

# MAINE STATE LEGISLATURE

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



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

**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

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

KJ PRINTING  
AUGUSTA, MAINE

**SENATE**

Monday, May 23, 1977

Senate called to Order by the President.

Prayer by the Honorable Robert M. Farley of Biddeford.

Mr. FARLEY: O Lord, pour your spirit out upon this session of our legislature, and most especially upon this body. Help our senators to deliberate the issues before them unaroused by clamorous voices, unswayed by private interests, and unmoved by political pressures.

At the close of the day bless each and every one with a sense of a job well done in the service of all the people of the State of Maine.

Amen

(Off Record Remarks)

Reading of the Journal of yesterday.

**Papers from the House  
Non-Concurrent Matter**

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)

In the Senate May 18, 1977 Minority Ought to Pass Report Read and Accepted, and the Bill Passed to be Engrossed.

Comes from the House, Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

On Motion of Mrs. Cummings of Penobscot, the Senate voted to insist and ask for a Committee of Conference.

**Non-concurrent Matter**

Bill, An Act to Require Towns without Secondary Schools to Provide Transportation to Secondary Schools. (H. P. 1025) (L. D. 1273)

In the Senate May 17, 1977 Bill and Papers Indefinitely Postponed.

Comes from the House, Passed to be engrossed as amended by Committee Amendment "A" (H-275) as amended by House Amendment "A" thereto (H-384) and House Amendment "A" (H-295), in non-concurrence.

On Motion of Mr. Katz of Kennebec, the Senate voted to insist and ask for a Committee of Conference.

(Off Record Remarks)

**Non-concurrent Matter**

Joint Order, (H. P. 1573) Relative to Joint Standing Committee on Taxation, reviewing the tax structure on spirits and wines and reporting out a Bill on same.

In the House May 18, 1977 Read and Passed.

In the Senate May 19, 1977 Indefinitely Postponed, 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 York, Senator Lovell.

Mr. LOVELL: Mr. President, I move that we adhere, and I would speak briefly to the Motion.

The PRESIDENT: The Senator has the floor.

Mr. LOVELL: Mr. President and Members of the Senate, I do not think this is the point in time in the 108th Legislature that this Joint Order should be put before us. There is plenty of time in the next Session, or other Sessions, but definitely as Chairman of the Liquor Control Committee, and we have only one liquor manufacturing concern in Maine, and I do not think that we should bring this up at this time.

I did not sign the Bill the way they wanted it signed either, but I certainly hope that you will adhere.

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

Mr. CONLEY: Mr. President, I move the Senate insist and join in a Committee of Conference.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate insist and join in a Committee of Conference with the House.

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, I would request a Division on this Motion.

The PRESIDENT: A Division has been requested.

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

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

5 Senators having voted in the affirmative, and 21 Senators in the negative, the Motion to insist and join in a Committee of Conference does not prevail.

The Senate voted to adhere.

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

Mr. PIERCE: Mr. President, I would ask for reconsideration, and I hope you vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves the Senate reconsider its action whereby it voted to adhere on H. P. 1573.

A viva voce vote being had,

The Motion to reconsider does not prevail.

**Joint Order**

An Expression of Legislative Sentiment recognizing that:

Leonard Woodcock retired May 18th, 1977, as President of the United Auto Workers, after a career of service to the American worker spanning more than 3 decades (H. P. 1579)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

**Communications**

Department of State

May 19, 1977

Honorable May M. Ross  
Secretary of the Senate  
108th Legislature  
Augusta, Maine 04333  
Dear Mrs. Ross:

I herewith submit a copy of the third supplement to the list of lobbyists and employers of lobbyists registered with this office under the provisions of 3 MRSA c. 15. This supplement includes the names of persons who registered between March 31, 1977 and May 1, 1977.

Respectfully,

(Signed) MARKHAM L. GARTLEY

Which was Read and with Accompanying Papers, Ordered Placed on File.

**Senate Paper**

Mr. Collins of Aroostook presented, Bill, An Act Relating to Legislative Review of Conflicts of Interest in Appointments Subject to Confirmation. (S. P. 509)

Which was referred to the Committee on State Government and Ordered Printed.

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 to Prohibit Gill Netting in Spruce Creek, York County. (H. P. 647) (L. D. 791)

RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Election of Executive Officials. (H. P. 1286) (L. D. 1519)

**Leave to Withdraw**

The Committee on Judiciary on, Bill, An Act

to Amend Various Provisions of the Anti-Trust Laws. (H. P. 934) (L. D. 1131)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Natural Resources on, Bill, An Act to Prohibit the Importation of Nuclear Waste into the State of Maine. (H. P. 915) (L. D. 1111)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, An Act Providing for Transfer of Railway Safety Regulation to the Department of Transportation. (H. P. 497) (L. D. 616)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, An Act to Create the Kennebec Utilities District. (H. P. 532) (L. D. 681)

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-As Amended**

The Committee on Business Legislation on, Bill, An Act to Provide Limited Immunity to aid in Arson Investigation. (H. P. 959) (L. D. 1151)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-356).

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

The Committee on Liquor Control on, Bill, An Act to Repeal Certain Laws Relating to Alcoholic Beverages. (H. P. 1206) (L. D. 1434)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-364).

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

The Committee on Marine Resources on, Bill, An Act Concerning Wharf and Piers under the Submerged Lands Law. (H. P. 1320) (L. D. 1550)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-367).

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

The Committee on Taxation on, Bill, An Act to Amend the Law Relating to Gas Tax Reimbursement. (H. P. 1219) (L. D. 1446)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-362).

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

Which Reports were Read and Accepted in concurrence, and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

The Committee on Education on, Bill, An Act to Facilitate Out-of-State Post-Graduate Education in Certain Professions. (H. P. 408) (L. D. 502)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-159).

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-381).

Which Report was Read.

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

The Committee on Transportation on, Bill, An Act Relating to Application Fees for Official Inspection Stations. (H. P. 136) (L. D. 169)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-332).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto (H-370).

Which Report was Read and Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "B" to Committee Amendment "A" was Read and Adopted in concurrence. Committee Amendment "A" as amended by House Amendment "B" thereto was Adopted in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Election Laws on, Bill, An Act to Provide that Voter Registration Forms Include a Warning Concerning Knowingly Supplying False Information. (H. P. 747) (L. D. 952)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-352).

Signed:

Senator:

DANTON of York

Representatives:

- McMAHON of Kennebec
- BOUDREAU of Portland
- BIRT of E. Millinocket
- RAYMOND of Lewiston
- MITCHELL of Vassalboro
- TALBOT of Portland
- DURGIN of Kittery

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

Signed:

Senators:

- KATZ of Kennebec
- TROTZKY of Penobscot

Representatives:

- TRUMAN of Biddeford
- BOUDREAU of Waterville
- BUSTIN of Augusta

Comes from the House, the Majority Report Read and Accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read.

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

Mr. KATZ: Mr. President, I move the acceptance of the Minority Ought Not to Pass Report.

All this Bill does is put on the voter registration card a statement indicating the penalties that will accrue to the person if he makes a false statement on the card. I did not feel that this was an extraordinarily important Bill. Consequently, I voted Ought Not to Pass.

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

Mr. DANTON: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Accept the Minority Ought Not to Pass Report, please rise in their places to be counted.

Will all those Senators opposing the Motion to accept the Minority Ought Not to Pass Report, please rise in their places to be counted.

14 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to accept the Minority Ought Not to Pass Report does prevail.

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on Taxation on, Bill, An Act to Provide for Exemption of Farm Supplies from the Sales Tax. (H. P. 538) (L. D. 653)

Reported that the same Ought Not to Pass.

Signed:

Senators:

- JACKSON of Cumberland
- MARTIN of Aroostook

Representatives:

- COX of Brewer
- CARTER of Bangor
- CHONKO of Topsham
- TEAGUE of Fairfield
- IMMONEN of West Paris
- CAREY of Waterville
- TWITCHELL of Norway

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

Signed:

Senator:

- WYMAN of Washington

Representatives:

- MAXWELL of Jay
- MACKEL of Wells
- POST of Owl's Head

Comes from the House, the Minority Report Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-382).

Which Reports were Read.

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

Sent down for concurrence.

**Senate**

**Ought to Pass**

Mr. Jackson for the Committee on Local and County Government on, RESOLVE, to Extend Certain Debts Owed by Counties to the State of Maine. (S. P. 315) (L. D. 1035)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Resolve Read Once, and Tomorrow Assigned for Second Reading.

**Ought to Pass-As Amended**

Mr. Collins for the Committee on State Government on, Bill, An Act to Implement a "Product of Maine" Designation. (S. P. 446) (L. D. 1551)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-153).

Mr. Lovell for the Committee on Human Resources on, Bill, An Act to Clarify Sex Discrimination in the Maine Human Rights Act. (S. P. 260) (L. D. 821)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-154).

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, Tomorrow Assigned for Second Reading.

**Ought to Pass in New Draft**

Mr. O'LEARY for the Committee on Natural Resources on, Bill, An Act to Revise the Water Quality Program. (S. P. 265) (L. D. 881)

Reported that the same Ought to Pass in New Draft under same title. (S. P. 508) (L. D. 1793)

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

**Divided Report**

The Majority of the Committee on Transportation on, Bill, An Act to Establish a Sign on Interstate 95 Announcing Peaks-Kenny State Park. (S. P. 302) (L. D. 928)

Reported that the same Ought Not to Pass.

