

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**May 26, 1977 to July 25, 1977**

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**Senate Confirmation Session  
September 16, 1977**

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SENATE

June 6, 1977

Senate called to Order by the President.  
Prayer by the Honorable Gerard P. Conley of Portland.

Mr. CONLEY: Heavenly Father, as we travel the by-ways and the highways of this life, we seek Your guidance that the course we choose shall make life more promising and provide rewards for those we represent. Amen.  
Reading of the Journal of yesterday.

Senator Hichens of York was granted unanimous consent to address the Senate on the Record.

Mr. HICHENS: Mr. President and Members of the Senate:

SENATOR J. HOLLIS WYMAN

June 6, 1977

Today we honor one who's served the longest time of all

Within this Senate Chamber — If correctly I recall

Since he took the oath of office many years ago

1,250 legislative days it's been his right to know

He's served 8 Senate Presidents from Haskell on to Sewall

And for 24 successful years he's sought for a renewal

Of his terms as Senator — and he has served us well

And of his influence herein we've often heard folks tell.

As Chairman of State Government and later of Taxation

He's made for himself through the years a splendid reputation.

Outside these walls his products are well known throughout the land.

Wyman is a household word — and often in demand

Are mixes which contain the berries raised right here in Maine

Betty Crocker, bundts and others proud that they contain

The tasty, succulent ripe fruit he proudly doth produce;

Wyman's sardines are shipped world-wide and have a varied use.

Some of us here have shared the tasty lobsters and steamed clams

That come from Wyman's Lobster Pounds and flats along shorelands.

For seventy and seven years he's proudly borne his name

And did his share to bear it well — deserving world wide fame.

So on this day, the sixth of June — he shares with history,

D Day — invasion of Allies far off across the sea;

And rightfully as we observe this day of memory

We also honor our colleague and surely trust that he

Will have a happy, happy day — so let us show him how

Much we all appreciate his presence with us now!!

Senator Wyman of Washington was granted unanimous consent to address the Senate on the Record.

Mr. WYMAN: Mr. President, and Senator Hichens, I certainly want to thank you, and I want to thank the Members of this Senate.

I have been here a few terms, and during that time I won some and I have lost some, but those things you soon forget, but the thing I have enjoyed the most and has meant the most to me, has been the friendships that I have made through the years, and friendships I never

would have made if I had not been over to this illustrious Body, the Maine State Senate, which I think is a great Body, and that I will always remember, and the friendships. I certainly appreciate knowing all you good folks, and the kind remarks you have made. Thank you.

(Off Record Remarks)

It does not seem too many years ago when Senator Marden from Waterville was President of the Senate, if I remember correctly, and to my surprise, he had these two grandchildren of mine come in, and that was a surprise, and stand in front of my desk and sing happy birthday grandfather, and they were about that high then. It was a rather unusual, and I was very pleased. They have grown considerably since then, but it was a fine occasion.

(Off Record Remarks)

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

Mr. SPEERS: I move the Senate stand in recess until the sound of the bell.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves that the Senate stand in recess until the sound of the bell. Is it the pleasure of the Senate? It is a vote.

(Recess)

(After Recess)

Senator Wyman of Washington was granted unanimous consent to address the Senate on the Record.

Mr. WYMAN: Mr. President and Members of the Senate: I do want to thank the Staff for all they have done for me. I thank them for the beautiful paper weight with the tourmaline in it, and the cake, and I guess beyond that I was greatly surprised at the honor the State has bestowed on me, and, further, I can only say thank you, thank you, thank you.

Papers From The House

Non-concurrent Matter

Bill, An Act Relating to the Regulation of Beano. (H. P. 1606) (L. D. 1811)

In the House May 31, 1977 Passed to be Engrossed as amended by House Amendment "A" (H-454).

In the Senate June 2, 1977 Bill and Papers Indefinitely Postponed, in non-concurrence.

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

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

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

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

The Chair recognizes the Senator from York, Senator Hichens.

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

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, a request for a Division.

The PRESIDENT: A Division has been requested.

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

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

10 Senators having voted in the affirmative, and 17 Senators in the negative, the Motion to insist and join in a Committee of Conference does not prevail.

The Senate voted to adhere.

