

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

Thursday, May 19, 1977

Senate called to Order by the President.
Prayer by Ivan E. Forsythe, Department
Chaplain for the American Legion.
Reading of the Journal of yesterday.

(Off Record Remarks)

Papers from the House
Non-concurrent Matter

Bill, An Act Relating to the Law Governing
the Manufacturers, Distributors and Dealers of
Beverage Containers. (S. P. 213) (L. D. 662)

In the Senate May 10, 1977 Passed to be
Engrossed as amended by Committee Amend-
ment "A" (S-125).

Comes from the House, Passed to be Engrossed
as amended by Committee Amendment
"A" as amended by House Amendment "A"
thereto (H-343), in non-concurrence.

On Motion of Mr. Hichens of York, Tabled
until later in Today's Session.

Pending consideration.

(See Action later today.)

Non-concurrent Matter

Bill, An Act Concerning State Retirement
Benefits for Police Officers and Firefighters.
(Emergency) (H. P. 505) (L. D. 624)

In the House May 13, 1977 Minority Report
Read and Accepted and the Bill Passed to be
Engrossed as amended by Committee Amend-
ment "A" (H-309).

In the Senate May 16, 1977 Bill and Papers
Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having In-
sisted.

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

Mr. COLLINS: Mr. President, I move that
the Senate adhere.

The PRESIDENT: The Senator from Knox,
Senator Collins, now moves the Senate Adhere.

The Chair recognizes the Senator from York,
Senator Farley.

Mr. FARLEY: Mr. President, I move that we
recede and concur with the House.

The PRESIDENT: The Senator from York,
Senator Farley, now moves that the Senate
recede and concur with the House.

The Chair recognizes the Senator from Knox,
Senator Collins.

Mr. COLLINS: Mr. President, I request a
Roll Call. This matter was debated in the
Senate and on Motion of the Senator from Ox-
ford, Senator O'Leary, we indefinitely post-
poned this Bill in our previous action. I think it
is important to stay with that position if we are not
to breach a big hole in the retirement system.

I recognize that the firefighters and police of-
ficers have an important role in our cities and
towns, but we have provided them with ample
time in which to bargain out in their bargaining
contract sessions compensation provisions
which will redress any losses that they may
have suffered because of this uniformity
measure that we introduced into the retirement
system.

I think it is important that all of us with
cities that have contracts with our firefighters
and policemen take a look at what it would
mean down the road if we are to breach this
position and permit this escalating program to
go on. I requested some figures concerning the
City of Portland. I found that the City of
Portland is now paying in 20.54 percent on its
police payroll and 19.87 percent on its fire
payroll, and there is prospect of it going higher.

This deferred compensation idea is
something that can be better worked out at the
local level. If we try to do it by changing the
State Retirement System, we are going to be in
trouble all over the State. Not only with Police
and Firemen, but with every group who will be

coming back to us year after year to get the
favored treatment that is being asked for by
this group.

It was interesting to me to note that at the
present time the average retirement benefit of
Portland firefighters and police is \$630.66 per
month. When you consider that the average
salary of firefighters on a current basis is
\$160.00 a week, you can see that the retirement
system has really become for them a deferred
compensation system. They have every right to
go to the bargaining table and change the struc-
ture of that compensation so that they get more
currently and less later on. But to take the po-
sition that the entire retirement system must be
adjusted to fit this particular program of one
particular group is to ignore the needs of the
rest of the State. I urge you to vote against the
Motion to recede and concur.

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

Mr. PIERCE: Mr. President, I wonder if
some Member of the Committee on Veterans and
Retirement might explain a little more detail
the financial implications of this Bill. Maybe I
should be, but I am not really clear on the exact
cost to the State, or if there is a cost or when it
would accrue. I wonder if there could be a little
further explanation of that.

The PRESIDENT: The Senator from Ken-
nebec, Senator Pierce, has posed a question
through the Chair.

The Chair recognizes the Senator from Knox,
Senator Collins.

Mr. COLLINS: Mr. President, when it comes
to the Police and Firemen, these arrangements
are made by contracts between the
municipality and the State Retirement System.
It is the taxpayers of the municipality that are
going to have to pay the bill.

The problem is that this would introduce a
special group privilege that would ignore the
three year average system that we built in last
time. As soon as one group has a special
privilege so that they can build their retirement
about their salary, either on the last day they
work, which might mean at a higher grade that
they had worked only one day, or on the last
year that they had worked, as soon as we do
that we will have a hundred bills in here to have
every other group that feels they are special
asking the same thing. And little by little the
gates will open. This had been happening to the
retirement system for years, until two years
ago we took a firm stand and reformed it. If we
want to knock that reform in the head, then this
is the way to do it — to start giving one par-
ticular group a special treatment. I am saying
this particular item may only affect the tax-
payers of the city that is involved at the mo-
ment, but down the line it will affect the whole
State of Maine.

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

Mr. FARLEY: Mr. President and Members
of the Senate, I do not want to totally disagree
with everything the Senator from Knox, Senator
Collins, said here this morning. However, I did
make it a point the other day when we were
debating this issue, and I am sure the point I
made does not pertain to 95 percent of the
retirees, people under the retirement system of
the State of Maine. The point is this. The
average life expectancy of a fireman is 58 years
old. Now many or most of the contracts
between the city and the firemen in different
cities and towns in the State can retire after 20
years. But at the age 62 is when they collect
their retirement. Now the point I am trying to
make is this — what benefits are we giving
them at 62 years of age when, in fact, the life
expectancy of that fireman is 58 years of age. I
would think that the benefits in their case would
have to be a little bit greater than the normal
state of retirees.

The PRESIDENT: The Chair recognizes the

Senator from York, Senator Lovell.

Mr. LOVELL: In answer to the good Senator
from York, Senator Farley, Mr. President and
Ladies and Gentlemen of the Senate, as the
good Senator Collins has stated, this could well,
in the future, deplete or put at a disadvantage
our retirement state funds.