Signed:

Senators:

- GREELEY of Waldo
- McNALLY of Hancock

Representatives:

- CARROLL of Limerick
- JACQUES of Lewiston
- BROWN of Mexico
- JENSEN of Portland
- ELIAS of Madison
- HUTCHINGS of Lincolnville
- LITTLEFIELD of Hermon
- McKEAN of Limestone
- LUNT of Presque Isle

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

Signed:

Senator:

- MINKOWSKY of Androscoggin

Representative:

- STROUT of Corinth

Which Reports were Read.

Majority Ought Not to Pass Report accepted.

Sent down for concurrence.

**Second Readers**

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

**House**

Bill, An Act Relating to Workmen's Compensation for State Law Enforcement and Institutional Personnel. (H. P. 874) (L. D. 1067)

Bill, An Act to Repeal Certain Laws Relating to Corporations. (H. P. 1066) (L. D. 1293)

Bill, An Act to Authorize Educational Rehabilitation under the Workmen's Compensation Statutes. (H. P. 1188) (L. D. 1424)

Bill, An Act to Clarify the Confidentiality Provisions of the Maine Housing Authorities Act. (H. P. 1570) (L. D. 1784)

Bill, An Act to Improve Prosecution Services. (H. P. 1571) (L. D. 1785)

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

Bill, An Act to Encourage Energy Conservation by Means of Reform of Utility Rate Designs. (H. P. 1553) (L. D. 1774)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cummings, with reference to L. D. 1774.

Mrs. CUMMINGS: Mr. President, I offer Senate Amendment "A" (S-152), and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now offers Senate Amendment "A" (S-152) and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-152) Read.

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

Mr. CONLEY: Mr. President, I wonder if the good Senator from Penobscot, Senator Cummings, could maybe explain what the Amendment does.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair of the Senator from Penobscot, who may answer if she wishes.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, as the Statement of Fact says, and it is as clear as I can put it, that this Amendment makes two changes in the Bill, — the first is that before the Public Utilities Commission adopts or orders a change in electric utility tariff, it is required to hold a hearing. It also provides that in making changes in the tariff, it must assure the revenue requirements of the utility in order to avoid unnecessary rate cases resulting from any temporary or experimental tariffs.

Senate Amendment "A" (S-152) adopted.

On Motion of Mr. Speers of Kennebec,

Tabled pending passage to be engrossed.

**House - As Amended**

Bill, An Act to Authorize the University of Maine to Execute a Charitable Gift Annuity with a Donor. (H. P. 63) (L. D. 88)

RESOLVE, Authorizing the Department of Mental Health and Corrections to Convey by Sale the Interest of the State in Certain Lands and Buildings of the Maine Correctional Center at Skowhegan. (H. P. 150) (L. D. 180)

Bill, An Act Relating to Abandoned Safety Deposit Boxes. (H. P. 184) (L. D. 246)

RESOLVE, Authorizing the Treasurer of State to Release Funds. (H. P. 296) (L. D. 353)

Bill, An Act Relating to Time Limitation on Providing Written Reasons for Termination of Employment. (H. P. 1085) (L. D. 1309)

Bill, An Act to Increase the Tax on Fire Insurance Premiums to Aid in Arson Investigation by the State Fire Marshal's Office. (H. P. 961) (L. D. 1153)

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

Bill, An Act to Award Transitional Allowances to Permanent Full-Time and Limited Period Full-Time Unclassified Employees. (Emergency) (H. P. 309) (L. D. 400)

RESOLVE, to Appropriate Moneys for Research on Black Fly Biology and Continued Research on an Environmentally Safe Insecticidal Control for Black Flies. (Emergency) (H. P. 291) (L. D. 348)

Which were Read a Second Time and Passed to Be Engrossed, As amended, in concurrence.

Bill, An Act to Provide that Humane Shelters Selling or Giving Dogs away must Notify the Town Clerk of the Sale or Gift. (H. P. 561) (L. D. 678)

Which was Read a Second Time.

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

Mr. PRAY: Mr. President and Members of the Senate, the other day I asked a question about this Bill when it came through for the First Reading and I got no answer. So I will ask the question again today.

As I read the Amendment, it states that any licensed veterinarian or humane service or shelter selling or giving away dogs have to notify the town clerk within five days from the time which the animal is given away. The other day my question was, if we really needed this Legislation, and what was the dire need for it, that would tie up the Committee process and now here in the Senate Chamber.

I just, in all good conscience cannot see where there is a need for it. If anybody could explain the necessity of it, perhaps I could change my mind.

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

Mr. HICHENS: Mr. President, I was not here Friday to answer this question, but I will attempt to do so this morning. I do not think there is any dire need, but, on the other hand, I do not think it is going to confuse or fill up our books with unnecessary laws.

The Bill was heard in Committee, and it is felt that with so many dogs that are unregistered in our areas, that this would be one way to let the Town Clerks know of the dogs coming into the communities and in turn be able to have them assessed and taxed accordingly.

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

Mr. PRAY: Mr. President and Members of the Senate, perhaps another question through the chair, — what if the animals are given away to an individual that lives in a neighboring town or a town, you know, several miles away? What good is it going to do that they notify that Town Clerk in the municipality in which they are resi-

dents if the animals are being given away in those other communities?

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

Mr. HICHENS: Mr. President, this Bill does not have anything to do with individual gifts or sales. It is just the humane societies and the veterinarians.

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

Mr. PRAY: Mr. President, I move indefinite postponement of this Bill and all accompanying papers.

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

Mr. HICHENS: Mr. President, I ask for a Division.

The PRESIDENT: A Division has been requested.

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

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

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

The Bill passed to be Engrossed as amended in concurrence.

Bill, An Act to Prohibit the Use of Offensive Names for Geographic Features and Other Places Within the State of Maine. (H. P. 1418) (L. D. 1661)

Which was Read a Second Time.

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

Mr. PRAY: Mr. President and Members of the Senate, again I rise, questioning the need of such Legislation as that which is pending before us at this time. Being quite familiar with a large area of the State of Maine in the back country and the unorganized territories, I find many names on the maps which may be construed to be of questionable origin and offensive to certain individuals. When I read the Committee Amendment I know it becomes very narrow as to what it is going to accomplish. I would really question the need for this legislation also.

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

Mr. PIERCE: Mr. President and Members of the Senate, I think I would concur with the Senator from Penobscot, Senator Pray. This is a very bad precedent to set. While there is no particular problem with this Amendment, I think that for the future somebody else is going to feel a few other names are offensive, and then somebody else is going to say some more names are offensive, and where does it end? I think if we allow this Bill to pass today we would set that bad precedent.

I would now move for the indefinite postponement of this Bill.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I would strongly oppose the Motion of the good Senator from Kennebec, Senator Pierce.

This Bill, when it came out of Committee, we did have some problems, because it was rather broad and it might lead to the proposal to change the name of Squaw Mountain or Frenchmen's Bay or many other things. This Bill specifically deletes from our map and the name of topographical features the word "nigger" — the word that nobody wants to say, the word that is offensive to my ears as well as the ears of most people in this State who are black.

I do not think it is a dangerous precedent. I think if somebody came in here and said to this Legislature that Squaw Mountain is offensive, or Frenchmen's Bay is offensive, then that would be evaluated on its own merits and I

would be very surprised if, in its wisdom, the Legislature found these two particular names to be offensive. But, this word is offensive, there are people in the State, adults or children growing up in this State, who, if they happen to travel, and I can only remember the comments last year of a friend of mine on the debate on the moose Bill, when he was traveling around the State, in Baxter State Park and throughout the State of Maine, and this man happens to be black, and how does he feel when he wants to go fishing and the nearest fishing hole happens to be Nigger Brook. Is he going to take his wife and four black children down there and fish? I think this is very offensive.

The Federal Statutes or the Federal Rules and Regulations say that offensive names will no longer be used on maps and topographical features, but yet this is not being enforced. The Gentleman who sponsored this Bill has tried to have these Federal Rules and Regulations enforced, but to no effect. So, he figured it was time to go to the State level and let's strip this one particular word. I would just remind you that the Amendment says that this one particular word "nigger" will not be used in the State of Maine on maps or as the name of topographical features. I do not think it is precedent setting in any way, and I do not think it is too much to ask.

Thank you.

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

Mr. CONLEY: Mr. President and Members of the Senate, I commend the good Senator from Aroostook, Senator Carpenter, for his viewpoints as expressed.

You know the State of Maine, I think, back a few years ago took some real positive steps when it came to the field of discrimination; back when we passed an anti-discrimination law. In fact, the law that we passed within this Senate Chamber and in the House, went all the way to the United States Supreme Court because of the fact that it was challenged time and time again by so called "Animal Kingdom Lodges" that I refer to as the Elks, The Moose and so forth down the line, and it dealt with primarily with the race. And it was the preamble to each of these various organizations — in spite of all the good and all the charity that they have done over the years — their preamble sort of took away all the good that had been done and had been accomplished. Most of us here recognized and realized that those in this generation had very little to do with the initiation of that preamble dealing with those clubs. But the fact is that we passed a law here, saying that because of the fact, one race, or color, or creed that they could not be banned or barred from belonging or becoming members of these various organizations.