(See Action Later Today)

Non-concurrent Matter

Bill, An Act Relating to the Jurisdiction of the Administrative Court. (S.P. 241) (L.D. 733)

In the Senate May 27, 1977 Passed to be Engrossed.

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

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day Pending Consideration.

Non-concurrent Matter

Bill, An Act to Require that Savings from Substitution of Generic Drugs be Passed on to the Purchaser. (H. P. 147) (L. D. 177)

In the House June 1, 1977 Passed to be Engrossed.

In the Senate June 2, 1977 Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

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

On Motion of Mrs. Snowe of Androscoggin, The Senate voted to adhere.

(See Action Later Today)

Non-concurrent Matter

Joint Order (H. P. 1624) Relative to the Study of Maine's Dog and Coyote Problems.

In the House June 1, 1977, Read and Passed.

In the Senate June 2, 1977, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

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

The PRESIDENT: The Senator from York, Senator Hichens, now moves that the Senate adhere.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President, I move that we recede and concur, and I request a Division.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now moves that the Senate recede and concur with the House, and has requested a Division.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, and Members of the Senate: I explained the other day when this Order was before us, that we already have an Order on our table which directs the Committee on Agriculture to study all of the dog and small pet problem in our State, licensing, stray dogs, and even disposal of these animals, and this new Order uses the exact wording, except for the first paragraph, which includes coyotes, and I do not think there is any relationship between a study of leash laws and the overpopulation of small pets throughout our State, domestic animals, with the coyotes.

So that is why I make the Motion to indefinitely postpone this Order, and would hope you would go along against the Motion to Recede and Concur with the House.

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

Mr. PRAY: Mr. President and Members of the Senate: The other day when this Order came through, I guess I was out of the Chamber for a few minutes, and I did not realize that the Senate had indefinitely postponed this.

But as a Member of the Fisheries and Wildlife Committee, I would like to share a few things that the Committee has done this year.

One item we had before us was a Bill relating to bounties on coyotes, and that Bill has been reported out Leave to Withdraw due to this study.

We had three days of hearings on that Bill, with a great turn out of people from across the

state of Maine, who were concerned about the damages being done to the Maine deer herd, not only by what is called a Coydog, but also by domestic dogs. The reason that the similarities exist between the two Study Orders is that both Committees share the same legislative assistance, and I guess at this time, I would like to see this Study Order advanced through and be put on the table by the Majority Leader, and we can address the differences of the two Orders at that time when the Leadership decides as to what money should be expended for study Orders throughout the summer. We do know that there is great damage being done to the deer herd in this State, and, as I said, it is not just from the Coyotes, but it is also from the domestic dogs as well.

This Study Order would only call for eight members, four members from each Committee, which I think would save a little bit of financial burden to the State, and that the Study Order could be as well carried out on both issues on this one Order.

I would hope that the Senate would Recede and Concur, and that the Majority Leader would then table it appropriately.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I did not get up to say anything on this the other day, but I agree with the Senator from Penobscot, Senator Pray, that we should Recede and Concur.

I think there is a real problem. I have here two pictures that Mr. Jim Pierce of Houlton, who many of you in this Chamber know. This is his major concern. He and I went snow shoeing once this winter and looked at some of the damage that is being done in one particular deer yard in the Houlton area where there were nine dead deer killed by dogs or coyotes or coydogs, and I do not think you can separate the three and have a separate study on each one of them. I think the whole problem has got to be addressed, and we do not know, and the game wardens do not know which is the major predator which is causing the most of our problems, but there is a real, real problem among your fish and game animals caused by these animals, and I think we should keep them together in this Study Order.

I would hope that we vote to Recede and Concur this morning.

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

Mr. SPEERS: Mr. President and Members of the Senate: I have some very real concerns with the way that some of these Joint Orders and Study Orders are being drafted, and for that reason I think I would just as soon have this one killed, and if there is a serious problem, I think that, and I do not mean to imply that there is not, because I know that it is a serious situation, but I would hope that the Committee on Fish and Game or Fisheries and Wildlife would be able to introduce its own Order in order to study this. But the way this particular one is drafted is that it combines two committees, Committee on Agriculture and Committee on Fisheries and Wildlife. Some of the other Orders that are coming along create special select committees which utilize some Members of the Legislative Committees and other members outside, being appointed by the Governor or by Legislators, etc., etc.