Now I have a son-in-law who is a Captain on
the Bangor Fire Department and was retired in
20 years. I will agree that possibly firemen and
policemen may not have as long a time to live,
but their pay should be governed and is
governed now mostly by Unions or organized
set-ups in the various cities and towns so that
they are getting extra pay. In other words,
while they are working, they are getting extra
pay. So they are getting a higher pay. And after
they retire, they are going to get 50% pay plus
2% per year. To me that seems fair. We already
have two or three more Bills in — one Bill we
heard yesterday in regards to fire wardens, and
firemen go out and fight fires all over the State.
I can not see how we can jeopardize the fund by
passing such a Bill as this.

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

Mr. FARLEY: Mr. President and Members
of the Senate. Within the last two years there
was a national magazine that printed an article
that I received the statistic of the 58 years of
age of firemen. Now, it has not been until the
last 10 or 12 years that firemen and policemen
in Maine have been paid a half decent salary.
Take for example, 20 years ago in the City of
Biddeford a policeman received \$41.00 or \$42.00
a week. Firemen, \$58.00 or \$59.00 a week. That
was for four days a week — 24 hours a day. At
that same time, in the last 10 or 15 years, and
this is the reason for the change in the life ex-
pectancy of a fireman, and policemen also I
might add, 15 years ago, how many cities and
towns had the ambulance service that they have
now? The article goes on to say that that in
itself, a fireman picking up a mangled body,
sometimes a relative of that family, has an
adverse effect on him that does play a roll in his
life expectancy.

Now these are the things that make these two
departments different from everybody else in
the retirement system, with one exception and
there was an exception that has been in our
retirement system for years, and I believe still
is, and those are people who work in mental
hospitals here in the State of Maine at Bangor
and throughout the State of Maine. We have
always made these people exceptions because
of their line of work. Now these people are ask-
ing for the same thing, make an exception of
their case here. And I think they have good,
good grounds for this.

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

Mr. COLLINS: Mr. President, I do admire
the great heart of the Senator from York,
Senator Farley, but I again point out that we
have to take a responsible look at what this does
to taxpayers, not only in our great cities but all
over the State in years to come. One thing that
the Senator from York did not point out is, that
virtually every firefighter and policeman that I
have ever heard of, once they retire from
government service, take another job, and
become covered by the Social Security system
at least, and sometimes also by a private pen-
sion in a company. So that some of these
firefighters and policemen end up as double dip-
pers or triple dippers, as we call them, because
they have retirement income when they finally
reach retirement age of 62 or 65 from three dif-
ferent sources.

I think we need to keep in mind that these par-
ticular occupations are younger men's work,
because of the very nature of the work, but just
because a man has reached an age of 38 or 40 or
45 or 50, does not mean he is washed up for life.
He is able to go out in most cases and find a job

less strenuous, but paying him a living wage and to build up a second retirement source, and maybe a third retirement source. I feel that we do not have to take a position of extra reward for these people. I think that they should be adequately paid. I think the hazard they work under should be recognized in current pay. But to put in this blooming retirement system as people live longer and longer, is a very costly way to approach this problem.

The PRESIDENT: Is the Senate ready for the question?

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

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

The pending question before the Senate is the Motion by the Senator from York, Senator Farley, that the Senate recede and concur with the House.

A ye a vote will be in favor of receding and concurring. A nay vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

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

ABSENT — Mangan.

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

The Senate voted to adhere.

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

Mr. COLLINS: Mr. President, having voted with the majority, I move for reconsideration, and I hope you vote against me.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate reconsider its action whereby it voted to adhere on this issue.

A viva voce vote being had,

The Motion to reconsider does not prevail.

(Off Record Remarks)

Non-concurrent Matter

Bill, An Act to Require Fire Detection Systems in All New Residential Construction. (H. P. 1086) (L. D. 1310)

In the House May 16, 1977 Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-318).

In the Senate May 17, 1977 Minority Ought Not to Pass Report Read and Accepted in non-concurrence.

Comes from the House, that Body having Insisted.

On Motion of Mr. Conley of Cumberland, Tabled for Two Legislative Days, Pending consideration.

Non-concurrent Matter

Bill, An Act to Prohibit the Assessment of Extra Charges Based on the Number of Occupants Living in a Mobile Home. (H. P. 1318) (L. D. 1549)

In the House May 13, 1977 Minority Report Read and Accepted, and the Bill Passed to be Engrossed.

In the Senate May 17, 1977 Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

On Motion of Mr. Hewes of Cumberland, The Senate voted to adhere.

(See action later today.)

Non-concurrent Matter

Bill, An Act Providing for Student and Faculty Members of the Board of Trustees of the University of Maine. (H. P. 1114) (L. D. 1332)

In the House May 12, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-279) as amended by House Amendment "A" thereto (H-299).

In the Senate May 17, 1977 Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Mr. KATZ: Mr. President, I move that the Senate adhere.

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

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I move the Senate recede and concur and I ask for a Roll Call.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that the Senate recede and concur and requests a Roll Call. 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 present in favor of a Roll Call, please rise in their places to be counted.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, this matter has been debated completely the other day. I hope that the Members of the Senate would vote against the Motion to recede and concur, and thus maintain the position we took so forcefully the last time around.

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

Mr. CURTIS: Mr. President, as I recall the situation, there were some rather close votes in this matter. In the issue as it is now posed before the Senate, it is one of whether or not the Board of Trustees of the University of Maine should have the same type of Consumer Representation that exists on other boards and commissions that are established under State Law. And the issue, indeed, is a very specific one as to whether or not there should be a student member of the Board of Trustees.

I hope that we will maintain the posture that we have taken in previous years, that we ought to expand the membership on boards and organizations that have a great deal of authority over the use of State appropriated tax dollars and include a consumer member.