This piece of Legislation before us, as little and is irrelevant as it may appear to be, has a disgusting tone to a lot of citizens, not only in this State, but throughout this country. Even though we may just remove one little blur, one little blur is going to make a great deal of the people of this Country and certainly people within this State, and I know people within my community feel as though this Legislature has once again taken a very major step dealing with a very minor piece of legislation. I am surprised and a little bit ashamed this morning that a Bill such as this would be singled out because of some "boogie man" theory that we are going to raise a lot of problems with maps and everything else that we deal with.

Mr. President, I am so concerned about this Bill that when the vote is taken, I request that it be taken by the Yeas and Nays.

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

Mr. PRAY: Mr. President and Members of the Senate, I point out some of the arguments

here. I do not disagree with what they are saying.

The particular brook which is being talked about happens to be in my Senatorial District. I happen to run a small establishment which sells an awful lot of maps. They are all private maps made by a private company. There is a greater profit on those than there is on the topographical maps, so I handle most of those and, of course, this Bill would not relate to that, so the offensive use of this one particular name will still be prevalent in the State and on maps that are still being sold.

The good Senator from Aroostook, Senator Carpenter, talked about the Amendment on here kind of singles it down to a particular problem, and if the problem was greater than that, then we should let the individuals come in and put their Bills in each time that they find something that is offensive to them. I look at the original Legislative Document, and I find that it was all encompassing, anything that could be classified as offensive. I will just point out one fact in reference to Squaw Mountain which happens to be in my District also. You talk to any members of the Maine Tribes, and they will tell you the word "squaw" is very offensive to them. The committee had the opportunity to take care of that offense when the Bill was in Committee in its original form, but they reverted to one particular item and one particular interest in the legislation. I just feel that we are not going to really accomplish that much.

I do agree with the Senator from Cumberland, Senator Conley, on a lot of his remarks, and I do not want it to be interpreted that the fact I am standing up here today that I am any type of Archie Bunker or anything along those lines. I just question the need of such legislation whereas the little bit that it is going to accomplish on the State maps, which by the way, it is not on the State maps anyway. The brook is too small in reference to this Legislation. If you take out those map books, the ones the Department of Transportation puts out every couple of years, in the large form for the entire State, you will also find that it is not listed in there either.

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

Mr. KATZ: Mr. President, when this Bill first surfaced, I suspect you have forgotten the fact that I called it to the Senate's attention. I just rose and said "I just call a certain item to the attention of the Senate." At that time I felt that it was, with a great big groan, a very bad Bill, that it was so broad and did not really accomplish anything except create controversy.

But the sponsor and the Committee have, I think, put together a bill which does one thing, and it does it with such great effectiveness that I shall support it. It sends a signal. It sends a signal of understanding and of brotherhood to a group of people who are asking for that signal, and I think from that point of view it is a very significant piece of legislation, and I hope that the Senate overwhelmingly supports the legislation and votes against the Motion to indefinitely postpone.

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

Mrs. CUMMINGS: Mr. President, when this Bill was reported out, I signed out on the Ought Not to Pass, but the Amendment makes it absolutely, I think, a necessity.

I have been privileged enough to be a close friend with a black family, and know from experience that there is not any word in the English language that has such a strong gut reaction in a white man's breast as this word does in a black man's breast. It is so offensive to them that I really can not see any reason in the world for not passing this today.

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

Mr. CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, just briefly to give you what I find to be the two reasons why this Bill should be passed. First of all, there are six or seven, not one as the Senator from Penobscot, Senator Pray, mentioned, the one in his District, there are six or seven brooks, streams, and there is an Island that are either just the word "nigger" or in case of the island it is Nigger Head Island. This has already been worked out with the owner of the Island to change.

I would point out to you again that the only offensive name in terms of this Bill, is the name "nigger". The Senator from Penobscot, Senator Pray, says these words still can be used on non-state maps. But the Bill specifically says and I quote: "No place in the State shall have or be given an offensive name as defined by the Committee Amendment". So if this stream can no longer be called that, it is not going to take too many years until the new name starts to appear up on the non-state map. Because if you have a brook, lets say, that is now Nigger Brook, and you want to give directions to that brook and three years from now that has been renamed to Pray Brook, for example, you are not going to be giving directions to something that is no longer on the map.

I am a little bit appalled and a little bit disappointed this morning in some of the remarks and some of my colleagues that they would not want to have this specific name stricken from State features, and again I would say that I disagree very strongly with the Senator from Penobscot when he talks about the issue of Squaw Mountain. I have checked with several of my friends who happen to be Penobscot Indians and they do not find the word "Squaw" offensive. If they decide that this is offensive, they can come before this Legislative Body and let the Legislature make its determination. But do not be misled. We are talking about one word and one word only this morning.

Thank you.

The PRESIDENT: Is the Senate ready for the question?

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

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

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Speers, that L. D. 1661 and all its accompanying papers be indefinitely postponed.

A yes vote will be in favor of indefinite postponement. A nay vote will be opposed.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Pierce, Pray.

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

ABSENT — Jackson, Mangan.

2 Senators having voted in the affirmative, and 28 Senators in the negative, with 2 Senators being absent, the Motion to indefinitely postpone does not prevail.

The Bill, as amended, passed to be engrossed in concurrence.

#### Senate

Bill, An Act Concerning Insurance Coverage for Deaf, Mentally Retarded, Blind and Developmentally Disabled Persons. (S. P. 507) (L. D. 1792)

Which was Read a Second Time and Passed To Be Engrossed.

Sent down for concurrence.

#### Enactors

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

An Act Concerning Ritual Burial by Certain Religious Groups. (S. P. 325) (L. D. 1085)

An Act to Amend the Charter of the Ocean Park Association. (S. P. 443) (L. D. 1533)

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 to Exempt from the Sales Tax all Equipment and Supplies used to Diagnose or Treat Diabetes. (H. P. 1207) (L. D. 1435)

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, I just wanted to have this Bill in its one simple paragraph, explained a little more closely. I was concerned to be sure that the people who are diabetics in the State of Maine are the ones who will receive the benefits insofar as the sales tax exemption. The way the Engrossed Bill reads, it just says "diabetic supplies, all equipment and supplies, rather medical or otherwise, used in the diagnosis and treatment of diabetics". I just want to be sure that we are talking about the retail sale of this particular equipment, that the people who are diabetics will get the benefit of the Sales Tax Exemption. Also, does it mean that people who are suppliers of the diabetic equipment will also be tax exempt?

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

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, for a good many years the pharmacists have been given the right to charge no sales tax on all diabetic supplies, with exception of the test tapes used to test the urine with to see if it contains sugar, or not. Now the Pharmacy is also exempt from the Sales tax. We have once a year a State Sales Tax man come in, and in my particular case he stayed one solid week in my drug store and went over every single bill, my books and everything, and after that week he decides what your exemption should be. My exemption, being a large prescription pharmacy, was something like 83 percent of the business I did, I did not have to pay a sales tax on. So the drug store does not pay a sales tax on diabetic supplies, and neither does the diabetic. In many cases, many diabetics are very poor people, and they need this help. Many of them are on the Medicaid Program, but a few of them cannot get on.

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

Mr. MINKOWSKY: Mr. President, I thank the Senator for his explanation as my concern was relevant to his, about the poor people or the lower income people or others who are diabetics, unfortunately, that will benefit a great deal from this particular piece of Legislation.

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

Mr. HUBER: Mr. President and Members of the Senate, I would just like to explain why I am not recommending this tax exemption be placed on the Special Appropriations Table. This is simply repealing the existing language, the existing exemption for these supplies and clarifying the language in the existing law.

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

An Act to Establish Chester Greenwood Day. (H. P. 1189) (L. D. 1425)

The PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Curtis, with reference to L. D. 1425.

Mr. CURTIS: Mr. President, I have spoken before on this matter, and it seems to me that now we have had full opportunity to successfully milk the National News Media for all this particular piece of legislation might be worth, and we ought to stop it before actually gets put on the books and begins the long parade of other proposals for special days.

I move for indefinite postponement.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that L. D. 1425 be indefinitely postponed.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators 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 pending question before the Senate is the Motion by the Senator from Penobscot Senator Curtis that this Bill, L. D. 1425, be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I have spoken on several occasions on this issue, and I am also one, like the good Senator from Penobscot, Senator Curtis, who has been traditionally been against the putting of this type of law in the book.

However, we are, I think, a publicity hungry State, a State that our vacation industry, our tourist industry lives or dies on our image or our name, or the publicity we receive. The Senator from Penobscot, I think, Senator Curtis, gave you a reason why you should vote for enactment of this Bill. He said that we have milked the National News Media for all we can get. Perhaps we have. Given the kind of weather we are having in Maine right now, probably there is not a great demand for earmuffs.

