

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

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

KJ PRINTING  
AUGUSTA, MAINE

**SENATE**

Tuesday, May 24, 1977

Senate called to Order by the President.  
Prayer by Reverend Bruce W. Meyer, Prince of Peace Lutheran Church in Augusta.

REY. MEYER: Creator God and Gracious Father, we thank you for this bright, new, sunny spring day, knowing that all our days belong to you, and each one comes as a gift of Your grace and providence. At the same time we acknowledge, O Lord, our constant need for wisdom and direction throughout and in the course of all our days, not only to know what we should do, but to have the strength and conviction of Your spirit to pursue it.

For the Members of this Senate whose decisions determine and undergird the quality of life for so many others, we ask, O Lord, that you would use their minds, their ability, and also their hearts to be a blessing to the people whom they represent and serve.

Help us to remember, Father, that in all our acts and actions and in whatever we do, you have said that in the end we really do it unto You. Stir us with a genuine passion this morning, and integrity and love for our State, which enables us to serve her and You with the best we have, and the best we have to give. In Your name we pray, Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

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

In the House May 18, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-337).

In the Senate May 20, 1977 Bill and Papers Indefinitely Postponed, in non-concurrence.  
Comes from the House, that Body having Insisted.

On Motion of Mr. Speers of Kennebec,  
Tabled until later in Today's Session, Pending consideration.

(See action later today)

**Non-concurrent Matter**

Bill, "An Act Concerning Residential Utility Consumer Action Groups." (H. P. 1285) (L. D. 1507)

In the House May 19, 1977 Minority 'Ought to Pass' Report Read and accepted and the Bill Passed to be Engrossed.

In the Senate May 20, 1977 Majority 'Ought Not to Pass' Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Mrs. CUMMINGS: Mr. President, I move the Senate adhere.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves that the Senate adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I move the Senate recede and concur.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate recede and concur.

The Chair will order a Division.

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

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

6 Senators having voted in the affirmative,

and 18 Senators in the negative, the Motion to recede and concur does not prevail.  
The Senate voted to adhere.

**Joint Orders**

Expressions of Legislative Sentiment recognizing that: Rev. William K. McDonough of St. John the Evangelist Church is celebrating his 50th year of priesthood in the Roman Catholic Diocese of Portland and of service to the citizens of Maine, (H. P. 1580)

David L. Mahoney has been recognized for his outstanding academic record by being chosen Valedictorian of South Portland High School, (H. P. 1583)

Joseph Belyea, a student at South Portland High School, won first place in the 1977 New England School Boy Cross County Tournament, (H. P. 1584)

Michael A. Pike has been recognized for his excellent academic record by being chosen Salutatorian of South Portland High School, (H. P. 1585)

Come from the House, Read and Passed.  
Which were Read and Passed, in concurrence.

**Joint Resolution**

A Joint Resolution in Memoriam.  
WHEREAS, the Legislature has learned with deep regret of the death of Orville Coleman Harvey of Greenville, who was an active Businessman, a well-beloved member of church and fraternal organization and a public-spirited citizen, (H. P. 1581)

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

**Communications**

House of Representatives

May 23, 1977

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

House Paper 1298, Legislative Document 1495 having been returned by the Governor together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Sixty voted in favor and Seventy-eight against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Signed: Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

House of Representatives

May 23, 1977

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

House Paper 504, Legislative Document 623, having been returned by the Governor together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Eighty-six voted in favor and Fifty-one against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Signed: Respectfully,

EDWIN H. PERT  
Clerk of the House  
Which was Read and Ordered Placed on File.

House of Representatives

May 23, 1977

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

The House voted today to Adhere on Bill "An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry and Veterinary Medicine" (Emergency) (S. P. 131) (L. D. 311) on accepting the Minority "Ought to Pass" in New Draft (S. P. 490) (L. D. 1766) Report and passing the New Draft to be engrossed.

Respectfully,  
Signed: EDWIN H. PERT  
Clerk of the House  
Which was Read and Ordered Placed on File.

Committee on State Government

May 23, 1977

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

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Thomas G. Leahy to the position of a member of the Maine Guarantee Authority.

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

YEAS: Senators 2 — Sen. Collins, Sen. Martin. Representatives 6 — Rep. Locke, Rep. Valentine, Rep. Masterton, Rep. Curran, Rep. Silsby, Rep. Diamond.

NAYS: Senators 0. Representatives 4 — Rep. Stubbs, Rep. Churchill, Rep. Kany, Rep. Bachrach.

ABSENT: Sen. Snowe.  
Eight members of the Committee having voted in the affirmative and four in the negative, it was the vote of the Committee that the nomination of Thomas G. Leahy to the position of a member of the Maine Guarantee Authority be confirmed.

Sincerely,  
Signed: D. F. COLLINS  
Senate Chairman

Signed: PETER J. CURRAN  
House Chairman

Which was Read and Ordered Placed on File.

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

Mr. COLLINS: Mr. President and Members of the Senate: It is with pleasure that I rise today in support of confirming Governor Longley's nomination of Thomas G. Leahy as a Member of the Maine Guarantee Authority.

Yesterday the State Government Committee held a public hearing on Mr. Leahy's nomination, at which time Mr. Leahy answered questions from Members of the Committee on his qualifications to serve as a Member of the MGA. I think it would be fair to say that a great majority of the Members of the State Government Committee were very impressed with Mr. Leahy's testimony, and felt he would be an asset to the Maine Guarantee Authority.

Briefly, for background, Mr. Leahy is a graduate of Boston University where he

received a degree in economics and graduated cum laude. He also graduated in 1974 from the University of Maine School of Law. He presently is a partner in the Portland Law Firm of Monaghan and Leahy.

It is my personal feeling that Mr. Leahy will be a fine addition to the Maine Guarantee Authority. He seems to be an intelligent and capable young man and his background, both in Economics and Law, should prove to be valuable to the Maine Guarantee Authority.

Therefore, Mr. President, I would respectfully request that the Senate not override the State Government Committee's recommendation to confirm his nomination. Thank you.

The PRESIDENT: The Joint Standing Committee on State Government has recommended that the nomination of Thomas G. Leahy be confirmed.

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I have noticed a report that is on the calendar this morning, and I believe this is the second time that we have had recommendations coming from one of the Joint Standing Committees dealing with the confirmation of appointments of the Governor.

I have taken note on this particular recommendation because of the fact there seems to be for the first time at least several members of the Joint Standing Committee who seem to be in disagreement with the recommendations of the majority of that Committee, and the only purpose for my rising this morning is, and I listened wholeheartedly to the good words of the Senator from Aroostook, Senator Collins, but whereas we have no report in front of us, other than the recommendations, I wonder if perhaps the Chairman of the Committee may possibly inform the Senate as to why, or in his own mind why he believes there may have been negative votes dealing with the confirmation of this particular individual.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has proposed a question through the chair.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, I think the only objection that the opposing view held was that they were confronted with a young man; he is 28 years of age, and he does not have a long history of experience in either Law or the Business world. However, those of us who voted on the prevailing side were impressed by the young man's appearance, ability, academic background and his career to date. He has been a practicing attorney in the City of Portland, he has done corporate work and he has done bank work. Both of these areas, it seems to me, are related to the area of expertise that he may get involved in with the MGA. I think that he will be a fresh young face on the Board.

I might add that had Senator Snowe been present, she also would have voted with us.

The PRESIDENT: Is the Senate ready for the question?

A vote of yes will be in favor of overriding the recommendation of the Committee. A vote of no will be in favor of sustaining the recommendation of the Committee.

The Secretary will call the Roll.

#### ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Danton, Farley,

Greeley, Hichens, Katz, Levine, Lovell, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Curtis, Hewes, Huber, Jackson, Mangan, Merrill.

None having voted in the affirmative and 27 Senators in the negative, with 6 Senators being absent, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Thomas G. Leahy is confirmed.

#### Orders

An Expression of Legislative Sentiment recognizing that: Nine Year Old Mark Boyd of Houlton, son of Mr. and Mrs. Emmett Boyd, courageously and singlehandedly saved two and a half year old Jonathan Wright from drowning, (S. P. 512) (presented by Senator Carpenter of Aroostook)

Which was Read.

On Motion of Mr. Speers of Kennebec, Tabled for Two Legislative Days, Pending Passage.

#### 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 Relating to an Adult Education Act and Adult Vocational Education and Establishing a Bureau of Adult Education." (H. P. 1304) (L. D. 1560)

Bill, "An Act to Require that Absentee Ballots be Counted so that they may be seen by those Viewing the Count." (H. P. 618) (L. D. 811)

Bill, "An Act to Require Independent Candidates to File Petitions on April 1st." (H. P. 1239) (L. D. 1464)

Bill, "An Act to Establish a Run-off Primary Election." (H. P. 519) (L. D. 637)

Bill, "An Act Permitting the Removal of Certain Nonmembers from the Tribal Reservation of the Penobscot Indians." (H. P. 373) (L. D. 462)

Bill, "An Act Relating to the State Bureau of Identification." (H. P. 1360) (L. D. 1601)

Bill, "An Act to Revise the Law Relating to the Land Use Regulation Commission." (H. P. 1010) (L. D. 1228)

Bill, "An Act Increasing Per Diem paid to Members of the Maine Land Use Regulation Commission and Concerning Appointment of the Director of the Maine Land Use Regulation Commission." (H. P. 780) (L. D. 904)

#### Change of Reference

The Committee on Human Resources on, Bill, "An Act to Provide Investigative Personnel for the Maine Human Rights Commission." (H. P. 985) (L. D. 1196)

Reported that the same be referred to the Committee on Appropriations and Financial Affairs.

Comes from the House the Report Read and Accepted and the Bill referred to the Committee on Appropriations and Financial Affairs.