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

Mr. CONLEY: Mr. President and Members of the Senate, I, too, would echo the sentiments of the good Senator from Penobscot, Senator Curtis. It seems to me that we had a bill the other day dealing with attorneys that would have made almost a full consumer board, with one or two attorneys serving on that board. I voted against that Bill because the Chairman of the Judiciary Committee said that the Maine Bar Association had set up or established a board with consumer representation. — I believe two members of the public and three attorneys. I see no reason in the world why the Board of Trustees should not now be allowed to have consumer representation as this present Bill requires.

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

Mr. KATZ: Mr. President. I just love the sound of the words "Consumer Representation." The Senate will recall I mentioned the other day that I considered special interest representation, and there is a very, very real difference in perspective, depending upon what title do you use.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Curtis, that the Senate recede and concur with the House.

A ye a vote will be in favor of receding and concurring. A nay vote will be opposed.

The Secretary will call the Roll.

ROLL CALL

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

NAY — Chapman, Collins, D.; Collins, S.; Danton, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Lovell, McNally, Morrell, Pierce, Snowe, Speers, Trozky, Wyman.

ABSENT — Mangan.

13 Senators hving voted in the affirmative, and 18 Senators in the Negative, with 1 Senator being absent, the Motion to recede and concur does not prevail.

The Senate voted to adhere.

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

Mr. KATZ: Mr. President, I move reconsideration.

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

A viva voce vote being had,

The Motion to reconsider does not prevail.

Reconsidered Matter

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

Mr. HEWES: Mr. President, with reference to Bill "An Act to Prohibit the Assessment of Extra Charges Based on the Number of Occupants Living in a Mobile Home", (H. P. 1318) (L. D. 1549), which we acted on a few moments ago, having voted on the prevailing side, I would move for reconsideration, and I hope you vote against my Motion.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves the Senate reconsider its action whereby it voted to adhere on LD 1549.

A viva voce vote being had,

The Motion to reconsider does not prevail.

Non-concurrent Matter

Bill, An Act to Increase and Clarify Borrowing Capacity of the Topsham Sewer District. (Emergency) (H. P. 837) (L. D. 1025)

In the Senate May 13, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-291), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto (H-360), in non-concurrence.

The Senate voted to recede and concur.

Joint Orders

An Expression of Legislative Sentiment recognizing that: Alexander Economos, who has taught music for 25 years, has spent 21 years of dedicated service as music director in the community of Kennebunk, (H. P. 1569)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence. (See action later today.)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation be directed to review the tax structure on spirits and wines in this State and to report out a bill to

this legislative session repealing any tax advantage to the manufacturer or bottlers of this State. (H. P. 1573)

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

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

Mr. PIERCE: Mr. President and Members of the Senate. I am most sorry to see this item on the calendar this morning. I think it is perhaps the most reactionary, irrational, irresponsible Joint Order I have ever seen since I have served in this Legislature, I would suggest that if we choose to pass, that we might want to add on an Amendment issuing some indictments and convictions of certain officials and representatives of the liquor industry here within the State of Maine.

I do not think this is the way our system works. We have a due process under the law, an orderly and proper manner in which to go about things. I see this as a very thinly disguised, retaliatory measure, something which has no place before us here in the Legislature. You will notice the Joint Order does not even say study the matter, it says automatically repeal it.

I would submit that this Senate is not a Kangaroo Court. I am very proud to be a Member of the Maine State Senate, and to give credibility to recent allegations by implication, innuendo to proposals of this caliber is wrong.

I would move for the indefinite postponement of this Joint Order, and I would hope I would have the support of every single Member of this Body in so doing. This is not a matter of party. This is a matter of principle. I feel that the principles which we live by here in this Body are far higher than those which are represented in this unmeritorious measure.

The Senate voted to indefinitely postpone in non-concurrence.

(See Action later today.)

Reconsidered Matter

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

Mr. DANTON: Mr. President, I move the Senate reconsider its action whereby it passed Joint Order "An Expression of Legislative Sentiment recognizing that: Alexander Economos, who has taught music for 25 years, has spent 21 years of dedicated service as music director in the community of Kennebec" (H. P. 1569).

The PRESIDENT: The Senator from York, Senator Danton, now moves the Senate reconsider its action whereby it Passed Joint Order (H. P. 1569). Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate, as I read this order I see where it has the community of Kennebec, and the community here started as Kennebunk, and the reason I am concerned about this is not so much for Alexander Economos, but I am sure that my sister would be very upset with having the wrong community.

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

Mr. PIERCE: Mr. President, I wonder if the Secretary could check the original of the Joint Order to see whether or not that is a typographical error on the calendar.

The SECRETARY: There is a typographical error on the calendar.

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

Mr. HEWES: Mr. President and Members of the House, having gone to Thornton Academy with the gentleman in question, Mr. Economos, he was one of those outstanding Greeks from the great community there in Saco and we are proud that one of them has achieved some fame when we get a Joint Order like this. I certainly

wholeheartedly concur, except that I would have had Saco included in the Joint Order as well as Kennebunk. I think that all of York County has benefited from his services.

Which Joint order was Passed, in concurrence.

Reconsidered Matter

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

Mr. PIERCE: Mr. President, in regard to H. P. 1573, I move reconsideration and ask the Senate to vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate reconsider its action whereby it indefinitely postponed H. P. 1573.

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

**Communication
House of Representatives**

May 18, 1977

Honorable May M. Ross
Secretary of the Senate
108th Legislature
Augusta, Maine

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Clarify the Powers of the Department of Inland Fisheries and Wildlife" (H. P. 354) (L. D. 447)

Mr. Greenlaw of Stonington
Mr. Pearson of Old Town
Mr. Churchill of Orland

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Remove the Manufacturer's Excise Tax on Tires from the Sales Tax" (H. P. 339) (L. D. 430)

Mr. Carey of Waterville
Mrs. Martin of Brunswick
Mr. Mackel of Wells

The Speaker also appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Pertaining to License Fees for the Regulation of Certain Amusements" (H. P. 577) (L. D. 701)

Mr. Joyce of Portland
Mr. Burns of Anson
Mr. Moody of Richmond

Respectfully,
(Signed) EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Senate Papers

Mr. McNally of Hancock presented, Bill, An Act to Amend Certain Provisions of the Employment Security Law. (S. P. 504)

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

Sent down for concurrence.