However, if this Bill becomes law, on December the 21st each year, I would predict that once again the State of Maine will be back in the news as honoring one of its more inventive personalities from the past. I know the Senator from Penobscot, Senator Pray, has a long list of inventors who have received some measure of recognition nationally; however, I just ask you to keep in mind if and when that list is read, how many of these inventions are still current, how many of them are still used, how many of them are still in the form that they were originally invented, and I would hope that you would resoundingly give Chester Greenwood a vote of confidence this morning.

Thank you.

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

Mr. PRAY: Mr. President and Members of the Senate, with that high sign, I guess I am supposed to stand up and speak.

I do have a list of individuals from the State of Maine who have made a number of inventions, and I would just like to respond as to the good Senator from Aroostook, Senator Carpenter's question as to how many of them were still in their original form, and as I looked over them, I found that perhaps close to half of them still are. For example, the magazine rifle and the automatic rifle and a number of things. Maybe we ought to call the opening day of hunting season after these inventors in the State of Maine that have invented different types of firearms.

I, in all good conscience, cannot vote for this,

even on a Roll Call. I just think that as I look through the books on a number of other holidays on legislation that we had earlier in here, that those that are listed are very few.<sup>6</sup>

In reference to this day, the first day of winter, being called the Chester Greenwood Day, perhaps we ought to amend it to also include Don Sargent from Bangor who invented the snowplow. And definitely the first day of Winter would be a good time to recognize the man that invented the snowplow, or else half of us would not be down here in the winter.

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

Mr. MERRILL: Mr. President and Members of the Senate, this Body is, indeed, a hard Body to fathom. The charm of Chester Greenwood is a hard thing to put your finger on.

I cannot help but point out that Chester Greenwood has already gotten farther in the Legislative process than Mother's Day did. And that is, indeed, a tribute to Chester beyond all imagination, I think, all of us having the close affiliation that we have with our mothers, and feeling closer to that, I think, than earmuffs.

I do not know how the Senate is going to vote on this today, but I do think that we ought to consider before we vote where we are going to draw the line on this sort of Legislation, and how many such days we want to have in the statute books, because as endearing as Chester is and as important and crucial as the earmuffs have been to the progress of Maine. I think it might be hard to distinguish next year when another Chester Greenwood comes along.

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

Mr. LOVELL: Mr. President and Members of the Senate, I am going to agree with Senator Carpenter from Aroostook. It was a few years ago, back in 1960, in fact, I travelled Europe and Africa, 17 countries in Africa, for the United States Department of Foreign Commerce, lecturing and talking on tourism and industrial development. And on tourism, many of my suggestions to some countries in Africa was to pick out such things as different days, publicize them and build a memorial or monument to them. Then when the tourist comes around, he will see up in this area signs possibly on the road; Chester Greenwood Day, and they will say, "What kind of a day is that?" So then they might go up and see what is going on on Chester Greenwood Day. Or they might want to go up and see where the earmuffs were made, and if somebody is smart up in that area, they will probably start a factory, if there is not already one there. I do not know and they would be making earmuffs. And I guess they still are making earmuffs.

So, in my opinion, I want tourist business. It was \$400 million last year, and we want to keep increasing it all the time, and we want to get the people farther up state. We want to get them out of York County. There is too many down there at times. So if we could pass a Bill like this, we would get maybe a few more people up State and a few more dollars in the state of Maine.

I hope you will vote for the bill.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, I guess I am going to vote this morning for Chester for a different purpose altogether. Coming from a French community, and the heritage that it does possess, it came to my attention over the weekend that it is very, very possible Chester Greenwood was French, from French-Canadian extraction. I further made an inquiry about that and they said that, you remember we had a gentleman in the Senate a few years ago with me, named Boisvert. And the French interpretation of Boisvert is Greenwood. I want

to support Chester this morning in behalf of the constituents of my community who are ultimately French, and feel that Chester should have his day in the statutes of the Maine law.

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

Mr. CONLEY: Mr. President, I intend to support this Bill today, but it was my understanding that Chester was Polish.

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

Mr. FARLEY: Mr. President and Members of the Senate, very, very briefly, with that possibility of Greenwood being Boisvert, I would ask the Senator from Portland who may be thinking of doing something else politically, maybe reconsider his position as far as the City of Biddeford is concerned.

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 L. D. 1425 be indefinitely postponed.

A roll call has been ordered.

A yes vote will be in favor of indefinite postponement. A nay vote will be opposed.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Collins, D.; Cummings, Curtis, Danton, Greeley, Hichens, Katz, Levine, Martin, McNally, Merrill, O'Leary, Pray, Trotzky, Usher, Wyman.

NA Y — Carpenter, Chapman, Conley, Farley, Hewes, Huber, Lovell, Minkowsky, Morrell, Pierce, Redmond, Snowe, Speers.

ABSENT — Collins, S.; Jackson, Mangan.

16 Senators having voted in the affirmative, and 13 Senators in the negative, with 3 Senators being absent, the Motion to indefinitely postpone does prevail.

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

Mr. CURTIS: Mr. President, having voted on the prevailing side, I move reconsideration, and I hope the Senate votes against me.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves the Senate reconsider its action whereby it voted to indefinitely postpone LD 1425.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President, I move we table this for Two Legislative Days.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now moves that LD 1425 be tabled for Two Legislative Days.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested on the Tabling Motion.

Will all those Senators in favor of tabling this Bill for Two Legislative Days pending the Motion to reconsider, please rise in their places to be counted.

Will all those Senators opposed to tabling this Bill for Two Legislative Days pending the Motion to reconsider, please rise in their places to be counted.

11 Senators having voted in the affirmative, and 19 Senators in the negative, the Motion to Table does not prevail.

A viva voce being had,

The Motion to reconsider does not prevail.

#### Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1977. (H. P. 1531) (L. D. 1757)

This being an emergency measure 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 Governor for his approval.

**Orders of The Day**

The President laid before the Senate:

**HOUSE REPORTS** — from the Committee on Legal Affairs — Bill, "An Act to Require Fire Detection Systems in All New Residential Construction." (H. P. 1086) (L. D. 1310) **MAJORITY REPORT** — Ought to Pass as Amended by Committee Amendment "A" (H-318); **MINORITY REPORT** — OUGHT NOT TO PASS

Tabled — May 19, 1977 by Senator Conley of Cumberland

Pending — Consideration

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

Mr. **HEWES**: Mr. President, I move the acceptance of the Majority Ought to Pass Report.

The **PRESIDENT**: The Chair would advise the Senator that the Senate is not in concurrence with the House, and the Motion is out of order.

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

The President laid before the Senate:

**SENATE REPORTS** — from the Committee on STATE GOVERNMENT — Bill, "An Act Prohibiting State Legislators from Serving as Lobbyists within 4 Years of their Retirement from Office." (S. P. 246) (L. D. 755) **MAJORITY REPORT** — Ought Not to Pass; **MINORITY REPORT** — Ought to Pass as Amended by Committee Amendment "A" (S-150)

Tabled — May 19, 1977 by Senator Conley of Cumberland

Pending — Motion of Senator Collins of Aroostook to Accept Majority Report

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

Mr. **MARTIN**: Mr. President and Ladies and Gentlemen of the Senate, I request a Division, and I would just like to correct a statement made from the Senator from Aroostook, Senator Collins, last week. This Bill has been amended to read two years, not four.

The **PRESIDENT**: A Division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. **KATZ**: Mr. President, speaking against the Motion to accept the Ought Not to Pass Report, I would like to say that this is one of the more interesting Bills to come before the Legislature this Session, because it does not do with impropriety, but it deals with the appearance of impropriety.

People have an interesting view of the Legislature, colored by their own experience. To many people the Legislature is a Big Buddies Club, not really representative of the interest of all the people, but brought up here by the legislators who are politicians and the lobbyists who are their bosom buddies. There is substantial merit this morning for the Senate to just take a moment each to ask ourselves the implication of having popular Members of this Body who choose not to run for re-election or who are defeated, come back here in a new guise immediately, without any time for transition, without any time to give the public a feeling that it is not a big buddy organization at all. I think it is an important Bill.

I hope that you do not kill it at this time.

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

Mr. **LEVINE**: Mr. President and Members of the Senate: I think everyone in here knows full well my feelings on this piece of Legislation. I introduced the Legislation. I have worked very hard on this piece of Legislation. I think the good Senator from Kennebec, Senator Katz, for his very germanal remarks on this issue.

I would like the Senate to consider this. I feel that this piece of legislation is a piece of active

legislation, rather than reactive, and I'll explain that.

By active legislation, I mean that the Legislature has a chance now to act on an issue before a serious problem does arise. If at some point in the future a problem should arise, if only in the minds of the public, we will then be asked to react to a situation, and what might become a very dangerous situation. At that time we might have before this Body a Bill that to my mind is not fair and is not equitable. This document to my mind is very fair and it is very equitable. All it does is ask for equity among all of those who work out in the corridors here that they all start from the same point.

Something was mentioned in this Body a short while ago about peer pressure and invidious peer pressure and how invidious it can be and how terrible peer pressure can be. I think it behooves us all to remember that we are among the most powerful people in the State of Maine, and the public realizes that. It realizes it full well, and their conception of what goes on here quite often is incorrect. But because of that conception, we are quite often forced to react to a dangerous situation and pass legislation that is not fair and is not equitable.

