and Supplies used to Diagnose or Treat Diabetes. (H. P. 1207) (L. D. 1435). I move we reconsider our action whereby we voted leave to withdraw.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves the Senate reconsider its action whereby it voted to accept the Leave to Withdraw Report of the Committee in reference to L. D. 1435. Is this the pleasure of the Senate? It is a vote.

Mr. WYMAN: Mr. President, I now move that we concur with the other Body by recommitting this Bill to the Committee on Taxation.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves L. D. 1435 be recommitted to the Committee on Taxation in concurrence. Is this the pleasure of the Senate? It is a vote.

Orders of The Day

The President laid before the Senate:

House Reports — from the Committee on Election Laws — Bill, "An Act Relating to Political Fundraising by State Employees." (H. P. 453) (L. D. 558) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass

Tabled — April 27, 1977 by Senator Collins of Knox.

Pending — Acceptance of Majority Report.

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

Mr. COLLINS: Mr. President, I move that this Bill and all its accompanying papers be indefinitely postponed, and will speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President, our classified State Employees already have the right to make political contributions to whomever they wish. I think we will be doing them a tremendous favor by keeping this prohibition in force. This matter was debated at some length two days ago and I will not repeat any of those reasons. I hope that you have had a chance to think about this very seriously, in the manner that it may affect our State Government in the future.

I ask for a Division.

The PRESIDENT: A Division has been requested.

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

Mr. O'LEARY: Mr. President, I would request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, as I understand the purposes of this legislation, it is simply to give to the State employees the same right to collect monies that are given to other municipal employees and other types of employees and with the recent change in the Federal laws, of course, that right has been given to management employees as well.

I would suggest that passage of this Bill is just to give the State employees the same right. It is not a very big step and I do not think it is a matter that should trouble us in doing it. I would urge the Senate to pass this legislation.

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 more than one-fifth of those Senators present and voting. Will all those Senators in favor of a Roll Call, please rise in their places to be counted.

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

The pending question before the Senate is the Motion by the Senator from Knox, Senator Collins, that this Bill and all its accompanying papers be indefinitely postponed. A Yes vote

will be in favor of indefinite postponement. Nay vote will be opposed.

The Secretary will call the Roll.
YEA — Collins, D.; Collins, S.; Cumr Greeley, Hewes, Hichens, Huber, Lovel Nally, Redmond, Snowe, Trotzky.

NAY — Carpenter, Chapin, Conley, C Danton, Farley, Jackson, Katz, Le Mangan, Martin, Merrill, Minkowsky, Mc O'Leary, Pierce, Pray, Speers, Usher, Wy 12 Senators having voted in the affirmative and 20 Senators in the negative, the Mot indefinitely postpone does not prevail.

Majority Ought to Pass Report Accepted
Bill Read Once and Tomorrow Assigned Second Reading.

The President laid before the Senate:

HOUSE REPORTS—from the Committee on TAXATION — Bill, "An Act to Change Sales Tax Basis on Fuel Oil from Pr Volume." (H. P. 784) (L. D. 936) MAJORITY REPORT — Ought to Pass; MINORITY REPORT — Ought Not to Pass

Tabled — April 27, 1977 by Senator Jack Cumberland

Pending — Acceptance of Either Report On Motion of Mr. Speers of Kennebec. Retabled for two legislative days.

The President laid before the Senate:

SENATE REPORTS — from the Committee on NATURAL RESOURCES — Bill, "A Act Relating to Solid Waste Disposal." (Emergency) (S. P. 248) (L. D. 756) MAJORITY REPORT — Ought Not to Pass; MINORITY REPORT — Ought to Pass

Tabled — April 27, 1977 by Senator Rec of Somerset

Pending — Acceptance of Either Report On Motion by Mr. Conley of Cumberland. Retabled for one legislative day.

The President laid before the Senate:

"An Act to Provide for Specially Designed Registration Plates for the Maine National Guard." (H. P. 504) (L. D. 623)

Tabled — April 28, 1977 by Senator Spe Kennebec

Pending — Passage to be Engrossed. Bill, as amended, Passed to be Engrossed.

The President laid before the Senate:

Bill, "An Act to Provide Reimbursement Snow Removal on Accepted Ways." (S. P. L. D. 487)

Tabled — April 28, 1977 by Senator Spe Kennebec

Pending — Passage to be Engrossed.