Which Report was Read and Accepted in concurrence and the Bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

#### Leave to Withdraw

The Committee on Veterans and Retirement on, Bill, "An Act Concerning the Definition of Spouse Under the State Retirement Law." (H. P. 1331) (L. D. 1556)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Election Laws on, Bill, "An Act Relating to the Marking of Ballots at a

Primary or General Election." (H. P. 619) (L. D. 816)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Education on, Bill, "An Act Relating to School Construction." (Emergency) (H. P. 144) (L. D. 174)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Human Resources on, Bill, "An Act to Provide Annual Updating of Determinations of Need Under the "Aid to Families with Dependent Children" Program." (H. P. 1386) (L. D. 1609)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Education on, Bill, "An Act to Expand the Borrowing Capacity of Private Post-secondary Educational Institutions." (H. P. 1452) (L. D. 1697)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Legal Affairs on, Bill, "An Act to Provide that Committees of the Board of Trustees of the University of Maine and Maine Maritime Academy are Governed by the Right-to-Know Law." (H. P. 767) (L. D. 907)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Legal Affairs on, Bill, "An Act Regulating the Sale of Handguns." (H. P. 1315) (L. D. 1588)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Against Unfair, Deceptive or Unreasonable Debt Collection Practices." (H. P. 1345) (L. D. 1682)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Relating to Domestic Insurers' Assets." (H. P. 181) (L. D. 243)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Concerning Certificates of Contribution for Insurers in the Maine Insurance Guaranty Association." (H. P. 742) (L. D. 947)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Concerning Disbursement from the Marshaled Assets of a Delinquent Insurance Company." (H. P. 743) (L. D. 948)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Provide Funds for Airport Improvements." (H. P. 1293) (L. D. 1528)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Transportation on,

Resolve, to Abolish the Augusta State Airport. (H. P. 1134) (L. D. 1352)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act Appropriating Funds for Improvements to the Wiscasset Airport." (H. P. 788) (L. D. 905)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

**Ought to Pass**

The Committee on State Government on, Bill, "An Act Concerning Certain Powers of Joint Standing Committees Responsible for Acting on Gubernatorial Nominations." (H. P. 1288) (L. D. 1521)

Reported that the same Ought to Pass.

Comes from the House the Bill Passed to be Engrossed.

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

**Ought to Pass — As Amended**

The Committee on Education on, Bill, "An Act Concerning Admission of Certain Children into the First Grade." (H. P. 1306) (L. D. 1543)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-374).

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

The Committee on Local and County Government on, Bill, "An Act to Amend the Law Providing for Variances from Zoning Laws." (H. P. 1177) (L. D. 1405)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-376).

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 Labor on, Bill, "An Act to Provide a Uniform Basis for Recognizing the Right of the University of Maine Employees, Maine Maritime Academy Employees, Vocational-Technical Institute Employees and State Schools for Practical Nursing Employees to Join Labor Organizations." (H. P. 1144) (L. D. 1391)

Reported that the same Ought to Pass as amended, by Committee Amendment "A" (H-350)

Comes from the House the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-350) as amended by House Amendment "A" thereto (H-368).

Which Report was Read.

On Motion of Mr. Speers of Kennebec, Tabled until Later in Today's Session, Pending acceptance of the Report.

(See action later today.)

**Ought to Pass in New Draft**

The Committee on Natural Resources on, Bill, "An Act to Assign the Responsibilities of Sewage Disposal to the Department of Environmental Protection." (H. P. 529) (L. D. 680)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1578) (L. D. 1791)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

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

**Divided Report**

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Amend and Repeal Certain Laws Relating to Amusements and Sports." (H. P. 1111) (L. D. 1378)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-365).

Signed:

Senators:

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

Representatives:

- COTE of Lewiston
- GOULD of Old Town
- DURGIN of Kittery
- MOODY of Richmond
- BIRON of Lewiston
- BURNS of Anson
- DUDLEY of Enfield

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "B" (H-366).

Signed:

Representatives:

- SHUTE of Stockton Springs
- JOYCE of Portland
- CARRIER of Westbrook

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be engrossed as amended by Committee Amendment "B".

Which Reports were Read.

On Motion of Mr. Carpenter of Aroostook, Majority Ought to Pass Report accepted in non-concurrence.

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

**Divided Report**

The Majority of the Committee on Education on, Bill, "An Act to Authorize a Bond Issue in the Amount of \$300,000 for the Renovation of Leavitt Hall at the Maine Maritime Academy." (H. P. 1346) (L. D. 1626)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-363).

Signed:

Senators:

- KATZ of Kennebec
- USHER of Cumberland

Representatives:

- LYNCH of Livermore Falls
- PLOURDE of Fort Kent
- FENLASON of Danforth
- CONNOLLY of Portland
- MITCHELL of Vassalboro
- BAGLEY of Winthrop
- LEWIS of Auburn
- WYMAN of Pittsfield
- BEAULIEU of Portland
- BIRT of East Millinocket

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

Signed:

Senator:

- PIERCE of Kennebec

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-363).

Which Reports were Read.

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

Mr. KATZ: Mr. President, this is the first of

three proposed bond issues the Committee on Education will be bringing up for the consideration of the Legislature. This one for \$300,000.00 for the Maine Maritime Academy contemplates that along with the \$300,000.00 of State money, the Maritime Academy is going to have to raise double that amount, or \$600,000.00, on its own from other sources. This will be a total improvement to Leavitt Hall of \$900,000.00.

Leavitt Hall right at the moment is a great big building on the campus that was closed in 1973 with the construction of a new dormitory. The \$900,000.00 total would be proposed to renovate the interior, so that some use could be made of this rather valuable and old asset that has been on the campus since 1905.

I move acceptance of the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate accept the Majority Ought to Pass as amended Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: I think when you are talking about a bond issue, and especially when you are talking about a bond issue on the wrong end of a report, there is no need to oppose any Motions or make any yourself, and I am not going to this morning, but I do at least want to express to the Senate my concern to why I could not sign this.

We face several bond issues this session in the Education Committee. The two which received the top priority from the trustees of the University I did sign Ought to Pass, because I felt we should do something in that area. However, as we kept going more and more through the Session, and I found that other things in the educational community were not going to receive funding; things like L. D. 665, Special Education, which probably every single Member of this Senate supports. When you go home you are going to tell people "No, we could not fund it. It was a great program but we could not fund it. We did not have enough money." And then we turn around and we approve \$300,000.00, we recommend to the people of the State of Maine that they spend \$300,000.00 on brick and mortar for a dormitory, I do not think it makes much sense, and I in good conscience can not put my name on this Report and I certainly could not at any point consider signing anything like this.

Majority 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.

**Senate**

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

Bill, "An Act to Regulate Clear Cutting of Timber." (S. P. 433) (L. D. 1511)

**Leave to Withdraw**

Mr. Curtis for the Committee on Judiciary on, Bill, "An Act Concerning the Criminal Offense of Aggravated Assault." (S. P. 360) (L. D. 1215)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted. Sent down for concurrence.

**Ought to Pass**

Mr. Minkowsky for the Committee on Transportation on, Bill, "An Act to Repeal Certain Laws Relating to Highway Taxes Assessed by Towns." (S. P. 449) (L. D. 1529)

Reported that the same Ought to Pass.

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

**Ought to Pass in New Draft**

Mr. Curtis for the Committee on Judiciary on, Bill, "An Act Relating to the Definition of Deed under the Real Estate Transfer Laws." (S. P. 327) (L. D. 1086)

Reported that the same Ought to Pass in New Draft under same title. (S. P. 510) (L. D. 1797)

Mr. Curtis for the Committee on Judiciary on, Resolve, Authorizing Alban E. Cyr Sr., and Cyr Brothers Meatpacking, Inc., and Cyr Food, Inc. of Caribou to Bring Civil Action Against an Agency of the State of Maine. (Emergency) (S. P. 328) (L. D. 1087)

Reported that the same Ought to Pass in New Draft under same title. (S. P. 511) (L. D. 1798)

Which reports were Read and Accepted and the Bills, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

**Second Readers**

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

**House — As Amended**

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

Bill, "An Act Concerning the Taking of Black Bass." (H. P. 265) (L. D. 333)

Bill, "An Act to Provide Limited Immunity to aid in Arson Investigation." (H. P. 959) (L. D. 1151)

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

Bill, "An Act Concerning Wharf and Piers under the Submerged Lands Law." (H. P. 1320) (L. D. 1550)

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

Bill, "An Act to Repeal Certain Laws Relating to Alcoholic Beverages." (H. P. 1206) (L. D. 1434)

Which was Read a Second Time.

On Motion of Mr. Pray of Penobscot, Tabled until later in Today's Session, Pending passage to be engrossed.

(See Action later today)

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

Which was Read a Second Time and Passed to be Engrossed, as amended, in non-concurrence. Sent down for concurrence.

**Senate**

Resolve, to Extinguish Certain Debts Owed by Counties to the State of Maine. (S. P. 315) (L. D. 1035)

Bill, "An Act to Revise the Water Quality Program." (S. P. 508) (L. D. 1793)

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

Sent down for concurrence.

**Senate — As Amended**

Bill, "An Act to Clarify Sex Discrimination in the Maine Human Rights Act." (S. P. 260) (L. D. 821)

Which was Read a Second Time.

On Motion of Mr. Speers of Kennebec,

Tabled for Two Legislative Days, Pending passage to be engrossed.

Bill, "An Act to Implement a "Product of Maine" Designation." (S. P. 446) (L. D. 1551)

Which was Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

**Enactors**

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

"An Act Amending the Ambulance Service Law." (H. P. 1523) (L. D. 1748)

"An Act to Repeal Certain Laws Relating to State Government Administrative Procedures and Services." (H. P. 1005) (L. D. 1209)

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 Providing Funds for a Fishway at the Frankfort Dam in Frankfort." (H. P. 1153) (L. D. 1371)

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

**Orders of the Day**

The President laid before the Senate:

House Reports — from the Committee on Liquor Control — Bill, "An Act to Permit the Sale of Dessert Wine at Retail Stores." (H. P. 768) (L. D. 1019) Majority Report — "Ought Not to Pass"; Minority Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-305)

Tabled — May 18, 1977 by Senator Speers of Kennebec

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

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

Mr. LOVELL: Mr. President and Members of the Senate: I would urge you to delete the Ought Not to Pass Report, and pass the Ought to Pass Report, the Minority Report.