Orders

Expressions of Legislative Sentiment recognizing that:

Maxwell Freeman, the son of Mr. and Mrs. William Freeman of Madison, Maine, a Junior at St. Joseph's College received the Xaverian award on May 3, 1977, for his outstanding academic excellence and service to the college, (S. P. 502).

Presented by Senator Redmond of Somerset.

Denise Bradley of Farmington, Maine, a member of the International Moot Court Team of the University of Maine School of Law was awarded First Place for her Memorial Brief at the Nationals of the Phillip C. Jessup International Moot Court Competition held in 1977 at San Francisco, California, (S. P. 503).

Presented by Senator Redmond of Somerset, Cosponsor: Morton of Farmington.

Which were Read and Passed.
Sent down for concurrence.

**Committee Reports
House**

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

Bill, An Act Concerning Information Required on Voter Registration Cards. (H. P. 1351) (L. D. 1624)

Bill, An Act to Provide that Certain Minors Purchasing Alcoholic Beverages shall be Tried in District Court. (H. P. 1205) (L. D. 1433)

Change of Reference

The Committee on Labor on, Bill, An Act to Provide for Continued Employment after Age 65. (H. P. 330) (L. D. 421)

Reported that the same be referred to the Committee on Human Resources.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Human Resources.

Which Report was Read and Accepted in concurrence, and the Bill referred to the Committee on Human Resources, in concurrence.

Leave to Withdraw

The Committee on Business Legislation on, Bill, An Act to Prohibit Insurance Discrimination Against Operators of Boarding Care Facilities. (H. P. 117) (L. D. 131)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Election Laws on, Bill, An Act to Insure Enforcement of the Penalty for Failing to File Election Reports. (H. P. 482) (L. D. 597)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, An Act Providing that an Heir's Claim to Real Property Shall, in Certain Cases, Lapse After 50 Years from the Time his Claim Arose. (H. P. 1037) (L. D. 1267)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, An Act to Clarify the Disclaimer of Transfers by Will, Intestacy or Appointment Act. (H. P. 433) (L. D. 540)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, An Act Relating to the Penalty for Liquor Violations for Persons under 18 Years of Age. (H. P. 196) (L. D. 239)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, An Act to Clarify Actual Notice Under the Recording Laws in Regard to Exceptions and Reservations. (H. P. 1119) (L. D. 1337)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, An Act Relating to Scope of Educational Bargaining. (H. P. 1120) (L. D. 1338)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, An Act Relating to Eligibility Conditions under the Workmen's Compensation Laws. (H. P. 1041) (L. D. 1282)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, An Act Concerning Payment of Unemployment Compensation for Musicians. (H. P. 1372) (L. D. 1577)

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 Concerning the Advertising of Proposed Marine Resource Regulations. (H. P. 831) (L. D. 1004)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, An Act to Establish the Contract Review Board to Oversee the Bureau of Purchases. (H. P. 1389) (L. D. 1604)

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 Election Laws on, Bill, An Act to Amend the Law Creating the Commission on Governmental Ethics and Election Practices. (H. P. 621) (L. D. 762)

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 Local and County Government on, Bill, An Act Concerning County Contingent Funds and Rate of Interest Which May be Charged for Delinquent County Taxes. (H. P. 877) (L. D. 1102)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-337)

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

Which Report was Read.

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

Mr. MINKOWSKY: Mr. President, I would like to pose a question through the Chair to any Member of the County Government Committee who can possibly answer. Does this particular Bill at the present time mean that a County which assesses taxes on a town or municipality now can charge interest if the town or municipality has any question about paying county taxes?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate. Yes, we passed a Bill early in the Session which authorized that. This Bill here was one that came in behind, and the thought of the Committee was that the possibility of maybe with the advice and consent of the County Delegation, so that if there was a ques-

tion or an error in the taxes, that the County Delegation would be consulted, the Legislative Delegation, in the determination of whether to assess the municipalities fines for delinquent taxes. As this Bill read originally in January, the Bill we passed, set it back to November 1st.

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

Mr. MINKOWSKY: I can correctly assume, Mr. President, from the explanation from the good Senator from Cumberland, Senator Jackson, that the existing law does allow the Counties to charge a penalty to municipalities on unpaid taxes.

Mr. President, I have some reservations about this, simply because counties only can assess taxes and do not go through the process of taxing the general public to maintain their particular status. I wish somebody would table this Bill for at least One Legislative day.

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

Mr. JACKSON: Mr. President, and Members of the Senate, if the good Senator from Androscoggin will look at Committee Amendment Section II of the Bill, L. D. 1102, has been struck completely. There is law already on the books which authorizes the Counties to assess the Municipalities for delinquent taxes. This Bill here, with the Committee Amendment, all it says is that Section I is amended, that with the advice and consent of the Legislative Delegation they may tax the Municipalities.

On Motion of Mr. Levine of Kennebec, Tabled for One Legislative Day, Pending acceptance of Committee report.

The Committee on Public Utilities on, Bill, An Act to Amend the Charter of the Augusta Sanitary District. (Emergency) (H. P. 718) (L. D. 840)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-339).

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.

The Committee on Public Utilities on, Bill, An Act to Regulate the Placing by Nonutilities of Electric Utility Facilities within Public Ways. (H. P. 719) (L. D. 854).

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-340).

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

Which Report was Read.

On Motion of Mr. Carpenter of Aroostook, Tabled for One Legislative Day, Pending acceptance of the Committee Report.