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

Mr. MINKOWSKY: Mr. President Members of the Senate, the Committee Transportation analyzed this very closely some of the towns were affected insofar as taking back the amount of money they receiving per mile for snow removal. I ask Department of Transportation to reassess towns that were being affected. At the there were 12 towns brought up. Because increase in valuation, 4 were getting approximately \$400.00 per mile, they were cut to \$300.00 a mile. In one small town, I report the town of Wales, with a 600 person population it meant approximately a \$2,236.00 loss.

During the interim period of time Department of Transportation reassess entire matter pertaining to LD 487 and forth with another solution to the problem.

I would like to read a portion of the letter just received from the Commissioner of Transportation: "As a result of that review, I am attaching a suggested amendment which contains a more favorable reimbursement for 8 municipalities as listed below. The towns that

now benefit from this articular Amendment are the towns of Alna, Brooks, Howland, Littleton, Perry, Portage Lake, Wales and West Paris."

Because the over-all change in valuation structure and the increasing size of compact areas which reduces reimbursement mileage, it is my opinion that the adjustments made by the Amendment can be accomplished without creating a change in the snow removal reimbursement cost in the next biennium over those anticipated in the budget. Basically, on that particular basis, Mr. President and Members of the Senate, I would like to present to the Senate, Senate Amendment "A" (S-100) and move its adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now presents Senate Amendment "A" to LD 487 and moves its adoption. The Secretary will read Senate Amendment "A"

Senate Amendment "A" (S-100) read and adopted.

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

The President laid before the Senate: Bill, "An Act to Exempt Historical Societies and Museums from Sales Tax. (S. P. 211) (L. D. 660) Tabled — April 28, 1977 by Senator Conley of Cumberland

Pending — Passage to be Engrossed
On Motion of Mr. Conley of Cumberland, Retabled until Tuesday, May 3, 1977.

The President laid before the Senate: Bill, "An Act to Increase the Penalties for Violation of State Anti-trust Laws. (H. P. 273) (L. D. 347) Tabled — April 28, 1977 by Senator Collins of Knox

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

Mr. COLLINS: Mr. President, this Bill now stands in non-concurrence, and quite a lot of work has been done on this since it was last discussed in this Body.

I intend to offer an Amendment if the Senate permits this procedure.

The nature of the Amendment is that it will increase the penalties for violation of the anti-trust laws, but not as greatly as the original proponents wished. It is an intermediate position and it will leave out some of the provisions that enlarge the authority of the Attorney General, and it will modify some of the present procedures of the Attorney General so that when he is summoning parties in investigations, there will be a choice as to whether the proceeding is in public or private.

I, therefore, move that the Senate recede from its action whereby it adopted the Ought Not to Pass Report.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the Senate recede from its action whereby it accepted the Majority Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate? It is a vote.

On Motion of Mr. Collins of Knox, The Minority Ought to Pass Report accepted.

Bill Read Once. Committee Amendment "A" Read, and House Amendment "A" to Committee Amendment "A" read.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I now move that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the Senate indefinitely postpone House Amendment "A" to Committee Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members

of the Senate, at this point I think I have to interrupt the parade of events here to find out exactly what the intent of the Senator from Knox is.

As I understand the House Amendment it is to accomplish one of the purposes of the Senator from Knox, and that is to take care of the problem or the perceived problem with the Senate, with the Attorney General having too many powers, and what the purpose of the House Amendment, if we are talking about the same one, is House Amendment under Filing 194, is to leave the law in regards to the Attorney General's powers to investigate anti-trust violations the same except to give a new right to the business or businessmen being investigated, and that right is to have the investigation process and the hearing process conducted in private if that is their choice.

I think the purpose of this Amendment is a good one, and if the purpose of postponing this Amendment is so we can accomplish the other purposes of the Senator from Knox, then those other purposes ought to be explained at this time so we can make a knowing vote on this amendment.

On Motion of Mr. Conley of Cumberland, Retabled for one legislative day.

The President laid before the Senate: Bill, "An Act to Remove Restrictions on the Salary of County Commissioners who hire Full-time County Administrators." (S. P. 154) (L. D. 394) Tabled — April 28, 1977 by Senator Speers of Kennebec

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

Mr. MANGAN: Mr. President, I would at this time move that the Senate override the veto of the Governor and I would speak to my motion.