I remember back in 1960 a Member of the other Body, in fact, his name is Emil Levesque, Manpower Commissioner now, and he entered the so-called Sunday Liquor Bill, and the 101st I entered the Sunday Liquor Bill, passed to the other Body and lost by one vote in this Body.

In 1940, in the 102nd, we had quite a number of the Democratic Party here, and the Sunday Liquor Bill passed hands down. It meant \$500,000.00 a year to the State, and every other State in New England was serving Sunday liquor but the State of Maine.

Now, on this Bill that we have before us today, there have been conflicting reports, but it has definitely been proven that table wine is on the reduction in Maine in particular. Dessert wine in the liquor stores has dropped 15.9 percent from years 1960 to 1972. In Virginia, it has increased 107 percent, and in the State of Washington it increased 133 percent, and in Oregon it increased 40 percent. Table wine, of course, runs about 10 percent alcohol, and dessert wine runs about 16 percent alcohol, and runs a little bit higher. Now you will probably get some people that may say that if you put dessert wine, and this Bill has just one thing to do, put dessert wine in grocery stores. There will be no more theft of the dessert wine, cause it is a little bit more expensive than the regular table wine, so consequently the theft that you may get will be a little of nothing, any more than you would get in the grocery store, and I presume that the Liquor Commission — the Liquor Commissioner was for this Bill. This is one of the few Bills he testified for. Most times he gets up and expresses his opinion, but he does not come out and definitely say, "I like this Bill."

So, consequently, in checking over of the Reports, we find that dessert wine will increase by about three times to four times its normal sale at the present time. The 77 liquor stores are now selling dessert wine. Now there are 2,000 grocery stores in Maine. We do not expect the whole 2,000 grocery stores in Maine to take on dessert wine; we do not want the papa and mama stores to take them on. Let them have a little beer. That is probably good enough for them. They probably cannot afford to put in dessert wine, because dessert wine imported from foreign countries is rather expensive and runs into a good deal of money. However, the grocery stores are going to be making a fine profit.

On the other hand, we have raised the tax to .90 a gallon on the dessert wines, giving our local wine company a break of .30 a gallon on

dessert wine. We like our local company. They may have caused some problems but we like our local wine company in Maine. So, I think it is very nice that we should give them a discount on the dessert wine. At the present time they buy dessert wine by the barrel and bottle it, just like they buy whiskey, by the bottle. In fact, I tried some of their whiskey some time ago and I did not like it very well. But, that is not the point.

The point is here; do you want to make \$200,000.00 a year more than you are making at the present time with dessert wines going into grocery stores. The estimate of the increase in sales, and I am figuring this at .70 a gallon, we have raised the tax, that the first year the excise tax of .75 a gallon we are going to have it at .90 on the Amendment, would be \$404,000.00. The sales tax, which is five percent, which, of course, would go into general funds, would be \$246,000.00, and so on down for the next five years, and probably the next twenty years, and the next hundred years, and maybe the next five hundred years. So you can see it is going to mean a lot of money to Maine in the years to come.

I think that the testimony on this Bill from various grocery stores, various others, have proved to me that it is not going to cause any more alcoholism. Those people that are getting alcohol, if they could get the dessert wines in the liquor store, they would go in the grocery store, but the alcoholics like, in most cases, they got the money they like the harder type liquor. Well, they state there are 40,000 alcoholics in Maine, and I heard before my Committee the other day that 10 percent of the population of Maine or a 100,000 people are gays. Well, I think 40 percent alcoholism is not too bad. I do not know what they call an alcoholic, whether it is someone who drinks everyday, or somebody that drinks once a week, or some such thing as that, but with the Amendment to this Bill, putting the age to 20 years of age, and giving our fine local wine company a break on the price, and I am sure all of you will want to do that, we can make \$200,000.00 a year, and the license fee is \$600.00 a year for a person carrying dessert wine and table wine.

Now the Liquor Commission states that they will be able to get the dessert wines out of the liquor store, put them in the grocery stores, and many of the larger grocery stores want them because they are going to make a good legitimate profit. They will still sell it cheaper than the 75 percent mark-up that the State Store gets, but the State will make more money in the long run due to the sales tax and the excise tax on the liquor than if the State sold it, because the State sales are dropping all of the time on dessert wines, because only 77 stores in the State of Maine have dessert wines. Some people tell me I am not going to drive 15 or 20 miles away to get a bottle of dessert wine. I will have a table wine next door. But if they had the dessert wine, 16-18 percent alcohol, in fact I do not mind telling you that when I was in Africa in 1960 they would not let us drink water. We had wine for breakfast, lunch and supper, but no water. But I did not get in the habit of wine. I do not consider myself a wine by any means.

But here we have a Bill that I am sure that every Senator will be happy with. You are not changing anything around very much, because if you want dessert wine you can get it in the 77 liquor stores. If you want the table wine, you can go to the grocery stores. Now, if you pass this, if you want dessert wine, you can go to the grocery store and get dessert wine. But we are freeing the shelves up in the liquor store, and the Commissioner says we free the shelves up in the liquor store, he can put in a better line of stock. Now many of the grocery stores state if they can have in dessert wine and get the imported wines from France and all over the world that will run \$10.00-\$12.00-\$15.00 a bottle

— in fact I have that wine even higher than that, that was 25 or 30 years old, in fact I have read of a bottle of wine they sold for \$500.00. I have forgotten who it was that had the wine, but, nevertheless, they will be able to stock this dessert wine. It will put more people to work. It will generate more business. And it will be a over-all help to the economy.

So, when this Motion is defeated, and I am sure it will be, when this Motion is defeated and indefinitely postponed, then I would urge you to pass the Ought to Pass Report. Thank you.

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

Mr. CONLEY: Mr. President, I almost feel like moving the previous question. However, I do think the Bill should be responded to.

I think that we have enough accessibility and availability through the liquor stores today and through the agency stores that we have set up making the so-called hard wine available without putting it on every shelf in the State.

So, therefore, Mr. President, I once again reiterate this Bill and all its accompanying papers be indefinitely postponed, and I would request a Division.

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

Mr. HICHENS: Mr. President, I would be very remiss if I did not get up and speak on this particular Bill, and I would like to assure the good Senator from York that here is one Senator who will not be happy to have this Bill passed.

If L. D. 1019 is allowed to pass, fortified wine, up to 26 percent alcohol content will be allowed to be sold in over 2,000 stores throughout the state from 6:00 a.m. until 1:00 a.m. Even though we have voted to raise the drinking age to 20, you, as well as I, know that many teenagers will be drinking these wines, and problems far greater than we now face will result. It will be much more difficult for the already undermanned liquor enforcement officials to police the state.

You have been given figures showing an increase in revenue of up to a quarter of a million dollars. If there is an increase it will not be in the state's pockets; it will be in the pockets of the store owners and the out of state wineries who are pushing for passage of this bill. Mr. Frank Robie, administrative asst., Bureau of Alcoholic Beverages, in a memorandum to attorney Siebert, State Budget Officer, dated May 13th, states that passage of L. D. 1019 would not increase revenues but would result in a loss of \$97,000 in the first year of the biennium and a loss of \$200,000 in the 2nd year. This man should know what he is talking about.

West Coast winery figures are like the state lottery commissions when they first started. They said that they would produce \$10 million, but are lucky to produce \$1 million today. A member of this Senate once wrote me that he would vote for any bill that brings more monies into the state of Maine. Passage of this bill will result in a loss of revenue. I hope he takes notice.

When the table wine bill was passed in 1971, all they wanted was to put table wines in the stores. Now the truth can be seen. It was only a wedge to open the door. How well I remember listening to statements made by a former member of this body who was a colleague with me in the other branch of the legislature at the time. He maintained that putting table wines in stores would not produce more wines and drunks, because no person could drink enough table wine to get drunk, they would get sick first. I cannot prove by my own experience, but it has been apparent at several functions that I have attended that it does not take many goblets of fortified wine to make a person drunk.

It seemed an innocent move to allow sale of

table wines in the stores; now we are asked to permit sale of fortified wines. Next it will be mixed drinks, like screwdrivers and drinks of that sort, and finally all hard liquors which will result in decontrol of the state liquor laws, and, in the meantime, would mean the big wineries and the big distilleries would control the liquor business in Maine.

Maine people do not want this to happen in our state. Most legislators who favor passage of this bill have told me that the store owners have been the only ones who have asked them to vote for it. Do these store owners represent the people, or their own interests. We have enough problems now. Having voted to raise the drinking age, let us be consistent and vote to kill this bill.

When the vote is taken I ask for a roll call. I, therefore, ask you to support the indefinite postponement Motion at this time.

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

Mr. LOVELL: Mr. President, I feel that I must reply to the good Senator from York, Senator Hichens, whom I have known for a good many years, and who is a strong believer in prohibition.

Every time a law has come down the pike, whether it is to repeal prohibition or do anything whatsoever with liquor, he has been against it. The same way as my good friend, Rev. Bubar.

The first day that my Liquor Control Committee had their hearing and passed out a Bill, a certain Reverend walked down the aisle going out into the hall, and he was not smiling. He says, "This is the worst Liquor Control Committee that I have ever seen in the State." Now, my feelings are not hurt by that kind of comment, but they are going to see this Bill passed; maybe not in this Session, just like the Sunday Liquor Bill. I am sure that Senator Hichens is against the Sunday Liquor Bill, even when all the other states in New England had it. I am sure that he has been against every liquor Bill that will give more liquor out, but you just can not stop the people from drinking, and I have seen it for 65 years. If they want to drink, they are going to drink, and they will get it somewhere, even if they have to get it from the "bootleggers" which in prohibition days was run by the mafia. Now we do not want to go back to those days, so let us get in a forward stance here, and go along with what most of the other states are doing.