Divided Report

The Majority of the Committee on Election Laws, on Bill, An Act Relating to Absentee Voting. (H. P. 978) (L. D. 1203)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec
DANTON of York
TROTZKY of Penobscot

Representatives:

BOUDREAU of Waterville
RAYMOND of Lewiston
DURGIN of Kittery
MITCHELL of Vassalboro
TALBOT of Portland
McMAHON of Kennebunk
BOUDREAU of Portland
BUSTIN of Augusta

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

Signed:

Representatives:

TRUMAN of Biddeford
BIRT of E. Millinocket

Comes from the House, Bill and Papers, Indefinitely Postponed.

Which Reports were Read.

Majority Ought Not to Pass Report accepted.

Divided Report

The Majority of the Committee on Election Laws on, Bill, An Act Relating to Instruction Posting under the Election Laws. (H. P. 454) (L. D. 559)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec
DANTON of York
TROTZKY of Penobscot

Representatives:

DURGIN of Kittery
BOUDREAU of Waterville
MITCHELL of Vassalboro
BUSTIN of Augusta
BIRT of E. Millinocket
McMAHON of Kennebunk
TRUMAN of Biddeford
TALBOT of Portland
RAYMOND of Lewiston

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

Signed:

Representative:

BOUDREAU of Portland

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-341).

Which Reports were Read.

On Motion of Mr. Katz of Kennebec, Minority Ought to Pass Report accepted in concurrence.

The Bill Read Once. House Amendment "A" Read and Adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Senate

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

Bill, An Act Requiring the Provision of Certain Information to Marriage Applicants by Municipal Officials. (S. P. 236) (L. D. 731)

Bill, An Act to Make Housing Advocacy Services a Priority Area in the Priority Social Services Program and to Appropriate Funds to Fund this new Priority Area. (S. P. 409) (L. D. 1417)

Ought to Pass

Mrs. Snowe for the Committee on Health and Institutional Services on, Bill, An Act to Repeal the Definition of Insane Person Contained in Title 1 of the Maine Revised Statutes. (S. P. 357) (L. D. 1182)

Reported that the same Ought to Pass.

Mrs. Snowe for the Committee on Health and Institutional Services on, Bill, An Act Concerning the Podiatrics Practice Act. (S. P. 425) (L. D. 1483)

Reported that the same Ought to Pass.

Mrs. Snowe for the Committee on Health and Institutional Services on, Bill, An Act Concerning the Power of Podiatrists. (S. P. 280) (L. D. 893)

Reported that the same Ought to Pass.

Which Reports were Read and Accepted and the Bills Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on, Bill, An Act Prohibiting State Legislators from Serving as Lobbyists within 4 Years of their Retirement from Office. (S. P. 246) (L. D. 755)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Aroostook
SNOWE of Androscoggin

Representatives:

CHURCHILL of Orland
BACHRACH of Brunswick
STUBBS of Hallowell
KANY of Waterville
CURRAN of S. Portland
VALENTINE of York

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-150).

Signed:

Senator:

MARTIN of Aroostook

Representatives:

MASTERTON of Cape Elizabeth
DIAMOND of Windham
LOCKE of Sebec
SILSBY of Ellsworth

Which Reports were Read.

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

Mr. COLLINS: Mr. President, I move the Senate accept the Majority Ought Not to Pass Report, and would speak to my Motion.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate, this is a very simple straight forward Bill that would prohibit State Legislators from becoming lobbyists for a period of four years, and would grandfather the present Legislation.

If you think that the Bill is overly restrictive, as the Majority of the Committee did, you would vote with us on the Motion to accept the Majority Ought Not to Pass Report. Those of us in this particular position, of course, feel that there is no particular need for this type of restriction, so I hope that you will accept the Majority Ought Not to Pass Report.

On Motion of Mr. Conley of Cumberland, Tabled until Monday next, Pending the Motion of the Senator from Aroostook, Senator Collins, that the Senate accept the Majority Ought Not to Pass Report.

Second Readers

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

House

Bill, An Act Relating to Recoupment Procedures under the Maine Medical and Hospital Malpractice Joint Underwriting Association Act. (H. P. 514) (L. D. 632)

Bill, An Act to Establish Procedures for Promulgation of Regulations Governing Travel Expense Reimbursement. (H. P. 656) (L. D. 799)

Bill, An Act Converting Hammond Plantation into the Town of Hammond. (H. P. 1088) (L. D. 1312)

Bill, An Act Relating to Expenditures of the Town Road Improvement Fund. (H. P. 1132) (L. D. 1350)

Bill, An Act to Require a Cost-Benefit Evaluation of Government Regulation. (H. P. 1565) (L. D. 1779)

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

House — As Amended

Bill, An Act Relating to Use of Motor Vehicles in Racing Events. (H. P. 206) (L. D. 265)

Bill, An Act Relating to the Motor Vehicle Excise Tax. (H. P. 243) (L. D. 316)

Bill, An Act to Permit Carpools Under the Public Utilities Law. (H. P. 247) (L. D. 319)

Bill, An Act to Create the Voluntary Fish Products Inspection Program. (H. P. 995) (L. D. 1184)

Bill, An Act Concerning Sound Media Near Voting Places on Election Day. (H. P. 981) (L. D. 1187)

Bill, An Act to Amend and Repeal Certain Laws Relating to Agriculture. (H. P. 1065) (L. D. 1292)

Bill, An Act to Define the Term Intersection. (H. P. 1220) (L. D. 1447)

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

Senate

Bill, An Act to Amend the Requirement for Public Notice of Public Proceedings under the Right to Know Law. (S. P. 426) (L. D. 1484)

Which was Read a Second Time and Passed To Be Engrossed.
Sent down for concurrence.

Senate — As Amended

Bill, An Act Relating to Conduct of Examinations. (S. P. 97) (L. D. 226)

Which was Read a Second Time and Passed To Be Engrossed, As Amended.
Sent down for concurrence.