The PRESIDENT: The Senator has the floor.
Mr. MANGAN: Mr. President, I really hate to keep going against my very good friend and constituent, the Governor. It seems that we tend to disagree over and over again. However, it becomes a matter of philosophy insofar as particularly concerning this Bill, what is going to be right for the counties of the State of Maine.

Now I drafted this beautiful piece of legislation and the purposes behind it are fairly simple. Now there is currently a County Administrator Bill in Law on the books of the State of Maine. The County Administrator Law says simply that the counties of the State of Maine can hire County Administrators. However, if the County Commissioners, in their great wisdom and in some sort of an attempt to improve their county government administration, do hire a County Administrator, then they will be paid \$25.00 a meeting.

Now I am not really opposed to County Commissioners taking \$25.00 a meeting, however, I see a problem that is very serious indeed, especially considering counties like Cumberland where the County Commissioners are making \$5,000.00 or some of our larger counties from Aroostook all the way down to the central counties, down to Androscoggin, and including York where they are making anywhere from \$3,000.00 to \$5,000.00. What we are basically saying to these people, — and we have to understand that County Commissioners are human beings and are subject to the frailties of human nature, is that if you make that decision to hire a County Administrator, because you feel that is right, then we are going to penalize you by cutting your salary from \$5,000.00 a year to \$600.00 a year.

Now these people knew what they were getting when they ran for the office and I would assume that this is the job that they are running for. If we look at Cumberland County, for example, we are talking in terms of County Commis-

sioners administering or being responsible for the administration of approximately a \$2,200,000.00 budget, fairly substantial budget for 200,000 people. If we look at Androscoggin County, they have a budget that is in excess of \$100,000.

Now all the municipalities in the State of Maine have got not only an administrative board, and we can use the City of Lewiston where I come from, for example, where we do have a City Council, in addition to which we not only have a controller, a treasurer, a public works director and a number of officers. If we look at the City of Portland, over and above their administrative body, the City of Portland has a City Manager. If we look at the City of Auburn or Bangor, again in addition to the administrative body, the legislative body of the city, they also have a city manager. There are no provisions there that if the City of Portland, for example, were to hire a city manager to administer day-to-day affairs of the City of Portland, that the municipal officials, the legislative body, would have to take a cut in pay.

Now as we go from year to year, we begin to realize that counties are becoming much more complicated and complex. Not only are there environmental pollution laws that we have to concern ourselves with, not only are there revenue sharing programs we have to concern ourselves with, new bidding laws, CETA programs, public works programs, a variety of programs which must be administered or taken care of on a day-to-day program, which cannot be done by part-time County Commissioners.

Now the County Commissioners, however, still retain the responsibility of administering the County in the County building. There are many days when there are purchases that must be made instantly and you have to have somebody handy to take care of some of these purchases. It is a County Commissioner. I have seen instances where I have had to have documents signed and I have had to have the Sheriff's Department run all over the county looking for a County Commissioner to have him sign these documents.

There are many complicated areas that we must look at as far as county government. We are looking towards modernization, we are looking toward the reform of county government. Certainly one step in the reform of County government would be to eventually drop County Commissioner terms from four years to two years to make the County Commissioners obviously more responsive and responsible to the people. We have already made a decision that County Commissioners in most counties, 14 out of 16, will be elected on a district basis, so that we have County Commissioners who are better known to the people and are more approachable.

Now it would seem that if we drop County Commissioners down to two-year terms that there would be nothing to ensure the continuity of county government. There would be no one to actually know what happens on a day-to-day basis. It is conceivable that we would have three County Commissioners elected the same year and all three would be entirely brand new people. We do not have this in any other government in the State of Maine. I would be amazed if we would change our legislative body completely every two years in the Legislature; however, we do not have people who have been Senators and Legislators, I know of one for at least 32 years. But even then, the managers, the pages, the continuity of both the House and the Senate retains and remains year after year.

It would seem to me that it would be grave

error to eliminate from county commissioners their salaries just because they want to retain the continuity and the expertise of county government.

Now the Governor indicates that there were amendments offered to this legislation in the House which would have helped to oversee the hiring of County Administrators. I assure you that the good Senator from Aroostook County last year did include legislation to the original Bill which would have provided for guidelines for the hiring of County Administrators.