Thank you, Mr. President, and I hope that you good Senators will listen to these remarks, and I am sure that you will vote for an indefinite postponement almost unanimously. It might even go under the hammer.

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

A Division has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I request a Roll Call.

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

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

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that this Bill 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 — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Greeley, Hichens, Jackson, Katz, Mangan, McNally, Morrell, Pierce, Pray, Redmond, Snowe, Trotzky, Wyman.

NAY — Curtis, Danton, Farley, Huber, Levine, Lovell, Martin, Minkowsky, O'Leary, Speers, Usher.

ABSENT — Hewes, Merrill.

19 Senators having voted in the affirmative, and 11 Senators in the negative, with 2 Senators being absent, the Motion to indefinitely postpone does prevail.

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

Mr. HICHENS: Mr. President, having voted on the prevailing side, I now ask we reconsider our action, and I hope you vote against me.

The PRESIDENT: The Senator from York, Senator Hichens, now moves the Senate reconsider its action whereby it indefinitely postponed this Bill.

A viva voce vote being had,

The Motion to reconsider does not prevail.

The President laid before the Senate: Bill, "An Act to Establish a Health Facilities Cost Review Board." (S. P. 506) (L. D. 1794)

Tabled — May 20, 1977 by Senator Speers of Kennebec

Pending — Reference

On Motion of Mr. Collins of Aroostook, Referred to Committee on Health and Institutional Services and Ordered Printed in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

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

Mr. HUBER: Mr. President, I now move the Senate Stand at recess until the sound of the bell.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves the Senate stand at recess until the sound of the bell. Is this the pleasure of the Senate? It is a vote.

(Recess)

#### After Recess

Senate called to order by the President.

The President laid before the Senate: House Reports — from the Committee on Labor — Bill, "An Act Relating to Refusal to Accept Work as Disqualification for Benefits under the Employment Security Law." (H. P. 360) (L. D. 452) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-351)

Tabled — May 20, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, this is the Bill which the Committee Amendment covers the Bill. It simply says that after a person has been out of work for 12 weeks, and he is offered a job, that the job will be suitable if his physical fitness and prior training is proper, the cost of traveling to available work is there for him to obtain, the wages are at least 120 percent of what he would be receiving as an unemployment check, and wages and other conditions of work are comparable to those prevailing for any similar work in the locality. This is the thing that right now they simply can say that we cannot accept that job because it is not like the

one I just left. This is only after they have been out for 12 weeks, and then have had jobs offered to them that will pay them 120 percent of what their normal check will be, which I understand is \$84.00 in June.

The other thing is that if they belong to a Union, they do not have to join any other union in order to be able to work because of being a Union member because that is already taken care of in the law and is not repealed.

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

Mr. PRAY: Mr. President and Members of the Senate: I think this is a very important piece of legislation that we all should look at with great detail. We are all aware that there is a problem in the unemployment area. As a matter-of-fact, the 107th Legislature passed a Study Order for the Labor Committee to go out and study unemployment. I was on that Committee at that time, and again on the Labor Committee this session also.

A few statistics or facts should be brought out to Members of this Chamber, where we all share a concern and individuals that are collecting unemployment, I think everybody in this Chamber has that desire to fulfill the dream of full employment, of having every available worker at a job earning an income. In the last several years the nation and the State of Maine have gone through a great economic strife. We have been faced with high unemployment. Our unemployment fund has gone in the hole. Last Session it was estimated that we had to borrow \$22 million dollars from the federal government to take care of this problem. This year when we came back into the 108th, we only had to borrow \$14.9 million because the economy had started to rebound. Unemployment started to drop.

But the concern of the vast abuse which we hear about still exists, and is still a great concern. The statistic that I would like to point out is that the average individual that is unemployed only collects for nine weeks. Very few, a small percentage goes over the 12 week period.

When the unemployment laws were first established in 1937, the base was \$3,500.00, of which the unemployment taxes were collected on. That amounted to roughly about 95 percent of the wage at that time. Today the taxable base is \$4,200.00 and it accounts for 45 percent of the average wage base.

My concern though is not to point out to you that the wage base has not kept up for the increase in wages, and thus the fund is in trouble, but what this Bill, as amended, will do. I want to point out just the main fact of my objections is that 120 percent provision. We talked about this Bill just a few minutes ago, and I stated that the average unemployment check was \$69.00 or rounded it off to \$70.00. I was in error at that time. The average is \$50.00. We will round it off to \$60.00 and if you require an individual to take a job on the average that pays 120 percent of what his unemployment benefits are, you are going to require an individual to average a job that is \$42.00 a week. Now I will remind you that minimum wage for a 40 hour week is \$92.00. So, what this Amendment would do is require an individual from any field, any income bracket, after 12 weeks he would be forced to leave his field to accept a job, either within his field or in another field that paid less than what minimum wage does. Thus, we are going to be requiring him to take less than a full-time job. I am sure that if I stopped to figure it out, we are going to talk about roughly somewhere in the vicinity of 32 to 34 hours a week. An individual would have to take that job, because 120 percent of his average unemployment benefit, again I point out, is \$72.00.

The Governor announced earlier in his economic plan that he wanted to spear the economy to promote it, to increase the average

wage of the people in the State of Maine that work. Let us stop for a minute and look at exactly what this Bill will do. If you are going to require an individual to take a job that pays a lot less than what the prevailing wage is, an individual is going to become unemployed, perhaps earning \$4.00-\$5.00 an hour or maybe \$3.50. He is going to go out into the market area and if there is any particular areas of the State the unemployment level is still high and that individual can not find a job, half of that 12 week period he is going to be taking less of a job, and what it is going to do is take the individuals lower down the scale and push them out of the job market.

I am a business man and I would rather hire an individual that has a little bit of qualifications. If I had the opportunity to hire an individual who previously was earning in the vicinity of \$4.00 to \$5.00 to \$6.00 an hour for \$2.30, I would probably grasp at the chance, knowing that this individual has years of experience behind him, working knowledge that I can perhaps apply for a much cheaper cost. What is going to happen to the individuals that I hire now? What is going to happen to the college kids, the high school kids that are out for the summer employment? They will increase the unemployment market. These individuals are going to be left off the scale completely. It is going to increase the lower market area. It is going to take those people on the bottom scale and remove them from the labor market completely. I do not think that we at this time want to do that.

I move the indefinite postponement of this Bill and all of its accompanying papers.

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

Mr. KATZ: Mr. President, I oppose the Motion to indefinitely postpone.

I think the basic question is whether unemployment compensation is an insurance program or a welfare program. This is public policy that you are facing here today. There is a small group of Maine people, and fortunately it is relatively small, who have taken a perfectly good insurance program and subverted it for their own purposes. You all know of situations where people have studied the program so beautifully that they know how many weeks they have to go back into the job market to accrue enough credit so they can take a beautiful Maine summer off.

I feel that this is an extraordinarily good opportunity for the Maine Senate today to be responsive to what people are saying. What I hear people saying is that we are strongly in favor of this insurance program to tide people over between jobs. We are not opposed to indentured service. We would not be willing to say that somebody must take a job, but we would protect the insurance program and make sure that it is not subverted any further into social welfare programs.

There are two airlines in the State of Maine. Air New England and Bar Harbor. The opportunity for airline pilots is extremely limited in the State of Maine, and from time to time airlines have layoffs. Under existing law a pilot for Air New England would be perfectly justified in staying on unemployment during the entire year and draw these benefits if a suitable job were not available, and a suitable job for an airline pilot is a job as an airline pilot.

Now I am not sure but this is what unemployment compensation is all about. Certainly there must be some kind of a moral obligation for somebody in this kind of unique employment classification to get himself some other kind of a job during his period of unemployment. But under existing law there is no motivation at all because he can stay on and draw and draw and draw and draw until his benefits are up.

Now my problem with a very clear statement that the Senator just made is that I do not see

from those who oppose this Bill any constructive effort to deal with the problem everybody says exists. We all agree that a problem does exist. What is the response? It seems to me that the response is to limit the number of weeks that a person is entitled to unemployment compensation before he is obligated to accept a job meeting certain qualifications, a broadened series of qualifications if he chooses to remain on the unemployment rolls.

The alternative is to raise more business taxes, and we all make beautiful sounds in here about creating a better climate for Maine business. What we have done very significantly over the years by overly broad expansion of unemployment benefits is to increase the tax on business. The fact that we had a \$20 million loan out to the federal government is indicative of the fact that we can expect additional increases in taxes.

I urge the Senate to treat this a very, very important piece of Legislation, and to overwhelmingly defeat the Motion to indefinitely postpone, and if there is some constructive concern on the part of those who identify the problem but do not like this solution, I say that there is an obligation on you to offer an alternative solution.

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

Mr. CONLEY: Mr. President and Members of the Senate: I am sure that some of the statements made by the good Senator from Kennebec are true. I think that there are some people who take advantage of any type of program that any Legislature or the Congress passes to try to make an assistance in times of stress.

But let me remind the good Senator from Kennebec, Senator Katz, that job opportunities are not very plentiful, not only in my community or his community or the State or the Country as a whole. Unemployment in this country is of a very, very high proportion and we continue to hope that jobs will be available, and I really do not take any credit or try to for what administration, whether it is the present administration downstairs or the future, or the one in Washington that makes employment available. But it just seems to me that everytime we have this type of a situation, whether it is an AFDC program where unwed mothers, it seems to me that we have to strike out and accuse the vast majority of those mothers of carrying on extra-curricular activities with their former husbands or their new playmates or something, something to throw another condemnation across the program that definitely offends those mothers who are trying to raise their children and trying to live a decent moral life. But it is so easy to send out a rocket to condemn everyone as a whole, or at least give indication of that.

The same as it is today with those unfortunate people, skilled workers, who, because of lack of employment, are now being called "chisellers" because they continue to collect unemployment benefits.