Enactors

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

An Act Concerning the Disposition of Human Remains. (H. P. 1543) (L. D. 1771)

An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly. (H. P. 68) (L. D. 98)

An Act to Amend and Repeal Certain Laws Relating to Public Utilities. (H. P. 1091) (L. D. 1315)

An Act Concerning Damage to Cars Involved in Collision with Deer. (H. P. 692) (L. D. 874)

An Act Relating to a Single State Contact Agency for Matters Dealing with the Federal Fire Prevention and Control Act of 1974. (H. P. 949) (L. D. 1143)

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

An Act in Support of Regional Library Systems. (S. P. 462) (L. D. 1585)

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

Emergency

An Act Appropriating Funds for Current Services of the Maine Human Services Council for the Fiscal Years Ending June 30, 1978 and June 30, 1979. (H. P. 564) (L. D. 689)

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

Emergency

An Act to Allocate Money from the Federal Revenue Sharing Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979. (S. P. 106) (L. D. 235)

This being an emergency measure and having received the affirmative votes of 26 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.

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution to Repeal Provisions Relating to the Poll Tax and to Payment in Lieu of Military Duty. (S. P. 387) (L. D. 1300)

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

Mr. KATZ: Mr. President, this is the first experience the Senate has had dealing with legislation pertaining to Quakers and Shakers and I just want to call it to the attention of the Senate.

Apparently the good Senator from Cumberland, Senator Merrill, is going to make it unconstitutional to buy your way out of military service. And before this is enacted, I think I would like a broad explanation from the Senator as to exactly what his motives were in this respect.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, when the previous speaker first arose I thought it might be possibly to put this one on the Appropriations Table.

This Bill removes two obsolete sections from our Constitution, one pertaining to the poll tax, which of course we no longer use for obvious reasons, and finally an archaic provision that is left in the State Constitution which allowed people to make payment in lieu of serving State Militia. Of course, that has not been done for some period of time, nor would we want it to be done I think, in the future if we had something we called the State Militia. So this Amendment simply takes out those obsolete sections of the Constitution.

This being a Constitutional Amendment and having received the affirmative votes of 29 members of the Senate, was Finally Passed and having been signed by the President, was by the Secretary presented to the Secretary of State.

Orders of The Day

The President laid before the Senate: Bill, "An Act to Exempt the Literacy Volunteers of the Pine Tree State from the Sales Tax." (H. P. 537) (L. D. 652)

Tabled — May 17, 1977 by Senator Huber of Cumberland

Pending — Enactment

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

The President laid before the Senate:

Veto

Bill, "An Act Relating to Representation of State Employees under the State Employees Labor Relations Act." (S. P. 149) (L. D. 391).

Tabled — May 18, 1977 by Senator Speers of Kennebec

Pending — Consideration

The PRESIDENT: The Pending Question before the Senate is Shall this Bill become a law not withstanding 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. Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, I would just point out one small fact before we vote on this Bill.

This Bill would give State Employees something that we as a Legislature in the 107th gave to the University of Maine State

employees, employees that work for the University System.

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

Mr. TROTZKY: Mr. President and Members of the Senate, I have done a lot of thinking about this Bill, and originally I thought that if you mandate that the Union do the negotiating for all the members of a bargaining unit, that all members should pay part of the cost of that bargaining. However, in thinking about this Bill more and more, I feel that the rights and freedoms of individual members of our Society are more important than mandating that they pay this negotiating Union.

I feel that the Union itself can say to the employees within that bargaining unit that they ought to voluntarily make some contribution because any benefits that the negotiating team gets will benefit all members of the bargaining unit.

I decided to sustain the veto of the Governor in that I believe that the freedom and rights of State Employees are more important than the right or the intention of this Bill. I would urge all the members of my party to sustain the veto of the Governor.

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

Mr. PRAY: Mr. President and Members of the Senate, I do not consider this a party issue of either party. I would like to encourage members of both parties to over-ride the veto.

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

Mr. REDMOND: Mr. President, L. D. 391 with the Committee Amendment, would make a Union security clause that is mandatory dues, a negotiable item between Union and Public employees.

If no agreement is reached it would allow an arbitrator, outside party, to impose upon the public employee the obligation to pay dues to a Union which he does not want to join. Finally, if such a Union security clause was adopted or imposed, a public employee could be fired for not paying these dues. It does away with freedom of choice. It uses taxpayers money, not only to pay wages, which is obviously the case now, but also would lead to a situation where it would be required of a public employee to use taxpayer money, a portion of his wages, to support an organization which the employee has voluntarily chosen not to join. It forces us to spend more of the taxpayers money. This is not a private sector Union. We are talking about public money in the form of wages, wages paid to our employees. Therefore, I urge you to sustain the Governors veto.

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

Mr. MANGAN: Mr. President, it has always been my impression that the Federal government and most other governments do encourage the majority vote of most of the employees in most of the private industries in this country. I recall back a couple years ago when they were having problems with the grape and lettuce growers out in the West, that Uncle Sam was most involved to find out if the majority wanted to participate in the Union. If the majority did, then everybody did.

I question, seriously, what the State Employees would have if it were not for the Unions today, and I wonder if maybe if the veto is sustained probably we should throw in a Bill next year to give to those State employees who do not want to become members, those benefits that they would have received had the Union not been in existence and then for those employees who are members of the Union give them exactly the benefits that they would have received as a result of the Union. I am sure that we will probably see the State employees who are not Union members getting the \$2.50 per hour which is the minimum wage.

I would suggest that the Members of the Senate seriously consider over-riding the Governor's veto on this matter, and I feel that the Governor again tends to be overly conservative and not actually as considerate of the State Employees as he should be.

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

Mr. CONLEY: Mr. President and Members of the Senate, the good Senator from Penobscot, Senator Trotzky, has once again pricked my conscience to bring me to my feet to try to arouse the conscience of the Members of this Senate.

I would only state that I as a public employee, who belongs to a Union, a card carrying Union member, and I am sure that most of you have never seen one of those cards, but if I fail to pay my dues, I too am fired. But I belong to a Union because I know what the benefits of the Union are. Now, I just ask you if it is not a question of fairness within the Union and within the State Employee. Those who choose to belong receive the benefits from what are derived from the negotiations or the work brought upon by those individuals representing the Union. Now should somebody else who does not belong to the Union also accept the gifts that have been worked so diligently and so hard for by the agents representing the Union? I think it is a sense of fair play. I believe we should over-ride the veto, and if people are going to collect those awards that have been brought about by the diligent work of the agents representing Unions then I think they should also compensate for the salary.