Now this legislation, at my request, was grandfathered. I will explain that very briefly to you. It was my understanding that this Bill as originally presented, could not be retroactive. That is, that it could not be binding on those Members that are already serving here or who were already lobbying in the halls. I spoke with a gentleman from the Attorney General's office about that, and he told me that my understanding was wrong; that while that is a general rule of thumb in legislation, it does not hold true for State employees, as public employees that does not hold true. I requested that this be grandfathered, in order to be fair and be equitable for everyone.

It was suggested by Members of the Committee that perhaps four years was a little unreasonable and might be too long. Well, I do not hold fully with that argument and I do agree that two years would serve the purpose of the legislation. The purpose quite simply is to tell the public we are keeping our own house clean, we are working hard at that. We are going to continue to keep our house clean. We do not want any taint to be placed upon the legislature in the State of Maine.

Now, that brings me around to one small point. I have heard some discussion that it is unreasonable to assume that we as a Legislature can restrict anyone's employment in any way. Well, that just is not true. We do that quite often. As a matter of fact, in the last Session a Bill very near to this nature was passed dealing with the Executive State employees. I say to you now, "What is good for the goose, is good for the gander". It does not behoove us to tell other people you may not act a certain way in a certain situation but we may. We are very powerful. We have a chance today to pass a piece of legislation that I firmly believe is good legislation, and is legislation for the people of the State of Maine.

I ask that when the vote be taken, it be taken by the yeas and nays.

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

Mr. **CONLEY**: Mr. President and Members of the Senate, I have a great deal of respect for the good Senator from Aroostook, the Chairman of the State Government Committee, Senator Collins. I would be a little interested in a way as to why, what the reasons were for the Committee in this Majority Report.

I think both the Senator from Kennebec, Senator Katz, and the Senator from Kennebec, Senator Levine, have pointed out very good reasons as to why this Bill should pass. I think it would be a good Bill to pass for several reasons, and although this Bill before us deals primarily

with those of us serving in the legislature, I look back only a few years ago when those of our major political parties had the State Chairmen serving as lobbyists on the third floor. I think perhaps the most distasteful event that ever occurred during one of those Sessions was that both State Chairmen were registered lobbyists serving the same client to make sure that a particular measure allegedly was to take the count. Perhaps in the defense of the Legislature though, and its wisdom, perhaps this may be one reason for saying that there is no reason for this Bill, was that the legislature did an about face and passed the Bill anyway in spite of that fact. And that is to the credit of the Legislature.

But I think it does leave a sort of a good taste in ones mouth, it does leave a feeling of some fresh air flowing through the third floor, if just by some quirk or fate or events those of us who decide to make this a permanent resting place until our demise, and that is six feet under, or the fact is that we take a political demise in the sense of a defeat at the polls, and readily find ourselves looking for employment and thinking "Well, the quickest way to get employed now is to run back to the third floor and be hired out as the third branch of government" or whatever they refer to them as. So I do not think a two year leave of absence or two year sabbatical for any Member of the Legislature from participating in any type of legislative matters that come before this Body is a bad idea.

I would urge the Senate to vote against the pending Motion and to accept the Minority Report once the Majority Report is defeated.

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

Mr. **COLLINS**: Mr. President and Members of the Senate, I guess that those of us who start the Majority Report really did not feel that the members of this Body were so omnipotent as some people feel. I guess we looked at this piece of legislation as rather restrictive of our civil liberties. I guess that many of us do not feel that we would either want to or that we would be that powerful in coming back to lobby before this Body, and I guess that because of that reasoning, because we think it is an undue restriction, because we think it creates in fact a closed shop for this Legislature and for the people that are now here in lobbying capacity that we felt that we did not really need this piece of legislation.

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

Mr. **FARLEY**: Mr. President and members of the Senate, I do plan on supporting this legislation today. However, I think I would like to mention to the Senate this morning that six or eight weeks ago on NBC News on Sunday they had a special two-hour program with leading Senators in the U.S. Senate. They got to discussing congressional reform or election reform and there was a comment made by the good Senator from Texas, Senator Tower, one who I do not philosophically support, and see eye to eye with on many occasions. However, he did make a point that I thought was very, very germane to what we are discussing this morning. The question was asked of him would he support many of the Bills before Congress on election and congressional reform. He stated those that were problems with Congress he would support. However, those pieces of legislation before Congress as the public perceives us to be, he shall not support. I think we ought to take that into consideration. Let all of us examine our own conscience on issues like this. Let's not react as to the way the public perceives it to be, but as it really is. And I think if we follow those guidelines, I really do not believe this piece of legislation will get very far.

Thank you very much.

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



Mr. TROTZKY: Mr. President and Members of the Senate, I would urge the Senate to support the Majority Ought Not To Pass Report of the Committee. I believe that when a person steps down from public office, he has all of the rights of an ordinary private citizen, and the public and special interests have the right to hire any citizen to represent their interests before this legislature. I think this is a matter of principle and not a matter of how things look to the public. We have responsibility, and that responsibility is the public trust, and when we come up for election we are held by the public responsible for all votes.

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

Mr. HEWES: Mr. President and Members of the Senate, this Bill would in no way limit the number of lobbyists. It does not eliminate lobbyists. It just imposes a restriction on Members of the Legislature. Hopefully, each of you will be re-elected two years hence, and if that is the case then four years from now you would be back seeking employment up here. And how often you have sacrificed to obtain the positions that you now have, how much you have sacrificed, and some people, even their businesses have dissipated because of their sacrifices to be public servants. Once they have sacrificed like that and they are in the legislature serving at almost less than a minimum wage, when their term should expire after January 1980, or actually after this present term, they would be barred from this type of work, and we who are here enjoy this type of work and have some special know how and expertise in the field, and it seems to me that we should be allowed to utilize that expertise. I am looking at the gentlemen around me. The gentleman to my extreme right here, I would expect that if he does not serve here that he would be lobbying four years from now. The same on my extreme left, if he is not elected to public office in four years, and several of us here. The Minority Floor Leader, I know your particular employer has a lobbyist up here, and would not you be a natural after 12 years or 6 or 7 or 8 terms up here to be lobbying. I think you would enjoy the fellowship and comradeship. I do not see why you want to penalize Members of the Legislature after they have made the sacrifices that they have.

I hope that they will support the Majority Ought Not To Pass Report.

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

Mr. MERRILL: Mr. President and Members of the Senate, I do not think any of us necessarily want to penalize those who have sought public office and have been lucky enough to be successful and be elected to it. But we all serve a great public trust. There are 33 of us who sit in this room and who speak for all the people of Maine, and it does seem to me somewhat unseemly that we after serving that public trust immediately go to work for one of the private interests whose concerns we were supposed to mediate and to find the best common good before the same Body and before many of the same individuals speaking for their private concerns.

Now I have spoken in this Senate many times in favor of the right of people to lobby and to see to it there are no undue and unnecessary restrictions that are brought about in some punitive way or in some way that responds to the existing general distrust and dislike for the practice of lobbying, and have done what I thought was proper to see to it that we did not over react to that public mood. I do not think that it is an over reaction or an unnecessary step to say that those of us who serve public trust will not immediately go to work for some private interest, and I think that if we want to preserve faith in this system of ours we ought to be willing to do that.

Now I recognize that many of us that serve here serve at some sacrifice. However, there are more and more of our fellows who are willing to put in more and more time to make that sacrifice, and most of us got here by keeping someone else from sacrificing so much so that we could make that sacrifice at some considerable amount of work, and I think that the reason that it was worth all the work to us was because of the high esteem that we hold for the privilege of serving in this Body. I think anything we do such as this which elevates that public trust or holds it at the level that we think it should be held is a proper step, and I would hope that we would enact this legislation, and I would hope that even if we did not, I would not succumb to the private concerns two years or four years from now if the voters of the State show such good sense as not to return me to office, and to serve immediately some of the private interests up here that have a right to be heard, but I think can probably be heard successfully without one of us doing their work for them.

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

Mr. HICHENS: Mr. President and Members of the Senate: I fully realize that most of the veteran Senators know from past statements that I have made that I have no great love for lobbyists, but I sort of consider they are one of the necessary evils that we put up with around the State House corridors. Yet, I do not have the distrust or share the distrust that a great many people throughout the State have, as manifested by a statement that my daughter made a few years ago when she was a student in high school and I was a candidate for the State Senate for the first time. She came home one day and she said, "Daddy, what will you do if you lose the election?" I said, "Well, possibly I will be a lobbyist". She stood back, looked at me and said, "Oh, I hope you win. I would hate to go back to school and tell the kids that my father was a lobbyist".

But on the other hand, I was a little disturbed the other day when the sponsor of this Bill came to me and sort of lobbied himself as to the merits of the Bill, and then went on and made the statement "Well, you know you are not hurting yourself because it does not apply to the Members of this 108th Legislature. If you decide not to run or if you should be defeated next time, you can be a lobbyist". That sort of goes against my grain, because I feel that I should be treated the same as the ones who are serving in the Legislature who come after me. Maybe he was hinting that I should not run next time or maybe hoping that I might be defeated, but I do not think so with the affiliations that I have had with this man whom I respect very much.

I would go for the Motion to accept the Majority Report today because I do not think this Bill is necessary.