I have four or five good examples that I would like to point out to the Senate. One is that there is a shortage of jobs in Maine, forcing skilled workers to take less skilled jobs, which merely displaces an unskilled worker, thus lowering the wage structure statewide. Secondly, the skilled workers take pride and I think our Maine employees take great pride in their work, and they resent being forced down on the economic scale. Three, being forced to take an unskilled job interferes with their efforts to find really suitable work. Four, relatively few employers want workers who are overskilled and anxious to get a wage. There is very little chance that they will become satisfied workers. Five, rumors about workers who simply lay back on unemployment compensation and who possibly moonlight are probably exaggerated and should in any case be addressed by fraud provisions of



the act. And I think that is what we are talking about primarily.

If we have a faulty system, then let us look into it and let us prosecute those who are unfairly taking advantage of the system. I know that several weeks ago I watched, I believe it was Sixty Minutes with Dan Rather, and I was amazed and shocked to see the advantages that are being taken by certain individuals, who are taking off to Florida in the winter time and in the summertime they are probably off at the beaches. But the fact of the matter is that these people have to sign up for unemployment; that they have to go through a procedure, and I think it is up to us to make sure that the procedures are checked into and checked out very thoroughly to make sure that people do not take advantage of it, but because of the faults that are in the system we should not condemn those, in blanket condemnation on those individuals who are skilled employees and can not find work.

Therefore, Mr. President, I would hope that the Senate would vote to kill this Bill and that when the vote is taken I request it be taken by the yeas and nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, Ladies and Gentlemen of the Senate, I certainly agree with the previous speakers who have indicated that this is a most important Bill, one of the most important Bills that we have to come before this Senate in this Session of the Legislature.

I am really quite amazed to hear the first speaker on this issue and the immediately preceding speaker on this issue indicate that indeed there are abuses in the unemployment compensation laws, there are abuses and advantages being taken of these and, yes, indeed we all know of examples that have been given to us in our campaigns, in our contacts with our constituents in the interim while we serve here, of individuals who take advantage of the way that the unemployment compensation laws are written. Yes, they all admit that there are problems, and yet I suspect that when the vote is taken, and I certainly concur with the request to have this vote taken by the yeas and nays, I suspect that when the vote is taken there will be a good number of votes to do nothing about those problems.

Now how many times have we talked with constituents who have complained about the problems in the unemployment compensation laws, have had to tell them that there are really few things that we can do about the unemployment compensation laws, because there are federal regulations and federal laws that must be complied with. And yet we have before us here at this hour an opportunity to address this problem and to make some of the corrections that logically we must feel are valid and are needed.

Now let us take a look at the Bill. Let us take a look at the Committee Amendment (H-351) and see what it does do. It is really a very simple Amendment. It states very simply that if an individual is an able-bodied individual and he is on unemployment and receiving unemployment compensation, that after three months of being unemployed, if a job is offered to him which he is capable of performing, and if there is no physical fitness problem, if there is no problem with his prior training, if there is no risk involved to his health, if the wages would equal 120 percent of what he will be collecting from unemployment, if he does not have to resign a union, if he can still remain a member of that union in which he happens to be a member, if the wages and other conditions of the work are comparable to those prevailing for similar work in the locality in which the job is being offered, how considerate can you get, then indeed

that individual will have to become employed for he will no longer be paid compensation benefits.

Now I ask, and I think that the people of the State of Maine are asking, and I think that they are entitled to an answer, I think we are being very considerate of the individual who happens to be able-bodied, who happens to be granted or presented with a working opportunity to earn a wage that he should be required to go to work and to accept that wage and continue to look for better work if that is his desire, that is his wish. But, the alternative that the opponents of this Bill would have you adopt and accept is that this able-bodied individual, who is obviously not being inconvenienced by having to accept this work, should be allowed to simply sit back and continue to receive unemployment benefits at the expense of every other citizen in the State of Maine who happens to be working and paying their taxes.

I think we have all been given numerous examples. I know that I have in talking with constituents. In fact, I think that this perhaps is the one single biggest area of complaint that the people of the State of Maine perceive, and I dare say the people across this nation perceive as one of the areas of the biggest problems that we have in government today because they all know of situations where individuals who happen to be unemployed have refused to accept work and perhaps they are totally fit to do it, and that would not be beneath their capabilities or their training to accept. I think that we can all have sympathy, and I think we all do for the individuals who are truly unemployed because of conditions beyond their control.

But I think that it is also very true that there are times in areas of very high unemployment where employers find it very, very difficult to hire people to perform jobs which are not menial jobs, but which are good jobs. The papers are full of job opportunities, job ads in many instances where the employers find it very difficult to find anyone to accept those job opportunities. We come right down to the basic question of while knowing that there are abuses, we have a very limited opportunity to do something about those abuses here today.

I would hope that this Senate would not reject that opportunity, and would vote in opposition to the pending Motion of indefinite postponement.

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

Mr. FARLEY: Mr. President and Members of the Senate: I do not believe there is a Member of this Body who does not agree with the statements made by either the Majority Leader or the Minority Leader, or the good Senator from Kennebec, Senator Katz.

I think that for the past three or four Sessions and probably the last 10 or 12 years through Federal legislation and State legislation, we passed meaningful legislation to solve some of the problems that people who are either unemployed or low income for one reason or another. What we have done in doing this here is simply taken incentive out of people to go to work.

I do not believe this Bill here is going to solve that problem. However, the good Senator from Kennebec, Senator Katz, suggested that do we have an alternative to this piece of legislation here. It has been suggested maybe if this Bill does continue to go along then Amendments might be suggested to this Bill here. But I had all intentions of putting an Order in to study this problem, suggesting some Legislation with regard to unemployment where the problem lies in that first nine or ten weeks of unemployment, and people have a problem, become aware of all of the programs that we have to help them financially. And when these programs become available to them, they say "Gee, what am I working for? It is a lot better

to stay home and collect all this money."

What I would suggest in my Order for the Labor Committee to study is that when someone gets unemployed he is earning \$3.50 or \$4.00 a hour, and if there was a job at minimum wage available, we assign him that job, and let the unemployment compensation make up the difference, but he will have to take that job at no financial sacrifice. But he gets immediately on the unemployment roll.

Now there are some problems with this Legislation I am sure, which was entirely too early to attack in this Session of the legislature. But I am sure through a Study Order we can work at this problem that is before us in that method there in some shape, form or manner. That I think is the alternative that we ought to look at, not what we are suggesting here. We are all aware of those 10 and 12 percent of the people and I have seen them in November, come into the unemployment office with a big orange hunting jacket on. "Did you go look for a job today?" "Oh, yeah." "Available for a job?" "Oh, yes". Now we all know better.

Now if we really want to get at this problem let us put them on a job right off. Let's not hurt the 90 percent of the people who are earnestly out of work, who have a real problem. Let us not make them pay the price for those 10 percent there. Thank you very much.

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

Mr. PRAY: Mr. President and Members of the Senate: I would like to correct the Majority Leader for a couple of statements.

First of all, the first speaker was the good Senator from Hancock Senator McNally, and I am sure he did not mean to correct him.

The second thing I would like to point out as to basically what we are talking about; somebody talking about an obligation to a solution, I wish that the entire Membership of this Body was a Member of the Labor Committee so that they would be aware of the fact that we have Legislation still in that Committee that we are working on, looking for solutions to the problem. But when we take an action to solve a problem we have to be certain that we are not going to create a greater problem. So the obligation to a solution is a careful project which we must all undertake.

If we are to react to all of the concerns that our constituents see expressed, without looking at the facts, without getting down to the actual existence or exactly what is happening, then we are doing an injustice to constituency. I am sure that if we went out and we asked constituency what they thought of a lobbyist Bill, overwhelmingly they would tell you to support it, yet we stood in this Chamber yesterday and the reason of some individuals is that there was not a need for this reactionary legislation through their own classifications, not through mine. It is true that they feel unemployment is a great problem, and that there are a lot of fraudulent activities going on.

I would be happy to sit down with any Member of this Chamber and go over the labor laws and spell out and show you the duties and the powers of the Commissioner of Manpower Affairs and exactly what they can do. As an individual who goes from one bracket of unemployment from the first 12 weeks or from one section into the another, you will find that job classifications and the requirements of employment that they must take changes. So I do not think that we should go in like a bull in a china shop and attack the problem, saying we will pass anything that comes along and solve some problems.

If we want to talk about business taxes, let us talk about some of the abuses in the tax system. In the construction industry, which pays in 13 million plus into the unemployment fund, draws \$8.26 million, but we have a ceiling on the unemployment tax. Why not increase the ceiling

for those industries that are draining the funds so that they pay their share. I am sure this Chamber would reject that measure.

I would like to have you all look at the newspapers, look up the want ads and find out where the majority of the Maine unemployed are going to find work as babysitters, camp director, certified nurses aide, cook, housekeeping companion, a lab technician, join the Army. I think I went through this with a former Senator from Cumberland, Senator Berry, last year when we talked about similar issues.

I do not think there is not a Member in this Chamber that wants to solve the problem. But let us not react in an erroneous way. Let us be responsible. I do not see this Legislation as an improvement to the system.

I will point out again my major objections. The State of Maine now has an average wage of \$9,000.00 a year. If this Bill is passed we are going to push that wage down. And what is going to happen when it goes down? Those qualified people are going to leave the State of Maine. They are going to go elsewhere.

In reference to solutions, the solution is mentioned by the Minority Leader is a creation of more jobs. Several of us in this Chamber have Legislation pending to encourage business to come into the state. I hope that this Senate will act favorably on those Legislations. Let us look at the base of the problem; let us study it. And then let us find a solution.

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

Mr. KATZ: Mr. President, in his remarks earlier the Senator from York, Senator Farley, I think focused in on the question, as I understood it, of the 120 percent factor, and suggested that perhaps the fund could make up the difference between what the job paid and what suitable employment may be. Here is an alternative that has been suggested.