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

Mr. MERRILL: Mr. President and Members of the Senate, we have debated this issue several times before, and I pointed out to the Senate the last time we debated this issue that no one who was standing up and speaking against this was making a clear and distinct reason why State Employees should be treated differently. Today we have heard it again, the arguments of Senator Trotzky and the others who have spoken against this Bill and have spoken in favor of sustaining the veto, all are general arguments in favor of right to work. I think that the Senate should know that all the working people of the State see this clearly as a right to work vote.

I would hope that the majority party would not follow the urgings of Senator Trotzky and go on record as a right to work reactionary legislature.

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

Mr. TROTZKY: Mr. President and Members of the Senate, I believe firmly that a person has the right to work, without being forced to join a Union. I also believe that this Bill is one of party philosophy, and that individual rights and freedoms are more important than Union power. And I would like to read directly from the Governor's message to the Senate, to the Legislature, and he states and I quote from his message yesterday:

"I cannot approve of legislation which would require that State employees or any other public employees must pay a fee to an organization for the privilege of working for their own Government".

The issue here is allowing the State Employees Union to negotiate to make it mandatory that every employee in that bargaining unit pay a fee to work for the State of Maine. That is what the issue is here. I say that if the Unions handle the situation in a decent manner, they can get many of their employees to voluntarily contribute, to realize that the benefits that the Unions are negotiating in that bargaining unit when they get pay increases, it accrues to all members of that bargaining unit. If I were a member, if I chose not to join the Union, I

might voluntarily pay a contribution to support that bargaining unit. But I feel it is not right for State Government or for Government to mandate that employees pay that which might be almost equivalent to Union dues.

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

Mr. SPEERS: Mr. President, I can appreciate the comments of the good Senator from Penobscot, Senator Trotzky, in stating his philosophy with regards to this matter, and in stating what he believes to be a matter of a party philosophy. I would remind this Body, however, that the good Senator is not speaking as the Majority Leader of this Body. I would also remind this Body that this is not particularly a party issue.

It is a matter that has been debated many times before. It is a matter which is stated very clearly before this Body, and I am sure that the Senators of this Body have their minds rather well made up with regards to this particular issue.

I personally happen to feel that if an individual is gaining the benefits for which a contract has been bargained and signed that he should also have a hand in paying an agency fee with regard to the bargaining of that contract. I am going to vote to over-ride this veto. That is the position that I have taken on this Bill consistently, and I do not see it as a party issue, and I would hope that this would not be stated as such.

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

Mr. MERRILL: Mr. President and Members of the Senate, I am glad the Majority Leader speak as he did, and I was sorry to hear the Senator from Penobscot, Senator Trotzky, describe this as a matter of broad party policy. I am glad that that is cleared up.

When I was in Bangor several weeks ago I heard the same Senator from Penobscot tell a group of State Employees that he favored this legislation, voluntarily made that revelation. And then, of course, he has voted for it here on a continual basis.

I might suggest that somebody in this Senate urge them to table this for One Legislative Day, and maybe the Senator from Penobscot will change his mind.

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

Mr. CONLEY: Mr. President and Members of the Senate, I took the liberty during the debate to walk over to the good Senator from Penobscot, Senator Trotzky, and show him what a Union card looked like, and his response was not too favorable, because he whipped out of his wallet an Exxon Credit Card. I have always related him to oil companies, but I know he does stand out as keeping the waters of this State clean and free from oil, but it does strike me as sort of odd that he would not have a Union card in his pocket rather than an Exxon Credit Card.

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

Mr. FARLEY: Mr. President and Members of the Senate, Very, very briefly. I am sorry the issue of partisanship was brought up by the Senator from Penobscot, Senator Trotzky.

I would just like to trace back a few years, my three terms in this Maine Legislature, my first terms here I served on the Committee of Labor. At that time there 10 Democrats down here and 23 Republicans. I think if you look in the book in regards to workmen's comp, minimum wage, we probably have the best labor laws in the country. Now they were not put on the books by one party, but by both parties. And they have always been very, very broad minded in this Body, both parties, to accept the plans of the working man and women in the State of Maine.

I hope we can continue that today and I am

sorry again, that the issue of partisanship was brought up. As for my part, my experience here, I have found very, very little of that.

Thank you very much.

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

Mr. MANGAN: Mr. President, I was sitting here during this debate thinking a very interesting analogy that we can bring across at this time. The statement that I recall began with the term "We the people of the United States, in order to establish a more perfect Union..."

Even the founding Fathers back in 1776 found it important to join with one another for purposes of strength and for purposes of common defense, for purposes of assisting one another in any number of factors.

If the issue comes in here as to rights to work, we really have to come back to the initial purposes of the Union of this Country, and that established in 1776, and we have been basically working this Nation as a team for over 200 years. This is basically what the people who are working for the government in the State of Maine are asking.

Now if we in this Senate claim that we are not paying for the benefits achieved through the Union of this Nation, then we are deluding ourselves, because every year on or about the 15th of April I certainly have to contribute to that Union cause.

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

Mr. CURTIS: Mr. President, since this is becoming a matter in which we are discussing party philosophy, I thought it would be helpful to do something that I very seldom do, and that is refer to the Republican Party Platform, the last one that was adopted by the party to which I belong, and the specific statement that refers to this matter says under Labor, No. 1, The Republican Party recognizes the rights of workers to organize and bargain collectively, and it seems to me that within that broad framework and party direction, I feel very comfortable in voting to over-ride this veto.