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

Mr. CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I have a real problem with this Bill. I have done a lot of thinking about it. I spoke to the sponsor this morning. I know of his good intentions.

I am very concerned, always have been since I have been in this Legislature, for three years about the image of the Legislature. The incidents that took place in these Chambers and in the hallways last week and the allegations that were thrown around, although the people that supposedly were approached did exactly the thing they were supposed to do, it painted a little bit darker image of the Legislature.

Well, I kind of rebel I guess at reacting to that sort of thing. I am going to vote with the Majority Ought Not To Pass Report this morning and I would like to give you my reasons why. I think it is reactionary. I think we are admitting

to the public what they want to believe, which I do not think is true. I look around this Chamber, my colleagues all of whom I think are friends, and I cannot see one, regardless of party, including the President, my own floor leader, whom I disagree with as often as anybody in this Chamber, I cannot see anybody in this Chamber who could come back here two years or four years from now as a lobbyist, and I realize this does not apply to persons presently here and I think that is very discriminatory, but I cannot think of anybody that could be in this Chamber that would come back here as a lobbyist that would wield that much influence with me that I would immediately fall in line. One of my dearest friends in Augusta is a former President of this Body. Tomorrow I will sit here and vote against him, — a man that is supposed to have all the power in the world, all the IOU's in the world. Well, I do not buy that, Ladies and Gentlemen, because the lobby has never passed and it has never killed a Bill in the Maine Legislature. If you pass this Bill you are saying to the people out there, let us talk about perception. You are saying to the people out there that the lobby has this great influence, especially former legislators, and they have this tremendous influence, and they have all of these IOU's. Well, I have not seen them in three years, and I do not think they are there. Now I have colleagues, my seat mate of two years ago, is now lobbying. He was defeated at the polls and he is now lobbying. I did not agree with him two years ago in the House, and I still do not agree with him as lobbyist. The quickest way, some of my former colleagues who are out there, the quickest way to get me to vote for a Bill sometimes is to have them come lobby me, because we have differences in philosophy. I just do not see it.

I would just repeat my statement. I think you are succumbing to the perception that is continually painted of the Maine Legislature, as a wheeling and dealing backroom big buddies club, whatever you want to call it, and I do not see it that way. I voted many times with the Senator from Somerset, Senator Levine, I voted many times with all the different Members of this body; not because any former Legislator came to me and said, you have got to go this way, or that way. I just do not buy it. I think you are succumbing to this perception, and you are going to paint an even blacker image of what I feel is the finest group of men and women that I have ever been associated with. I think it is reactive, because of how the public perceives us to be down here.

I hope that you will not give this Bill a favorable reading. I think it is discriminatory because it says that I may come back as a lobbyist, but the person that takes my place perhaps in two years cannot do so, and if we are electing people to office who are so weak-kneed and who are so wishy-washy and who can not make decisions on their own so that somebody can come down here and turn them around because he or she happened to serve with them, then the voters of this state better take a hard look at who they are sending down here. Thank you.

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

Mr. PRAY: Mr. President and Members of the Senate, I have to stand and disagree with a few of the remarks of my good friend, the Senator from Aroostook, Senator Carpenter.

First of all, I think he is second on the list of who disagrees with the Minority leader. I think I am the first.

The second thing that I would like to state is in reply to the remark by the Senator from Penobscot, Senator Trotzky, who responded as to the discrimination of this Bill in reference to not allowing Legislators to come back when he, by not voting against a Bill in the last Session in this same Chamber, voted to restrict depart-

ment officials from coming back as lobbyists. That Bill went under the hammer in here so thus a unanimous vote.

I would like to respond basically to the public image, because no matter what we say, the image is there. The people of this state are tainted with an opinion of lobbyists which I disagree with but the fact is that it is there. So the question is, how are we going to respond to those people that we represent with legislation that they desire? And if you do not think they desire this, I will bet if this was on a referendum ballot that the general public, ignorant of the fact of what really happens in the halls down here, and many of them trust those that they elect to do the job, but there are times that we sit here and we can be swayed by a lobbyist, by an individual that we go to some times for facts. Both sides come forward a lot of the times and give us the facts and we make the final decision. What do you do when you come down to a case where the facts seem to even off? We come into a position of not really knowing which way to go. Subconsciously we may be making that decision based upon prior knowledge of an individual, saying that individual has a philosophy very similar to mine. I particularly consider myself as Democrat, a kind of a conservative one, and I find myself listening more to people who reflect those viewpoints than I do those of the liberal side, and there is a number of lobbyists down here on liberal sides which I tend not to listen to because of those viewpoints. The same situation could exist within the lobby.

I do not think that the Senator from Somerset, Senator Levine, is asking for too much with the Amendment which I have proposed, that I will offer in a little bit. I will just explain that now to bring it to the Senate's attention in reference to individuals that are serving in the Legislature. The intent of my Amendment, which has been put on the desk this morning, is individuals which are presently employed prior to their election to this Chamber could lobby for that particular business or associations of those businesses. A quick reference would be for an example; everybody knows that I run motels and sporting camps and we belong to the Maine Innkeepers Association. When legislation comes up in this Chamber in reference to that, I feel as if I have quite a working knowledge of that field, and I tend to take my knowledge of that field to my colleagues in reference to how that legislation will affect the business world. Well, I do a lot of lobbying on my own legislation, and legislation which affects my business, as everyone in here does, because we have that working knowledge of it.

Since Maine is a citizen legislature, I feel as if the Bill is a little restrictive to go into those individuals whose main source of income is a particular business, to say that he could be excluded from working with the same business to return as a lobbyist. But I look at a number of individuals that are down here, past Legislators that are now lobbyists, and come down here on some of the Bills, they have a working knowledge of the legislative process which a lot of freshman Legislators do not have. In those early days or those early months of the legislative session, they very easily could have some influence. I have the highest integrity for all of the Members of the Legislature, of this Body and the other, but in those flirting months when we first come down here and we are getting our feet on the ground politically, we look somewhere for decisions. It is at the point in time that individuals could easily be influenced by somebody who has served here previously, somebody who is high in the party organization of one party or the other and maybe even assisted that individual in getting elected because of his work in the party system.

I think that if we defeat the Motion that is now prevailing that we will be taking a step forward

in the State of Maine for the interest of the people of this State.

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

Mr. LEVINE: I will be very brief this time on my feet, in answer to a couple of comments that were made. First of all, the comments that were made by the good Senator from York, Senator Hichens, I also have a good deal of respect for that gentleman, and I think that he should know if he reads this legislation carefully that this is not an anti-lobbyist Bill. It in no way can be construed as an anti-lobbyist Bill. It is not a Bill that will besmirch the Legislature here.

I was at a meeting last night and I took it upon myself to stand up and tell those people at that meeting how proud I am of this Legislature because of the problem that arose last week and the way in which we solved the problem ourselves. We cleaned our own house. I am just asking that we keep our house clean.

In response to the good Senator from Cumberland, Senator Hewes, I think he made an excellent comment on how germane my Bill really is here when he started speaking of Members of this Body who would wish to become lobbyists. Now, my bill precludes Members of the Legislature from becoming a lobbyist for two years after leaving office. I do not believe that we should punish people for experience. I am a firm believer in experiential learning. By a two year lay-off, these people in no way lose the experience. They in no way lose the knowledge of how things work in the Maine Legislature. The only thing they can possibly lose in two years is some amount of influence. That is all they can lose.

Now we come to the bottom line. The bottom line is this. You can vote either for or against the Motion of Senator Collins to accept the Majority Ought Not To Pass Report. I will explain what you are doing. If you vote in favor of accepting the Majority Ought Not to Pass Report, according to the comments of the good Senator from Cumberland, Senator Hewes, what you are doing is you are voting in your own interest or in the interest of friends and peers within this group and who might wish to become lobbyists. And to my mind if you vote against the Majority Ought Not To Pass Report, you are voting in favor of the people of Maine that elected us and sent us here. We are here to represent those people.

This is not a reactive piece of legislation. This is an active piece of legislation. We have not been put in that box yet, and I do not want to see us put in that box. I do not want to see us placed in a situation where we are going to have to pass a Bill of this nature, a Bill that might be unfair.

Therefore, I request the Members of this legislative body to oppose the Motion of the Senator from Aroostook, Senator Collins, to accept the Majority Ought Not To Pass Report.

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

Mr. McNALLY: Mr. President, after having served approximately five and one-half terms in this Legislature, I hate to think that because of the grandfather clause that we are supermen in reference to those that will be elected in the years to come. Think that over.

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

Mr. HEWES: Mr. President and Members of the Senate, I would like to rebut a couple of the comments of the good Senator from Kennebec, Senator Levine. He said we are not voting for ourselves here. I state that this does not apply until, as you say, for three years in the future, so really we are not just voting for ourselves or against ourselves. But you say this is not an anti-lobbyist Bill, but I submit this is an anti-legislator Bill. One might infer that Legislators

have some barrier, some dishonesty or some taint or some inability to direct the public. everybody in the state, except 184 ex-legislators are able to serve as lobbyists under this Bill. I think you are taking a basic right away from the Legislators, and I hope that you will vote with the prevailing Motion".