But I say that the biggest issue facing us is to remove the disincentives which we have created. You know, it is all very well to talk about studying, but every Presidential election in the last 12 years has talked about this issue. It is not a new issue. Every single employment security law, every single unemployment compensation law in recent years in this Legislature has been passed with the assistance of the Republican Party. I say that the Democratic Party today is the Majority Party in the Legislature. And I assign to that Party an immediate responsibility to tell us what your solution is. Let us negotiate a solution together. Let us not talk about studying and let us not certainly say the answer is to kill a Bill that is just in the original Committee Report stage.

I can not accept in good faith the pure hearts of people who will kill a Bill before we even attempt to modify it to fit whatever your perceptions are, and I guess I am unwilling to wait until the hot month of July until another Bill winds its way out of the Labor Committee maybe to see what is going to happen. Here is a vehicle and here is a challenge that the Republican Party and Democratic Party join hands and deal with the problem.

I am not talking about, I am not insensitive to the plight of the worker whose world has crumbled, who knows the shame and the fear of being unemployed. For him I have great sensitivity. I am talking about those who have succeeded in subverting the system, with our help, because we have given him disincentives to accept adequate and suitable employment, and that is what I would like the Senate to concentrate on.

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

Mr. SPEERS: Mr. President, I would like to correct a few comments that were made by the good Senator from Penobscot, Senator Pray.

The good Senator has suggested that this

Senate is just flailing around ready to accept anything, like a bull in a china shop, anything that comes along that has any way, manner, shape or form, a little or anything else in the Bill that looks like it might solve the problem.

I would like to point out to the good Senator that the Amendment that is on this Bill is quite a bit different from the original Bill that was submitted to the committee. It has had a good deal of consideration given to it. The Bill has had a good deal of consideration. The Bill has had a hearing. There have been working sessions on this matter and there has been a Committee Amendment which has been a result of that careful consideration, and I certainly would not say that it is a flailing about like a bull in a china shop ready to adopt anything that comes along.

What we are ready to do and what we are ready to adopt is some action that will at least address the problem. Now we have heard the opponents to this measure almost plead with this Senate; look at the newspapers, look at this, look at that, let us study this matter, let us do anything but actually address the problem. We have heard comments about the entire unemployment compensation system. We have heard comments about employment taxes. What we heard very little about is comments on the Bill that is actually before us; on the Amendment that is actually before us. I think that the people of the State of Maine are deserving some explanations by those who are in opposition to this matter as to what the problems are with the Amendment and the Bill that is actually before us.

What is the problem with requiring an individual who has adequate physical fitness and adequate prior training to accept a position that might be offered to him. That is what this Amendment says. What is the problem with having an individual when it is considered as to the cost of traveling to available work accept that available work? What is the problem with having an individual whose wages would be 120 percent of his benefits under the unemployment compensation accept that suitable work? And what is the problem, as this Amendment states, where wages and other conditions of work are comparable to those prevailing for similar work in the locality, of having him accept that suitable work?

And one of the major oppositions, one of the major problems with this Bill with regard to union membership has been addressed, and has been taken care of in that the individual who happens to be a member of a union will not have to remove himself as a member of that union in order to accept suitable work. Now that is the Amendment and the Bill that is before us, and I would hope that we not simply flail about, as I believe the opponents of this measure are doing, in talking about the whole range of unemployment compensation, as I think that the people of the State of Maine feel there are abuses, there are problems, and we are trying to address those problems, and if we are not addressing those problems in this Amendment I think they are deserving of an explanation as to how this specific Amendment creates additional problems.

One further point that I would like to make; and that is that unless the individual is actually offered a position, is actually offered a job, he may indeed continue to receive unemployment benefits, but if he is offered a job which meets all of these conditions of suitable work, then he must accept that position or forego additional benefits under the unemployment compensation laws.

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

Mr. LEVINE: Mr. President and Members of the Senate: I would like to touch on one problem that was mentioned just peripherally by the Senator from Penobscot, Senator Pray, that is

the problem of the people that now hold these low paying jobs. I wonder what is going to happen to them. These are the people that are the least able to bear a loss of job for any period of time. These are people that are holding either a very low paying job or part-time job; perhaps to supplement their income or perhaps their primary source of income.

I, too, believe an employer would rather have someone holding a position for him who has a long history of experience and a long history of training in a profession, although it may not be the profession he is looking at at that present time with that particular job, simply because in general what people believe is the more experience, the more work training behind you, the better an employee you will be in any area. What is going to happen to these people?

I, too, agree that there are problems with this system. There is no question I do not believe in anybody's mind in this Chamber that there are problems. These problems have to be solved.

Unfortunately I feel that in this particular piece of Legislation, if this should pass, we are going to create even greater problems, and create those problems for those people who are least able to bear the brunt of this Legislative decision.

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

Mr. CONLEY: Mr. President and Members of the Senate: I am always somewhat heartstricken when the Majority Floor Leader gets up and talks about the working class of the State. As I cast my eyes around this Senate, as I do quite frequently when we start discussing a subject such as this, I always wonder in my mind as to how many Members of this Body have ever collected unemployment compensation. It seems as though those individuals who speak out the loudest as to what is wrong with the system are those that have never known what it was to go without a square meal.

Let us just take a few of the figures, the statistics of last year, dealing with so-called skilled workers, and these figures are available over at the Manpower Affairs or Mr. Emile Levesque's office. The 860 unemployed skilled workers last year, the 860 collected their full 65 weeks unemployment compensation and during that entire period of time less than 50 percent of those who come in to sign up regularly, less than 50 percent were interviewed for work suitable or commensurable to the employment that they were accustomed to, and of the remaining 50 percent, 55 individuals were given employment. So, it is obvious to me that it is the whole system itself that is the problem.

I am sure that if I were a pipe fitter and the good Majority Floor Leader were the interviewer, say, at the Maine Employment Security Commission and I was coming in to sign up, and he told me, well, we have a job down town now in my good friend on my left here, Senator Danton's restaurant, and we think that is suitable employment for you. Well, I do not know. I think that I should be the judge as to what is suitable employment, and what I have to figure on as far as compensation being able to take care of the family.

We have problems. We have many, many problems, but the biggest problem we have is the lack of employment, the lack of jobs, and if the good Majority Party, the good Senator who is absent from his seat now, Senator Katz — excuse me, right, he is still with us, were to concentrate more on making more jobs available, perhaps we could get more people off welfare, off unemployment compensation, and off all the other things that seem to be a drain on the taxpayers. But let us not condemn them. Let us try to offer solutions and not by throwing them crumbs such as things we call suitable employment.

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

Mr. PRAY: Mr. President and Members of the Senate: I am sorry the Senator from Penobscot, Senator Trotzky is not in his seat, because I am sure we just gained his vote with the Senate Majority Leader speaking out on the union issue. Let me address that one for just a moment.

If an individual belongs to a union, then he would not have to accept a job that pays less than the prevailing wage in his field. What this will do is all those non-union members out there say, well, if I want to be guaranteed that I am going to continue to get \$4.00 or \$5.00 or \$6.00 an hour, I had better join the union, because if I do not belong to the union, they can hire me for \$2.30 an hour for less than 32 hours a week, because when we require an individual at 120 percent to take a job, we are definitely going to be paying them less than a full time job, and I mean full time by 40 hours a week.

Let us address the Amendment, and my major objections to it which I thought I had kind of addressed a couple of times, the 120 percent provision. An individual working on the 120 percent at the bottom scale is going to be working for \$3,600.00 dollars a year. I point out again that the average wage in the State is now \$9,000.00. At minimum wage, it is \$4,600.00 a year. This would still require an individual as at the bottom at least to take a job if he is getting the average unemployment, a job yearly paying \$3,600.00. When we direct on the Labor Committee or if any individual in this Chamber wants to talk to the Commissioner of Manpower Affairs and ask him where the abuses are, I will tell you what you are going to get for an answer. They do not know. Yet we are able to sit in here and say we know where the problem is. Let us pass a piece of legislation requiring them to take a job. We do not want him to work for less than what he is getting on unemployment, so we will say 120 percent of what he is collecting on unemployment. Let us look North of here. Let us look at Madison, 350 people unemployed recently. Less than a dozen of those people have found jobs and their 12 weeks are almost up. What are we going to do to those people in a situation a year from now when something like this comes up? The 12 week period goes by, and all that they can find are menial jobs, far below the prevailing wages in the State — consider that. That is the basis of my vote on this issue. Thank you.

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

Mr. KATZ: Mr. President, I simply will not tolerate the Minority Leader chiding me about my lack of interest in creating jobs. My involvement in school funding, just all by itself, has created many jobs for an extraordinary number of lawyers in the State.

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 Sergeant-at-Arms will secure the Chamber.

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Pray, that L. D. 452 and all accompanying papers be indefinitely postponed.

A yes vote will be in favor of indefinite postponement. A no vote will be opposed.

A Secretary will call the Roll.

#### ROLL CALL

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

NAY — Carpenter, Chapman, Collins, D.;

Collins, S.; Cummings, Curtis, Greeley, Hichens, Huber, Jackson, Katz, Lovell, McNally, Morrell, Pierce, Redmond, Snowe, Speers, Trotzky, Wyman.

ABSENT — Hewes.

11 Senators having voted in the affirmative, and 20 Senators in the negative, with one Senator being absent, the Motion to indefinitely postpone does not prevail.

Minority 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:

House Reports — from the Committee on Labor — Bill, "An Act to Improve Public Access to Public Labor Negotiations." (H. P. 1316) (L. D. 1548) 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 Majority Ought Not to Pass Report

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

Mr. McNALLY: Mr. President, I was brought up to believe in labor negotiations, that it was a secret affair between the two parties negotiating, mediating, whatever. But, after the last Session when it was found it was so good to have three students participate in early negotiations, at least, from the University of Maine, I could see some reason why that the reporters felt that they ought to have some chance to at least be classed as well as the students at the University of Maine, and although I could not hope to pass the Bill as it was written, I could hope, like many people do, to do something to make folks aware of the problems that are occurring every day before the common employer that I belong to, is that there should be some way of knowing something that was going on when negotiations were being done.