Secondly, the Governor does indicate that this is going to increase the amount of taxes onto the people of the State of Maine. I would have to disagree with that. Most counties will be paying anywhere from probably \$10 to \$15 or \$16,000.00 a year, as is determined by the legislative delegation, as they currently determine the salaries of County Commissioners. I can almost assure all of the members of this legislative body that if County Commissioners do hire a County Administrator for \$15,000.00 a year, that the county administrator in the long run will save much, much more money for the taxpayers of that individual county each year.

We do have problems, for example, in the County of Androscoggin today where there have been big violations by not only the County Commissioners or the treasurer, but also of the Sheriff. These big violations could have been eliminated had the individual department heads gone to a knowledgeable individual and said, what is the procedure here, how do we go about this? There have been purchase procedures and I can see a problem that could be eliminated with the County Administrator.

Also, as we look towards county reform in the future, it may be possible to eliminate certain positions such as the county treasurer and place those obligations and duties upon the County Administrator, so that the County Commissioners will then have the administrative obligation of the county as they should have under the law.

Therefore, although I have to disagree with my great constituent, the Governor, and it bothers me since I have only voted with him once this year, I think, I would urge the Members of this Body to override the veto.

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

Mr. HICHENS: Mr. President, because the statements in the Governor's veto message run so much along my own thoughts, I would like to share them with you. You have probably read them over but that was a couple of days ago and I would like to bring them to mind again.

So I would quote, "I feel that the current state of the law strikes an appropriate balance between the need to compensate individuals, who are serving in time consuming roles as public officials and the need to avoid any overpayment by Maine taxpayers for the services being provided to them. The services provided by an appointed full-time County Administrator are basically the same as those formerly furnished by County Commissioners, in that he or she become responsible for the administration of all departments and offices over which the Commissioners have control. I do not feel there is justification in such a situation for the use of taxpayer funds for the compensation of both the Commissioners and the administrator."

"The removal of the prohibition against any County Commissioners receiving their salary when they hire a full-time administrator will result in those Commissioner's salaries being available to them in every county where an administrator has been hired. This is one more example of the insulation of county government from taxpayer scrutiny. Amendments were offered to this legislation which would have allowed the legislative delegation of a particular county to oversee the hiring of a full-

time administrator, and then adjust the Commissioner's salaries up from the \$25.00 per meeting level in situations where some salary for these Commissioners is still warranted. However, such legislative oversight is not present in this particular Bill as the amendments were not accepted, and we are faced with the situation whereby the only safeguard for taxpayers is the ability of the county's legislative delegation to revise the county budget and lower Commissioner's salaries if the appointed administrator assumes most of their duties."

"The frustration of taxpayers faced with a form of government that is so insulated that it does not have to practice fiscal responsibility cannot be ignored."

As stated by the good Senator from Androscoggin, Senator Mangan, these people who were elected as county commissioners knew what the present law was when they ran for that office. Already this Session, we have increased Commissioners' salaries throughout the State, some as high as 25 percent. We have voted to pay travel expenses for these County Commissioners and L.D. 394 would pay them full salary while someone else does the bulk of the work.

In addition to regular salary, Commissioners get \$100.00 per day on all land damage suits and there are quite a few of them throughout the State, and various other fringe benefits. I sincerely hope that the veto will be sustained.

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

Mr. SPEERS: Mr. President, although I have had the distinct feeling in the recent few minutes that we have been through a budget hearing on county budgets, I do want to take this opportunity because actually it is so rare that I can stand and take this position on gubernatorial vetoes, that I want to make this position on the record.

In reading over the Governor's remarks on this particular Bill, I think that they are well reasoned and they are remarks with which I agree, and I would, therefore, urge the Senate to sustain the veto on this matter.

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

Mr. JACKSON: Mr. President and Members of the Senate, I appreciate the good remarks from the Senator from York, Senator Hichens and the Senator from Kennebec, Senator Speers, and Senator from Androscoggin, Senator Mangan. Everybody has brought into the picture the compensation that these County Commissioners receive and the great amounts of money they receive for jobs they do, and maybe we do have some that are overpaid.