I, too, was at that meeting that was described earlier in Bangor, at which the Maine State Employees Association invited the local folks who represent the Penobscot County area to speak to them. I was pleased and honored that the Senator from Cumberland had managed to find his way North. I was a little surprised that he was addressing that particular gathering, but I found it interesting, and I guess I spent so much time listening to what it was that he had to say that I really do not remember the remarks being made by the Senator from Penobscot, Senator Trotzky, which were attributed to him.

Thank you.

The PRESIDENT: Is the Senate ready for the question?

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.

ROLL CALL

YEA — Carpenter, Chapman, Conley, Cummings, Curtis, Danton, Farley, Jackson, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pierce, Pray, Speers, Usher.

NAY — Collins, D.; Collins, S.; Greeley, Hewes, Hichens, Huber, Katz, Lovell, McNally, Morrell, Redmond, Snowe, Trotzky, Wyman, Sewall.

18 Senators having voted in the affirmative, and 15 Senators in the negative, and 18 being less than two-thirds of the Membership present, the Veto of the Governor is Sustained.

The President laid before the Senate:

Bill, "An Act Exempting Farm Machinery from the Personal Property Tax." (H. P. 393) (L. D. 482)

Tabled — May 18, 1977 by Senator Jackson of Cumberland

Pending — Motion of Senator Conley of Cumberland to reconsider Passage to be Engrossed.

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

Mr. CONLEY, Mr. President, I ask leave to withdraw my Motion to reconsider.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now asks leave of the Senate to withdraw his Motion to reconsider. Is it the pleasure of the Senate to grant this leave? It is a vote.

The President laid before the Senate: Bill, "An Act to Establish a Presidential Primary in the State of Maine." (H. P. 187) (L. D. 249)

Tabled — May 18, 1977 by Senator Huber of Cumberland

Pending — Enactment

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

The President laid before the Senate: Bill, "An Act Relating to the Spending Ceiling for Education Purposes." (Emergency) (H. P. 968) (L. D. 1165)

Tabled — May 18, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

Bill passed to be Engrossed as amended, in concurrence.

(See Action later today)

The President laid before the Senate: House Reports — from the Committee on Labor — Bill, "An Act Concerning the Payment of Workmen's Compensation Pending an Appeal to the Supreme Judicial Court." (H. P. 281) (L. D. 375) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-269); Minority Report — Ought Not to Pass.

Tabled — May 18, 1977 by Senator Conley of Cumberland

Pending — Motion of Senator McNally of Hancock to accept the Minority Report.

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

The President laid before the Senate:

Bill, "An Act to Clarify Vocational Education Reimbursement in Vocational Centers and Vocational Regions." (Emergency) (H. P. 98) (L. D. 122)

Tabled — May 18, 1977 by Senator Katz of Kennebec

Pending — Passage to be Engrossed

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

Mr. KATZ: Mr. President, I now offer Senate Amendment "A" to L. D. 122 (S-151), and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now offers Senate Amendment "A" (S-151) and moves its adoption. The Secretary will read Senate Amendment "A"

Senate Amendment "A" (S-151) Read

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

Mr. KATZ: Mr. President and Members of the Senate, this Amendment is addressed to a flaw in the Bill, which gave the vocational Centers no way of recapturing actual costs from those satellite communities that send their youngsters to the Regional Vocational Centers.

You will recall that the Bill as it came down to us from the other Body made a change in the funding effective the second year of the biennium, and in the process we did not give for the first year the Vocational Centers any mechanism where they could bill or recover from the sending school. This is the import of this Amendment.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A".

The Chair recognizes the Senator from

Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, just one small comment. I have always heard that a P.S. was the strongest part in a letter, and in the Statement of Fact everything is very clear and it comes out absolutely right, and then there is one little sentence at the end: "This Amendment also reorganizes existing law" — a rather harsh statement.

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

Mr. KATZ: Mr. President, two years ago and based upon what we thought was fine advice, we changed the definition of Vocational Education. Previously it was the total cost of vocational education, and last year we changed it to the additional cost of Vocational Education. The result of our action last Session was a disaster to the Vocational Centers, and the sending schools were sent dollars to help run the program, but they did not run the program, the Vocational Center did. We are now reorganizing. I would not have said that this Amendment does it, but the Bill does. The Bill redefines Vocational Education to stop the penalty which has accrued to the very innocent Vocational Centers.

Because this Bill is not effective until the second year of the biennium, we had to establish some way of giving some relief to the Centers the first year, and I am confident that this very clear and concise statement, I hope, will be satisfactory.

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

Sent down for Concurrence.

The President laid before the Senate: RESOLVE: Designating Weskeag Marsh at Thomaston as the "R. Waldo Tyler Wilderness Area." (H. P. 1533) (L. D. 1765)

Tabled — May 18, 1977 by Senator Speers of Kennebec

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 Relating to the Law Governing the Manufacturers, Distributors and Dealers of Beverage Containers" (S. P. 213) (L. D. 662), which was tabled earlier in today's Session by the Senator from York, Senator Hichens, pending consideration.

On Motion of Mr. Hichens of York, Retabled until Monday next.

Reconsidered Matter

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

Mr. COLLINS: Mr. President, with regard to Bill "An Act Relating to the Spending Ceiling for Education Purposes" (H. P. 968) (L. D. 1165), which we passed a few moments ago, I would move reconsideration and I would like to speak to my Motion.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President, yesterday we received from our good Education Committee Chairman a digest of the arguments on both sides of this issue. I studied those arguments until late last night, and I guess my mind was not clear enough at that hour to entirely comprehend them.

This morning I got on the phone to a couple of superintendents, and I found that they, too, did not fully understand the implications of the Amendment that was placed on this ceiling Bill in the other Body.

I think it is important that we understand what happens here. Perhaps I am the only one who does not fully understand it, but I have a feeling that there may be others, and I hope this matter might be tabled for a Day to explore it further.

On Motion of Mr. Huber of Cumberland,

Tabled for Two Legislative Days. Pending the Motion of the Senator from Knox, Senator Collins, that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland,
Adjourned until 1:00 tomorrow afternoon.