Now, if the Bill could be brought to the Second Reading, I could promise, very faithfully, that I would put an Amendment in which would say when collective bargaining is taking place between the parties concerned, that one reporter shall be considered, the same as the three students and during the course of collective bargaining the reporter designated shall be allowed to meet and confer with the parties during reasonable intervals. In an editorial yesterday in the Portland Press Herald, and I will read you: "Hasty Dismissal. The speed with which the Maine House dismissed a Bill to open more governmental labor negotiations to the taxpayer may be an indication of the shallowness of legislative commitment to the public's right to know what is being done with its money. Under existing law, labor negotiations between the governmental employer and the employee may be open to the public only if both sides agree. Under the proposed change the negotiations would have been open whenever one of the two parties demanded it. In rejecting the proposed change by a 40 vote margin, the House chose to ignore that decision concerning massive expenditures of public funds are now made in secret. The House apparently does not care that over 60 percent of all local tax dollars are spent on public employees salaries and related personnel expenses," and so on and on.

I would ask for a Division on the Motion.

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

Mr. CONLEY: Mr. President and Members of the Senate: The hour is getting late and it is getting warmer.

I tried to debate this measure last week, and I

thought I covered all bases. Once again, I would just very rapidly state the good Senator from Hancock, Senator McNally, has apparently, in negotiations in his community, probably deals, if they do deal, with one organized bargaining unit.

I would again just reiterate the fact in my community, and I am sure several other communities within this State, and I have to clarify for the record, the City of Portland, for example, just dealing with the City side, not school department, the City side has 14 bargaining units, and if you are trying to sit down and negotiate 14 different contracts, I can just see, and if this is going to be open to the public or open to the news media, I can see what is going to happen. I can see your taxes just going sky high and the purpose of bargaining, you might just as well throw it out the window, because it is absolutely foolish. There is no need of collective bargaining.

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

Mr. PRAY: Mr. President and Members of the Senate: I will just remind this Body of a few comments that I made the other day in reference to where the Legislation came from. It was from the Maine Press Association, so I would suspect that any editorials that relate to this Bill would definitely express their viewpoints on favoring it. And I just wish the Body would take that into consideration, and consider what it would be like to have a reporter sitting in there daily, coming out the next day reporting to the press the demands, the outrageous demands which are being made from both sides to start with, depending upon the position of the press and where they felt they could definitely put undue pressure upon both sides as to the outcome of that negotiation.

I think that the Maine Legislature took serious consideration and acted in the right manner when they decided that both parties have to come to an agreement to open these negotiations up. I do not consider them in the terminology as secret. We have Members on there representing Municipal Government, State Government, and we have individuals on there representing a segment of our society, the constituents which we represent and the agreements on the two sides that you come to, the middle road where both sides can live with it, and everything can be worked out to an agreement.

I would hope that we would indefinitely postpone this Bill.

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

A Division has been requested.

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

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

18 Senators having voted in the affirmative, and 7 Senators in the negative, the Motion to accept the Majority Ought Not to Pass Report does prevail.

The President laid before the Senate:

Bill, "An Act Concerning the Municipal Reimbursement of Claims for the Tree Growth Reimbursement." (H. P. 932) (L. D. 1129)

Tabled — May 20, 1977 by Senator Huber of Cumberland

Pending — Enactment

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

The President laid before the Senate:

House Report — from the Committee on Education — Bill, "An Act to Facilitate Out-of-State Post Graduate Education in Certain Professions." (H. P. 408) (L. D. 502); Ought to Pass as Amended by Committee Amendment "A" (H-159)

Tabled — May 23, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Report.

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

Mr. KATZ: Mr. President, I would hope the Senate could, realizing our limitations, our limited options, accept the Committee Report, the Committee Amendment, and I would hope the Majority Leader might suspend the rules to give this a second reading so we can get the Bill on to enactment.

Which Report was accepted.

The Bill read Once. Committee Amendment "A" Read and Adopted in non-concurrence. House Amendment "A" Read and adopted in concurrence.

On Motion of Mr. Speers of Kennebec, and under suspension of the rules, the Bill Read a Second Time, and Passed to be engrossed, as amended, in non-concurrence.

Sent down for concurrence.

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 23, 1977 by Senator Speers of Kennebec

Pending — Consideration

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

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 23, 1977 by Senator Speers of Kennebec

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 Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I move the pending question.

The PRESIDENT: The pending question is the Motion by the Senator from Knox, Senator Collins, that the Senate reconsider its action whereby this Bill was passed to be engrossed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I am not going to oppose the Motion made by the good Senator from Knox, Senator Collins. As I stated, last week, I do have very strong reservations about the House Amendment that is presently on the Bill.

I think that sooner or later this Legislature is going to have to face up to reality and to equalize right across the Board the average per cost per student.

Because of the fact that there are many superintendents waiting to find out exactly what this Legislature is going to do, I am going to agree to allow this Bill to be reconsidered, the rules be suspended, and send it back down to the other Branch, and see exactly what does happen.

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby this Bill was passed to be engrossed? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I move that the rules be suspended.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate suspend its rules. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I move the Senate reconsider its action whereby it adopted Committee Amendment "A" as amended.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate reconsider its action whereby it adopted Committee Amendment "A" as amended. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I move the Senate reconsider its action whereby it accepted House Amendment "C".

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate reconsider its action whereby it adopted House Amendment "C" to Committee Amendment "A". Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I move that House Amendment "C" be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate indefinitely postpone House Amendment "C". Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I move that we adopt Committee Amendment "A".

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I would like to make some comments as to my feelings about Committee Amendment "A", which does require a hardship waiver by the State Board of Education if school units are to spend in excess of the so-called ceiling.

I think this constitutes State control of local dollars, locally raised and locally expended. We have had problems in the past with L. D. 1994 where we had supposed local control over the expenditure of State dollars, and, as I said the other day, this did not work, and did not work spectacularly.

I think the reverse, which is State control of local dollars, again locally raised and locally spent on local decisions, is wrong. I do have an Amendment to the Committee Amendment, which hopefully will be distributed very shortly, and if there is no further debate on the Committee Amendment, I hope we can table this until later in Today's Session so that the Amendment can be distributed.

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

Mr. CHAPMAN: Mr. President and Members of the Senate: I would like at this time to move that we indefinitely postpone Committee Amendment "A", and would speak to my Motion.

The PRESIDENT: The Senator has the floor.

Mr. CHAPMAN: Mr. President and Members of the Senate: Committee Amendment "A" sets a ceiling based upon the 1973-74 base year, and has been expressed it is going to force many towns to petition hardship to the State Board of Education. In my view too many towns, if my information is correct, some 60 superintendents on behalf of their towns are going to make such requests. I know in School Union 48, 4 out of the 8 towns are going to experience hardships.

Removal of Committee Amendment "A"

would leave the Bill in its original form, which would extend the removal of any ceiling for one more year. Hopefully, and necessarily, the problem of adequate and proper funding can be addressed in the interim year. We must establish an effective yardstick for permitting the necessary educational expenditures to be raised in the towns, one that reflects not only the large cities but as well the very small towns. The impact is really relative. It impacts on the individual citizen, no matter which community the citizen resides in, with substantial severity.

Forcing towns in large numbers to appeal to the State Board for hardship is obviously not in order. Unloosing the reins totally, permanently, is not either in order. It will return us to the former unequal situation which we have attempted to correct. Restraint is necessary.

It seems to me that a more direct and determined approach is necessary than has yet been accomplished. We are beating around the bush on this matter. We must find a permanent solution, a formula to govern this matter. Rather than react, we should act. The need to do this is especially important, so that our municipalities can timely plan in the future to hold town meetings or council meetings to adopt budgets, knowing what action they can take regarding school funding. This continual uncertainty as to what they can and cannot do is crazy. It is costly, and it is not conducive to the kind of local participation that we need to have on matters of such importance.

Again I say restraint is necessary, but not under a setup that requires so many towns — I would guess on the other side of 100 of them, to have to petition hardship to the State Board.

I would request a Division.

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

Mr. HUBER: Mr. President and Members of the Senate: I would like to explain a little further what the Amendment that I hope will be distributed shortly does. It removes the requirement for a waiver from the State Board of Education from the Committee Amendment, and it retains those provisions of the Committee Amendment which provide that the spending above the ceiling is not included in the calculation of education costs.

Therefore, the Legislature, under our existing law, will have a clear indication of what is being spent above the ceiling, but this above the ceiling spending will not be included in the calculation of the cost of education.

I think this eliminates the cumbersome problem of the Board of Education's waiver, and would also eliminate the attempted State control of purely local spending.

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

Mr. KATZ: Mr. President, I think that the issue is now much clearer than it has been with the Motion to indefinitely postpone. If you vote to indefinitely postpone the Committee Amendment, I think that you will be supportive of the Amendment from the Senator from Cumberland, Senator Huber.

Let me explain the issue as I see it facing every Member of the Senate today. Now Senator Huber's proposed Amendment in effect will raise the ceiling for another year, and just make sure that those funds are not included in computation of total educational costs to influence spending in the next Legislature. But it will do one more thing — by completely removing the ceiling so that local people can make local determinations, I think that you will significantly put pressure on future Legislatures to raise spending. It is an invitation, as well as an authority, to spend more at local level. Right at the moment you know in this Session in the debate on the level of spending earlier in the Session, we were told again and again and again that something like \$300 million actually was spent last year, and

that exerted pressure on us to raise our spending above that level this year, but we held it off.

Now if you remove the ceiling for another year, and let this become cumulative, so that next January we will be under pressures to be influenced, not by taxes but be influenced by the extraordinary, I predict, expansion in local spending, I think you are going to have a budget that is significantly bigger than what you do now.