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

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

The pending question before the Senate is the Motion by the Senator from Aroostook, Senator Collins, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

A yes vote will be in favor of accepting the Ought Not to Pass Report. A nay vote will be opposed.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Carpenter, Chapman, Collins, D.; Collins S.; Cummings, Greeley, Hewes, Hichens, Huber, McNally, Pierce, Redmond, Snowe, Speers, Trotzky, Wyman.

NAY — Conley, Curtis, Danton, Farley, Katz, Levine, Lovell, Martin, Merrill, Minkowsky, Morrell, O'Leary, Pray, Usher.

ABSENT — Jackson, Mangan.

16 Senators having voted in the affirmative, and 14 Senators in the negative, with 2 Senators being absent, the Motion to accept the Majority Ought Not to Pass Report does prevail.

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

Mr. WYMAN: Mr. President, having voted on the prevailing side, I move reconsideration.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves the Senate reconsider its action whereby it accepted the Majority Ought not to Pass Report of the Committee.

A viva voce vote being had,

The Motion to reconsider does not prevail.

Sent down for concurrence.

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 19, 1977 by Senator Speers of Kennebec

Pending — Enactment.

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

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 19, 1977 by Senator Speers of Kennebec

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

On Motion of Mr. Speers of Kennebec,

Retabled for Two Legislative Days.

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

Tabled — May 19, 1977 by Senator Hichens of York

Pending — Consideration

On Motion of Mr. Hichens of York, the Senate voted to recede and concur.

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 19, 1977 by Senator Huber of Cumberland

Pending — Motion of Senator Collins of Knox to reconsider action whereby Bill was Passed to be Engrossed.

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

Mr. COLLINS: Mr. President, when this matter was tabled the other day, I professed my misgivings and, to some degree, my ignorance of what the Bill was really doing. The Chairman of the Education Committee has been very helpful in this interim in providing materials to be considered by all Members of the Senate. There has been some opportunity for many of us to talk with Municipal Officials and School Officials back home.

I am hopeful that this morning we can give this matter more thorough debate than it has received so far, because there are two or three issues here that I know concern us all. They leave many of us on the horns of a dilemma but they certainly should be discussed.

If the Motion to reconsider does prevail, I will then move that the rules be suspended so that we can reconsider the adoption of the Committee Amendment as amended by the House Amendment. I would then ask that the House Amendment be indefinitely postponed, and we would then be in a position to consider purely the Committee Amendment. I believe that some people feel that that should be indefinitely postponed.

If may oversimplify the problem as I see it, the original Bill says to us; let the local unit raise whatever amount of their own money they wish for their own schools. We had a suspension of the ceiling the year that is currently with us. This would do something similar to that for the year ahead at least. The Committee Amendment says to us, "it is rather dangerous to let the local community raise all the money it wants to for its own schools from its own sources, because it will be under tremendous pressure to respond to the union bargaining table emphasis for higher and higher wages." It says other things as well. It is saying that perhaps at the local we just do not understand how to keep the controls on burgeoning budgets. There is, I recognize, a good deal of support for having the Legislature keep the restraining hand over the local budgets.

The final chapter of this three part measure, as I understand it, says to us that we are getting a little out of date in the base that we use in our computations for assistance from the State, and that we ought to move up that base year to a more recent year. This, of course, means that starting from a higher base move forward into a higher budget, so that down the road we have from the House Amendment a rather built-in program of increasing from \$3.5 to \$4.5 million per year a base for calculation. I am sure we all realize that the Legislature has the final hand, the final say in any year. We decide what the State will appropriate. We can change base years or not, but when we encourage both the Commissioner of Education, the Education Department and the local School Administrators to build upon a constantly escalating base, it seems to me that perhaps we provide too much encouragement toward increasing and increasing and increasing our school budgets.

I wish very much that we could get back to some of the local budget meetings where some of these things were thrashed out in more careful detail, and local people made those decisions. Perhaps that day is gone forever. I hope that it is not. As we see smaller and smaller attendance at school budget meetings, I think we realize that more and more people just do not

understand what the school budgeting process is, and what is being done, it has become so complicated that it is very difficult for the ordinary citizen to comprehend it.

So, with these considerations, I urge the Senate at this point to vote in favor of reconsideration, and if this be the will of the Senate, then I would make succeeding Motions that I have outlined so that we might move into debate and further consideration of these issues that I have just very roughly outlined.

Thank You, Mr. President.

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

Mr. KATZ: Mr. President, I support the Motion of the Senator from Knox, Senator Collins, that we should reconsider, and because we are in a kind of a parliamentary bind, I would like to go one step further beyond the Senator to ask that the Senate, in a spirit of equity and fairness, go along also with the Motion to suspend the rules for reconsideration of our action when the Bill first became before us.

This Bill came before us with a House Amendment on it. The House Amendment did not have any recourse at all to the Committee on Education. We did not discuss it. It just emerged into visibility for the first time when we got it down here after the House action. There is a cost factor involved. I was not aware at the time when I let the First Reading go by what I was putting the Senate into a parliamentary bind because the First Reading involved the acceptance of both the Committee Amendment and the House Amendment, and now that these days have gone by in order to really debate both Amendments the Senate is going to have to suspend the rules and get a two-thirds vote.

I rise today not as an advocate or an opponent of any particular position, but I feel that it is important for the Senate to have the opportunity to debate the issues which were so clearly raised by the Senator from Knox. I would, therefore, urge the Senate to reconsider its action of the other day and then subsequent to the Motion to suspend the rules which is not debatable, to suspend the rules to give us the opportunity for the kind of debate I think this important issue needs.

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

Mr. CHAPMAN: Mr. President and Members of the Senate, I too urge reconsideration as has been proposed by the Senator from Knox, Senator Collins.

I am very distressed to find that we are voting for something now and the Bill in its present which will require future Legislatures to fund money for programs we are now passing. This brings me right back to the whole subject we addressed earlier and repeal of the inventory tax. If we passed the Bill as presently situated, House Amendment C we will be doing just this: We will be passing on to future Legislatures the requirement of finding the funds to fund the present Bill, and I hope we will not do this.

There are problems in the various towns with regard to the present funding restraints. I spent quite a bit of time since this subject has been on our calendar in talking with the citizenry and the school superintendents in my District. Restraint per se is good, and it is needed, and I think most agree to this point. The Bill, as amended by Committee Amendment A, will require many towns to seek State Board approval under the Hardship Provision. I think really too many towns would be required to go this route. But this is preferable to me than the House Amendment C posture which increases future State commitment to education. I would like to make one point however; that I believe that I would favor the removal of spending ceilings entirely for one more year only, on a basis whereby the additional expenditures do not ac-

crue to future State cost of education. At the same time, that a study involving knowledgeable persons be constituted to find an ongoing solution to the ceiling problem; a problem that would be satisfactory not only to the residents and citizens of the City of Portland and large communities, but also to the small towns, the towns like Alna and Arrowsic. They have real problems.

I am a staunch supporter of local control, as I am sure you know, but we have embarked on a road to provide State funding of education in a manner to provide an equal basic educational opportunity to all, no matter where one lives in the State of Maine. I support this broad objective. To remove the ceiling permanently would only return us in time to the former unequal status. Restraint is necessary. Let us do it by thoroughly recognizing the effects of restraint on both large and small communities.

This needs more study than I understand has been put to it at present, and, as the Senators previously stated, I think the whole School Funding Issue needs to be simplified a little bit more so our citizenry in our towns can understand it and act more intelligently on the decisions they are faced with.

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

Mr. CONLEY: Mr. President and Members of the Senate, it is clearly obvious that there are a great many questions relative to this particular piece of legislation, and I also understand the problems that we have parliamentary-wise, and it is not my intent to be an obstructionist in the sense of reconsidering and suspending the rules; however, I do philosophically have some views dealing with the Education Funding Bill. It has always been my particular feeling that once we establish a ceiling on school funding, we should abide by that. Two years ago we under-funded education by \$10 million and, therefore, we did not have a ceiling put on. Local school units throughout the State had to raise that \$10 million to meet the educational costs on the local level.

It is my understanding that the Committee Amendment on this particular Bill now sets a school funding limit for this biennium, and I am not quite clear in my own mind as to exactly what House Amendment A as amended by Committee Amendment A does do. I would honestly, rather than get into any type of turmoil here this morning, like to have someone table this for One Legislative Day so that I can pursue some figures from the Department of Education or sit down with the Chairman of the Education Committee myself and perhaps even some members of my party who may like further clarification of this particular Bill so that we could take some action on it tomorrow.

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

Mr. KATZ: Mr. President, I think it is important that everybody understands all the facets before voting, and I would presume that if tabling is a procedure to be followed, that probably we should table, but let me express a couple of concerns. We have every community in the state in a position of suspense. They really do not know how much they can legally raise. Now if this Bill is passed, with the Committee Amendment on it, we are placing a ceiling on how much every community in the State can raise and in order to go beyond the procedures that are set up in law, a good many communities, and I agree with the good Senator who says that too many communities, would have to go to the State Board for a Hardship Grant. That means we are going to have to develop a budget and put in a request for a Hardship Grant and get it approved, presumably in order to legally raise that amount of money, and I have been pleading with the Senate to do whatever is necessary to have a clear under-

standing of what is involved so we can have a prompt decision.