But I think that the good Senator from Androscoggin had a piece of legislation there that was a progressive piece of legislation. As it stands now, there is no incentive for the County Commissioners of the 16 counties of the State of Maine to hire the expertise that is needed today to run these counties. When you restrict a salary to \$25.00 a day, if you are going to hire a full-time County Administrator, nobody who has been elected to the position, wants to take a reduction in salary. So they are not going to go out and acquire or hire the expertise that is needed to meet the changing times.

I think it is incumbent upon us, ourselves as Legislators from our individual counties, to correct the errors or inefficiencies of the county budgets, which we have the right. I feel that if a county and the County Commissioners see fit to employ a full-time County Administrator, it will be incumbent upon us to adjust that salary to reflect the change. I feel that when doing or restricting the salaries of the County Commissioners, you are not helping to improve county government.

We all want to see changes in county government. We would like to see them improved, like to see them more responsive to the people. the

dollars more responsive. But we will sit here and say, well, I feel we should sustain the Governor's veto because we do not feel the County Commissioners should receive more than \$25.00 a day if they hire County Administrators. Well, gentlemen, in the last Session of the Legislature, we gave the County Commissioners authority to hire a county clerk. This county clerk can assume responsibility of the County Administrator, although he does not carry that name, or a county manager, or whatever the case may be, and still retain their salaries.

So I really see that I think the good Senator from Androscoggin has taken a piece of legislation off the books that is doing nothing but being restrictive to the 16 counties, 48 county commissioners in the State of Maine, and also it is taking up space in our law books and when the vote is taken, I am going to vote to override the Governor's veto.

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

Mr. MANGAN: Mr. President, just a couple of additional opinions on this thing. The first is that land damage suit-wise, the County Commissioners may appoint somebody else and, as a matter of fact, I believe there are about one, maybe two per year in most counties.

Secondly, out of the 16 counties today, I believe 15 have got clerks. These are administrative clerks, managerial clerks, anything under the sun as long as they are clerks, and they can be appointed or hired under Title 30, Section 801. These clerks do anything from run airports in Hancock County, Oxford County to run landfill sites. Now these clerks are paid according to what the legislative delegation has justified.

Finally, and it has come again today, as it has in the Governor's veto message, the legislative delegation is the one that works on the county budget. The legislative delegation is the one that approves county budgets. They are the ones that decide who is going to be paid what in the county budgets. The County Commissioners are not isolated, since they have to have public hearings on their budgets. And, further, as far as fiscal responsibility, they cannot spend anything more nor less than what the legislative delegation has provided. If counties are fiscally irresponsible today, it is primarily because of those budgets approved by legislative delegations. Therefore, we must look inward rather than towards the County Commissioners for their fiscal irresponsibility, if there is any.

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

Mr. MARTIN: Mr. President and Ladies and Gentlemen of the Senate, the Senator from Androscoggin, Senator Mangan, explained his position very well. However, I would like to submit one thing to all of you.

The Board of County Commissioners can presently retain their salary, hire an individual, and I submit all they have to do is name him or her a manager and avoid the present existing law. I see no need to override this Bill.

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

Mr. JACKSON: Mr. President, I think the good Senator from Aroostook gave us a good reason to vote to override the Governor's veto. There is no sense keeping it on the books.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I would disagree with my good friend from Cumberland, Senator Jackson. I plan to vote to sustain the veto for the same reason that my good friend the junior Senator from Aroostook, Senator Martin, just mentioned.

If the intent of the Legislature is that Commissioners should not draw their salaries when they hire somebody to do the job for them, then

I submit to you that if this legislation passes, all we will have is a situation that we have currently. They will just go around the law and call them clerks or managers or something else. And I would vote for legislation with the intent to prevent Commissioners from doing it, but I think we had better come up with a better job description in the legislation than is now presently in force.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is shall this Bill become a law notwithstanding the objections of the Governor?

According to the Constitution, the vote will be taken by the Yeas and Nays. A vote of Yes will be in favor of the Bill. A vote of No will be in favor of sustaining the veto of the Governor.

The Secretary will call the roll.

YEAS — Chapman, Conley, Farley, Jackson, Mangan, Merrill, Minkowsky, O'Leary, Redmond.

NAYS — Carpenter, Collins, D.; Collins, S.; Cummings, Curtis, Danton, Greeley, Hewes, Hichens, Huber, Katz, Levine, Lovell, Martin, Morrell, Pierce, Pray, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — McNally.

9 Senators having voted in the affirmative and 23 Senators in the negative, with one Senator being absent, and 9 being less than two-thirds of the membership present, the veto of the Governor is sustained.