This is all conjecture, but it is conjecture based on experience. If you are most concerned about local control, vote to indefinitely postpone this Amendment. If you are deeply concerned about expanding educational costs, I suggest you vote to support the Committee position. Education is labor-intensive. Something in the order of 80 percent of all educational dollars go into salaries, which might explain why there has been so much lobbying to defeat the Committee Amendment.

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

Mr. CONLEY: Mr. President and Members of the Senate: It is my understanding, and the good Senator from Kennebec, Senator Katz, can correct me if I am wrong — but it is my understanding that under the present Committee Amendment that although there is a ceiling there, the ceiling has plenty of sky-light in it, that there is opportunity to take advantage of that ceiling. But if the Legislature fails to pass this Bill, and we have to revert back to the present law, that the ceiling is very solidly tied in, whereby you cannot exceed the spending level.

I just think that we ought to be very wise in what course we take and what decisions we make here today.

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

Mr. MERRILL: Mr. President and Members of the Senate: Let me say, first of all, that it is my understanding that the Senator from Cumberland, Senator Huber's Amendment is to the Committee Amendment, and the Motion before the Body at the present time is the Motion to indefinitely postpone that Committee Amendment.

It is also my understanding of the parliamentary rules under which we operate, that a Motion to Amend, once the Amendment is at hand, will take precedence over the Motion to indefinitely postpone. I think that it is fitting that we vote on the Motion to Amend before we vote on the Motion to indefinitely postpone, because many of us would like to finally be in the posture of being able to support this Committee Amendment as amended by the Senator from Cumberland, Senator Huber. That is the position that I would like to be in, and if it is not forthcoming before this debate on the merits of the Committee Amendment expires, before the vote is taken on the Motion to indefinitely postpone, I hope we will table until later in Today's Session, so that we will be in a posture to be able to vote accordingly.

Let me say on this whole issue that there is a great deal of strong feeling about what we do when we allow local school districts to spend more money, and I think one of the sentiments is very well expressed by the Senator from Kennebec, Senator Katz. But you know there is all sorts of pressure that exerts itself on the Legislature, and I think we can deal with that, and it is because of the efforts of the Senator from Cumberland, Senator Huber, and others who have worked to change the law as it was originally written that that is all that the Legislature deals with is pressure, and the Amendment as amended by Senator Huber, if we have a chance, would put us in that position. We will know what the local districts want to spend, but we do not have to spend that level at a State level if we do not want to. But we will

not be faced with an artificial figure as to what is needed to be spent, or what the local school districts thought needed to be spent.

I have a philosophical objection to limiting at the State level how much money local people can spend of purely local dollars, and I do not think that we have any right to do it. First of all, the people — and I do not mean that in a legal sense. I mean that in a political sense. I am sure we have a legal right to do it. I think that the people at the local level might want to define education in a broader sense than we traditionally think of it, and that would require more expenditure on their behalf, and if that is their wish, God bless them. They may wish to spend more on certain elements, and labor may be one of those elements, and there may be other elements that they wish to spend more money on, and if that is their wish with their own local money, again God bless them.

You know, when I talk to people around the State, and the whole question arises, most people are concerned with how much money is being spent on education, even the people who are most concerned about it. When you put the question to them, the pure and simple question — should the State of Maine tell local people that they cannot spend more of their purely local dollars on education if they want to, the answer on the part of the people is almost a universal no. I think that they have a feeling that if they want to spend it, and it is theirs, that they ought to be able to, and I agree with that feeling, and if the reason that we should not give in to that basic idea of local control is just that it puts more pressure on us Legislators, then I think so be it. I think we ought to recognize that as part of it, and when we hear what is being spent totally around the State, we ought to recognize that there are certain school districts that have a different definition of education. They place a higher priority than the rest of the State is going to be able to place on it. There is going to be a certain difference in different parts of the State. Some communities have people that live in them that place a very, very high priority on education.

Now what is the State interest in discouraging that if they want to spend their money, their purely local money on that, — Just so that there is less pressure on us in the Legislature? I submit that that is not a sufficient reason.

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

Mr. CHAPMAN: Mr. President and Members of the Senate: Not knowing the substance of the Senator from Cumberland, Senator Huber's proposed Amendment, having now heard it, I do like the thrust of it. I think it sounds good, and in keeping with my concerns I respectfully request leave of the Senate to withdraw my Motion to indefinitely postpone.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now requests leave of the Senate to withdraw his Motion to indefinitely postpone Committee Amendment "A". Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Huber?

Mr. HUBER: Mr. President and Members of the Senate: Rather than starting an unwelcome precedent of a filibuster, I move that this be tabled until Later in Today's Session.

The PRESIDENT: The Chair would advise the Senator he is debating a Tabling Motion.

On Motion of Mr. Conley of Cumberland, Tabled until later in Today's Session, Pending Adoption of Committee Amendment "A".

(See Action Later Today)

The President laid before the Senate: Senate Reports — from the Committee on Taxation — Bill, "An Act Relating to State In-

come 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 23, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Majority Ought Not to Pass Report.

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

Mr. CONLEY: Mr. President and Members of the Senate: I know it is warm, it is getting longer, summer is coming on.

The other day the Minority party of this Branch tried to act very responsibly in accepting the Majority Ought Not to Pass Report of this Committee, and apparently the Majority Floor Leader decided it was about time we get extremely partisan on this particular issue, because of the fact that there was a tax credit for students, for the parents of students going to college.

It was explained in the debate that this cost to the State would be \$750,000.00 per year. Now I would suggest that if this Senate wishes to consider \$750,000.00 in rebates under the income tax, then I suggest that the Senate vote to accept the Minority Report, and, Mr. President, even though it is warm, I request the vote to be taken by the yeas and nays.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to point out just one or two things quickly about the Bill in its present posture.

The Bill that is before us — I just take one exception to the previous remarks. The Bill before us does not create a tax credit. It creates a tax deduction. The difference is an important one for the Senate to understand, because what this Bill would mean in terms of a tax savings to the lower wage earners of the State would be \$7.50 a year, and what this Bill would mean in terms of tax savings to the higher bracket taxpayers in the State is \$75.00 a year.

I would think that the first requirement of any program to aid working families in sending their children to school, if it is going to do it on a tax basis, would be that it would be a credit, and give the benefits equally in terms of the tax savings to taxpayers of all different incomes.

Secondly, I might suggest that if the purpose is to make it possible for more families to send their children to higher education, and especially middle class families, I know what a burden this is, even on families with good incomes, then I really think maybe the best place we could spend this three-quarters of a million dollars would be on the University of Maine, because that program does that for so many families every year. If you go around the State and talk to people, you talk to so many people who are going to school because of the existence of that University system, and because, in many cases, the campus is close by and they can live at home, and when you think of the savings of being able to live at home and go to school, it is a heck of a lot more than \$75.00 a year.

I think that is the place, when we have limited money, to put the money that we have, and I would hope that this Bill would not be passed, would not go further this morning.

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

Mr. CONLEY: Mr. President and Members of the Senate: First I wish to thank my colleague from Cumberland, Senator Merrill, for correcting me, and, secondly, I would ask leave to withdraw my Motion for a Roll Call.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests leave of the Senate to withdraw his Motion for a

Roll Call. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I request a Roll Call.

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 acceptance of the Majority Ought Not to Pass Report of the Committee.

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

The Secretary will call the Roll.

#### ROLL CALL

YEA — Chapman, Collins, D.; Collins, S.; Cummings, Greeley, Huber, McNally, Merrill, Minkowsky.

NAY — Carpenter, Conley, Curtis, Farley, Hichens, Jackson, Levine, Lovell, Mangan, Martin, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman.

ABSENT — Danton, Hewes, Katz.

9 Senators having voted in the affirmative, and 20 Senators in the negative, with 3 Senators being absent, the Motion to accept the Majority Ought Not to Pass Report does not prevail.

The Bill (S. P. 402) (L. D. 1385) Read Once, and Tomorrow Assigned for Second Reading.

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 23, 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 23, 1977 by Senator Katz of Kennebec

Pending — Enactment

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

The President laid before the Senate:

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

Which was tabled earlier in Today's Session by the Senator from Kennebec, Senator Speers, pending consideration.

On Motion of Mr. Jackson of Cumberland, the Senate voted to recede and concur.

The President laid before the Senate:

Bill, "An Act to Provide a Uniform Basis for Recognizing the Right of the University of Maine Employees, Maine Maritime Academy Employees, Vocational-Technical Institute Employees and State Schools for Practical Nursing Employees to Join Labor Organizations." (H. P. 1144) (L. D. 1391)

which was tabled earlier today by the Senator from Kennebec, Senator Speers, pending acceptance of the Report of the Committee on Labor.

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

The President laid before the Senate:

Bill, "An Act to Repeal Certain Laws Relating to Alcoholic Beverages." (H. P. 1206) (L. D. 1434)

which was tabled earlier in Today's Session by the Senator from Penobscot, Senator Pray, pending passage to be engrossed.

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

The President laid before the Senate:

Bill, "An Act Relating to the Spending Ceiling for Education Purposes." (Emergency) (H. P. 968) (L. D. 1165)

which was tabled earlier in today's Session by the Senator from Cumberland, Senator Conley, pending adoption of Committee Amendment "A"

On Motion of Mr. Conley of Cumberland, Retabled for One Legislative Day.

#### Senate Appointments

##### Committee of Conference

The PRESIDENT: The Chair will appoint as Conferees on the part of the Senate on Bill "An Act to Revise the Measure of Damages Under the Unfair Trade Practices Act" (H. P. 277) (L. D. 341)

The Senator from Sagadahoc, Senator Chapman

The Senator from Kennebec, Senator Katz

The Senator from Androscoggin, Senator Mangan

The PRESIDENT: The Chair would like to commend the Business Legislation Committee for their industriousness last evening, when they stayed in Session from 1:30 in the afternoon until 10:15 in the evening in order to complete their hearing schedule. The Chair urges other Committees to take note of this example.

On Motion of Mr. Huber of Cumberland, Adjourned to 9:00 tomorrow morning.