I want to re-emphasize to the Senate that there really is no purely right answer, and there is no purely wrong answer. One of the problems in grappling with this is that our personal philosophies are coming into real conflict with the actualities of what this does within our communities, and that is not an easy one to resolve. Let me take a little whack at explaining why the House Amendment was put on. When L.D. 1994 was originally enacted we built into the law a provision that those communities that were spending above average per pupil would be given State Funds equal to one-half of the distance between the state average and what they were spending. This was meant as a depressant, to kind of squash down their spending a little bit. At the same time we addressed ourselves to the question of those communities spending below average. We moved those communities up by one-third of the difference. In the process we would be compressing the difference between the lowest spending communities and the higher spending communities. Well, you can see some philosophical problems right there. As long as the State was "adequately funding" what was really being spent on education around the State, those provisions were, I think, effective, but, unfortunately, coming back to the House Amendment, the state of the higher spending communities was '73-'74 and you understand that the amount of financial support that those towns have gotten from the State has gradually shrunk, and now most all of the difference in spending between our higher spending communities and the State's obligation has gradually compacted and now there is very little money going from the State to support those communities. You can say that is as it should be, because the higher spending communities are not as efficient, they are not as effective and we really want to put the pickle to them a little bit to get them to stop this excess of spending. But then you run into the dilemma that it really is not a case of being efficient or effective. It is not a case of being a big city versus a small town. There are a lot of reasons why a community spends above average, — the number of students that they educate, their ability to organize classes with an adequate number of students in each class, the location of the community. Cumberland County, in general, just simply has to pay a higher wage scale than teachers from Washington County. It is a law of supply and demand.

It is an extremely complicated issue, and I hope that if it is the judgment of the Senate to table this for a day that we really must do all our homework and deal with this, whatever our decision is, in extremely prompt manner.

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

Mr. HUBER: Mr. President and Members of the Senate. As I understand these Amendments, House Amendment A to Committee Amendment A, as the good Senator from Kennebec, Senator Katz mentioned, does carry a cost estimated at between \$3.5 and \$4.5 million in the second year of our biennium. Presumably this cost would compound the parliamentary problems in the passage of this Bill because I think a Bill carrying this type of cost probably should get consideration along with all of our other appropriations measures.

Of course, this cost does assume some assumptions, primarily the assumption the Legislature will accept the Commissioner of Education's certification, including the optional local funds without State legislation.

Committee Amendment A itself, as I understand it, would require approval of the Board of Education in spending beyond the ceiling. This would impose State control of purely local spending of local funds. In L.D. 1994 we assumed there would be local control of State

funds. This did not work and it did not work spectacularly.

The Commissioner's notification in our notification of actual education costs in our existing funding law does require the Commissioner detail the optional local funds without State legislation, that is spending above the ceiling. This then comes related to the legislative decision as to whether this optional local expenditure of local funds is due to under funding by the legislature in funding so-called basic education or whether it essentially amounts to a redefinition of what that basic education is. I do not think we should impose State control of purely local funding, and I do think we should rely on the legislative decision as to the purpose of such funding.

I would support an additional one year moratorium on the spending ceiling, and I hope the Senate will move to reconsider and suspend the rules.

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

Mr. CONLEY: Mr. President and Members of the Senate, I hope you will bear with me. I know the hour is getting late, and I can see that the Presiding Officer is starting to wipe the sweat from his brow.

However, Mr. President, there is a question in my mind, in fact there are a few questions in mind relative to this, and one is whether or not the philosophy of 1452, or 1994 is the original concept, is still being maintained if Committee Amendment A is indefinitely postponed, if that does take off the funding ceiling. Secondly, again I am not quite sure as to how House Amendment A, although my understanding of it deals primarily with hardship cases having to come before the Board of Education. Maybe I am wrong on that but I certainly want the opportunity to review.

But it would seem to me that we should at least be getting in touch with our superintendents within our local districts to see how both of these Amendments are going to affect our school funding and I think perhaps if some Senator would table this until tomorrow, we might be able to review that.

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

The President laid before the Senate:

HOUSE REPORT — from the Committee on Fisheries and Wildlife — Bill, "An Act Concerning the Taking of Black Bass. (H. P. 265) (L. D. 333) Ought to Pass as Amended by Committee Amendment "A" (H-353)

Tabled — May 20, 1977 by Senator Martin of Aroostook

Pending — Motion of Senator Conley of Cumberland to Indefinitely Postpone Bill and Papers

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

Mr. CONLEY: Mr. President, I request Leave to Withdraw the Motion.

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

Ought to Pass as amended Report accepted in concurrence.

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

The President laid before the Senate:

Bill, "An Act to Strengthen the Counties' Role in Human Services." (H. P. 213) (L. D. 223)

Tabled — May 20, 1977 by Senator Conley of Cumberland

Pending — Adoption of Committee Amendment "A" (H-338)

Committee Amendment "A" Adopted. The

Bill, as amended, Tomorrow Assigned for Second Reading.

HOUSE REPORTS — from the Committee on Election Laws — Bill, "An Act Concerning Expenses of the Commission on Governmental Ethics and Election Practices." (Emergency) (H. P. 816) (L. D. 989) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled — May 20, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator Conley of Cumberland to Accept the Minority Ought to Pass Report

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

Mr. KATZ: Mr. President, I would oppose that Motion. This is a Bill which simply would pay members of the Commission on Governmental Ethics a per diem of \$25.00 for the work on behalf of the Committee, and it is a very reasonable Bill until you stop to think that our statutes are filled, simply filled with important citizen oriented organizations who are in a posture of public service, are doing important things for the State. We have some really top-notch people on this Commission. I do not think that there is a demand from the Commission itself, although I am not quite certain someone has not spoken to me about a demand.

I voted against this because I have a feeling if you start paying this Commission, that sooner or later we are going to have to pay them what they are worth, and, believe me, we have got some high priced people on there. I think that we should keep it a voluntary commission, public service, and resist the overwhelming impulse to keep loading work on their shoulders, which will make them a duplicate of the Department of State's Election Laws Division.

I oppose the Motion and request a Division.

The PRESIDENT: A Division has been requested.

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

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

4 Senators having voted in the affirmative, and 26 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 non-concurrence.

Sent down for concurrence.

The President laid before the Senate:

SENATE REPORTS — from the Committee on Taxation — Bill, "An Act Relating to State Income Tax Deduction for Student Tuition Payments." (S. P. 402) (L. D. 1385) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass in New Draft Under Same Title (S. P. 505) (L. D. 1790)

Tabled — May 20, 1977 by Senator Jackson of Cumberland

Pending — Acceptance of Majority Ought Not to Pass Report

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

The President laid before the Senate:

Bill, "An Act to Amend the Charter of the Augusta Sanitary District." (H. P. 718) (L. D. 840) (Emergency)

Tabled — May 20, 1977 by Senator Speers of Kennebec

Pending — Motion by Senator Speers of Kennebec to Reconsider Adoption of Committee Amendment "A" (H-339)

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

The President laid before the Senate:  
 Bill, "An Act to Increase Flexibility in the  
 Funding and Operation of the Vocational-  
 Technical Institutes. (H. P. 221) (L. D. 285)  
 Tabled — May 20, 1977 by Senator Katz of  
 Kennebec  
 Pending — Enactment  
 On Motion of Mr. Katz of Kennebec,  
 Retabled for One Legislative Day.

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 20, 1977 by Senator Speers of  
 Kennebec

Pending — Passage to be Engrossed.  
 The PRESIDENT: The Chair recognizes the  
 Senator from Kennebec, Senator Speers.  
 Mr. SPEERS: Mr. President, I offer Senate  
 Amendment "A" (S-156) and move its adoption.  
 The PRESIDENT: The Senator from Ken-  
 nebec, Senator Speers, now offers Senate  
 Amendment "A" (S-156), and moves its adop-  
 tion. The Secretary will read Senate Amend-  
 ment "A".

Senate Amendment "A" (S-156) Read and  
 adopted.

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

Sent down for concurrence.

(Off Record Remarks)

Out of Order and under suspension of the  
 Rules, the Senate voted to consider the follow-  
 ing paper from the House:

**House Paper**

Bill, An Act to Provide for Regional Special  
 Education Compacts. (H. P. 1576) (L. D. 1796)  
 Comes from the House, referred to the Com-  
 mittee on Education and Ordered Printed.

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

Mr. KATZ: Mr. President, I just want to ex-  
 press my pleasure in dealing with another Bill  
 after we had just about gone out of business.

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

Mr. CONLEY: Mr. President, may I pose a  
 question through the Chair. Where are all of  
 these Bills coming from?

The PRESIDENT: The Senator from  
 Cumberland, Senator Conley, has posed a ques-  
 tion through the Chair to any Senator who may  
 care to answer.

The Chair recognizes the Senator from Ken-  
 nebec, Senator Katz.

Mr. KATZ: Mr. President, York County.  
 Which was Referred to Committee on Educa-  
 tion and Ordered Printed in concurrence.

On Motion of Mr. Huber of Cumberland,  
 Adjourned to 9:30 tomorrow morning.