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

Mrs. CUMMINGS: Mr. President, is the Senate in possession of Bill, "An Act Changing the Name of Webster Water District to Sabattus Water District and Providing Compensation for the Trustees. (H. P. 883) (L. D. 1054).

The PRESIDENT: The Chair will answer in the affirmative, that Bill being recalled at the request of the Senator.

Mrs. CUMMINGS: Mr. President, under suspension of the Rules, I move the Senate reconsider its action whereby this Bill as passed to be engrossed.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves the Senate suspend the rules and reconsider its action whereby this Bill was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

Mrs. CUMMINGS: Mr. President, under further suspension of the Rules, I move the Senate reconsider its action whereby it adopted Committee Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves, under further suspension of the Rules, the Senate reconsider its action where it adopted Amendment "A". Is this the pleasure of the Senate? It is a vote.

Mrs. CUMMINGS: I present Senate Amendment "A" to Committee Amendment "A" and move its adoption.

Senate Amendment "A" (S-99) to Committee Amendment "A" read and adopted. Committee Amendment "A", as amended by Senate Amendment "A", read and adopted.

Bill passed to be engrossed.

Sent down for concurrence.

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

Mr. MERRILL: Mr. President, is the Senate in possession of Bill, "An Act to Permit Vehicular Traffic to Turn Right at a Red Light." (H.P. 43) (L.D. 60)

The PRESIDENT: The Chair would advise the Senator in the affirmative, it having been held at the Senator's request.

Mr. MERRILL: Mr. President I now move the Senate reconsider its position whereby it adhered.

The PRESIDENT: The Senator from Cumberland, Senator Merrill now moves the Senate reconsider its action whereby it adhered.

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

Mr. O'LEARY: Mr. President, I think yesterday we made a mistake when we did not reconsider and do it good and I think I would oppose the Motion to reconsider.

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

Mr. MERRILL: Mr. President, the purpose of my Motion that we reconsider whereby we adhered, is so that this Body would then be in the posture to insist and ask for a Committee of Conference.

The disagreement between the two Bodies is simply whether or not there is going to be an Amendment on this Bill that would require that the towns hold a public hearing for the purpose of the people who are concerned about the safety factors of this, being able to go to their municipal offices and make their peace now. I think it is a relatively insignificant Amendment, but I think it is a safeguard that we can well go along with the House on.

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

Mr. MINKOWSKY: Mr. President, with due respect to the Senator from Cumberland, Senator Merrill, I disagree with the Senator that a Committee of Conference would be a significant value. I think the only thing it would accomplish is they would be in total disagreement as other Committees of Conference have proved in the past. I think this had a very, very significant public hearing. I think it serves a vital purpose to have this law in the State of Maine on the books. There are many people involved as proponents of this particular measure, and I think they prove beyond a shadow of a doubt, and I think we were talking in the vicinity of 37 states that already have this particular law. I remember in our discussion yesterday that I had mentioned that we were looking at it also from the viewpoint of a fuel conservation measure, but I was rapidly shot down on that particular matter by the good Senator from Cumberland, Senator Hewes.

But I think the intent and purpose of that time, insofar as fuel conservation was to keep an even flow of traffic, taking the amount of cars that would be tied up at red lights. The AAA and the Maine Highway Safety Committee, and I believe members from the Maine State Police, and other people from Washington who made an appearance before the Committee, convinced the majority of the Committee beyond a shadow of a doubt that this was a good, sound, logical, safe piece of legislation.

The only dissenting opponent to the Bill was a lady from Portland, who was concerned, I believe at the time, with the handicapped people in the area, and I believe this has been resolved with one of the Committee Amendments.

Insofar as pursuing this particular matter in a Committee of Conference, I really think it is an effort in futility at the present time, and I sincerely hope that the Senate defeats the Motion that we change our position on this particular matter and allow a Committee of Conference.

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

Mr. SPEERS: Mr. President, I certainly agree with the comments of the good Senator from Androscoggin, Senator Minkowsky, and I would strongly urge the Senate to vote against the Motion to reconsider.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Merrill, that the

Senate reconsider its action whereby it voted to adhere.

The Chair will order a Division on the reconsideration Motion.

Will all those Senators in favor of reconsideration, please rise in their places to be counted.

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

5 Senators having voted in the affirmative, and 25 Senators in the negative, the Motion to reconsider does not prevail.

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

Mr. HUBER: Mr. President, is the Senate in possession of Bill, "An Act to Provide that the Position on the Primary Election Ballot and on the General Election Ballot of the Names of Candidates for Major Offices shall be Determined by Lot. (H. P. 479) (L. D. 594)

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

Mr. HUBER: Mr. President, I would move the Senate reconsider its action whereby the Senate adhered in its previous action on this Bill.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves the Senate reconsider its action whereby it voted to adhere.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate, I oppose that Motion and request a Division.

Yesterday the Senate had a particularly splendid day and it took some very, very strong positions. I am very, very pleased that in the previous item the Senate up-held its strong position by a vigorous voice and I hope you do it in this regard in opposing the Motion to reconsider this action.

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

Mr. HUBER: Mr. President, my intent in asking the Senate to reconsider this matter is simply try to get this to a Committee of Conference, as was the attempt on the previous Bill. I think this Bill does have some merit. It does have some inherent fairness in it. I would hope the Senate would reconsider.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion of the Senator from Cumberland, Senator Huber, that the Senate reconsider its action whereby it adhered.

A Division has been requested.

Will all those Senators in favor of the Motion to reconsider, please rise in their places to be counted.

Will all those Senators opposing the Motion to reconsider, please rise in their places to be counted.

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

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

Bills and Resolution received from the House requiring reference to Committee were acted upon in concurrence, with the following exception:

Bill, An Act to Abolish the Mental Health and Mental Retardation Improvement Fund. (H. P. 1470) (L. D. 1727)

Comes from the House referred to the Committee on Health and Institutional Services and Ordered Printed.

On Motion of Mrs. Snowe of Androscoggin, referred to Committee on Appropriations and

ordered Printed in non-concurrence.
Sent down for concurrence.

Enactor

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

Emergency

An Act to Extend the School Budget Adoption Date until June 15th. (H. P. 1456) (L. D. 1718)

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

Papers From the House

Enactor

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

Emergency

An Act to Amend Certain Provisions of the Laws Relating to Nonprofit Hospital or Medical Service Organizations in Order to Facilitate the Creation of Jobs for Maine People. (H. P. 1413) (L. D. 1525)

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

Mr. HEWES: Mr. President and Members of the Senate, I would ask for a brief explanation. As I read this Bill, this relates to services being performed for the United States by the State of Maine Government, and I see it makes reference to Blue Cross and Blue Shield, and possibly a hundred industrial jobs representing some 350 people. Would an explanation be explained as to why this is an emergency matter that is going into effect January 1, 1978.

Thank you.

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

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Members of the Senate, in a public hearing in Business Legislation on this Bill just a couple of days ago, the Federal Government is entertaining contracts on May 1st, which is this Sunday, for any firm who wishes to administrate the Medicare Program in the State of Maine. They are entertaining contracts at this time on a different basis than they have in the past. In the past they have entertained them on an actual cost reimbursement basis. They are now requesting contracts to be bid on a fixed cost basis.

Blue Shield and Blue Cross is interested in bidding on this particular contract, but they are prevented by their Charter from making a profit. It is entirely possible when they bid at fixed cost that it could return a profit.

So this Bill is to enable them to bid on this contract. Any profit that they might make would be turned into surplus for the benefit of the subscribers.

As far as the additional jobs that it refers to in the Bill, it is estimated around 100 jobs are necessary to perform this service to the State of Maine. This service has been provided by the Union Mutual Life Insurance Company. They apparently have a very good phase-out program so that they will not be releasing everybody on an automatic basis. There should be a net gain of jobs here. Perhaps many who have this job now will be transferring to do so if Blue Cross happens to be successful.

The Business Legislation Committee unanimously voted this Ought to Pass.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is enactment of L. D. 1525.

This being an emergency measure, and having received the affirmative vote of 27 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.

Joint Order

An Expression of Legislative Sentiment recognizing that: David Cunningham of Freeport will be honored on April 30, 1977 by that community for his many years of service and dedication. (H. P. 1503)

Comes from the House, Read and Passed.
Which was Read and Passed in concurrence.

On Motion of Mr. Huber of Cumberland,
Adjourned to May 2, 1977 at 11:00 in the morning.