I would hope that we not overburden the legislative process with a lot of Study Orders in this Session. Two years ago we had some 50 or 60 various Study Orders, and it does create a considerable Legislative expense.

If there are some problems, and if it requires a question of statistics, then I would suggest that the Department might be able to compile those statistics without the formality of the Legislative Order being involved, but, at any

rate, we can determine that toward the end of the Session if another order is introduced into the Committee on Fisheries and Wildlife. But in the form that this particular Order is at the present time, I would hope that the Senate would go along with the Motion of the Senator from York, Senator Hichens to adhere.

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

Mr. PRAY: Mr. President and Members of the Senate: I seem a little confused at the previous speaker's statement when he talks about fiscal cost, and I just point out again that this Study Order combines four members from two committees to study a problem which both Committees are faced with. There is presently a Study Order before you now addressing the Agriculture Committee, or on the table, and his suggestion, as I take it, from the Majority Floor Leader, is that the Committee on Fisheries and Wildlife present a Study Order also, then what we would be accomplishing is putting 26 members of the legislature in order for a study for financial recovery from their expenditures down here throughout the summer studying this problem. This Study Order would combine the two committees and only put eight. So if it is the financial cost, then I would suspect that this Study Order would be the route to go.

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

Mr. CONLEY: Mr. President, I would just urge the Senate to vote to Recede and Concur and put this Order on the table with the rest of the Orders. We can make a decision as to which one has real validity at the time the Senate has to decide on which ones to pass and which ones to kill. One more is not going to hurt the table at all.

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

Mr. HICHENS: Mr. President and Members of the Senate: I did not realize that my Motion was going to cause so much debate and concern, but during this Legislative Session we have had 12 different Bills relating to dog licensing and equalization of the sexes, as far as the dog is concerned, and other problems related to the domestic problems with the dogs, and I would agree that there is a problem with the dogs killing deer, especially in the upper part of the State, the Coyote dogs and the coyotes, but I do not think these studies relate that much. I think that four members of the Fisheries and Wildlife Committee would not be involved with the domestic problems that we have as far as license fees and so on. So that is the reason I hope that you will vote to adhere on the motion.

The PRESIDENT: Is the Senate ready for the question?

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

Will all those Senators opposed to the Motion to Recede and Concur, please rise in their places to be counted.

Will all those Senators opposed to the Motion to Recede and Concur, please rise in their places to be counted.

11 Senators having voted in the affirmative, and 18 in the negative, the Motion to Recede and Concur does not prevail. The Senate voted to adhere.

(See Action Later Today)

#### Joint Order

An Expression of Legislative Sentiment recognizing that: Ralph Hadakin of Lewiston has been named Handicapped Worker of the Year by Goodwill of Maine. (H. P. 1640)

Comes from the House. Read and Passed.

Which was Read and Passed, in concurrence.

#### Communications House of Representatives

June 3, 1977

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

Dear Madam Secretary:

The Speaker appointed the following Conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide for Exemption of Farm Supplies from the Sales Tax" (H. P. 538) (L. D. 653)

Mrs. POST of Owls Head

Messrs. MAXWELL of Jay

McBREAIRTY of Perham

The Speaker also appointed the following Conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Authorizing Municipalities to Create Development Districts" (H. P. 1216) (L. D. 1482)

Messrs. MACEachern of Lincoln

HENDERSON of Bangor

DRINKWATER of Belfast

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

House of Representatives

June 3, 1977

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

Dear Madam Secretary:

The House voted today to Adhere to its action whereby it accepted the "Ought Not to Pass" Report of the Committee on Energy on Bill "An Act to Increase the Use of Wood Fuel as a Supplement to Conventional Energy Sources in Residential Space Heating" (S. P. 295) (L. D. 921)

The House also voted to Adhere to its action whereby it Indefinitely Postponed Bill "An Act to Clarify the Non-liability of Physicians and other Persons Submitting Reports to the Secretary of State Relating to the Physical and Mental Status of Motor Vehicle Operators" (H. P. 706) (L. D. 886)

The House voted today to Adhere to its action whereby it accepted the "Leave to Withdraw" Report of the Committee on Taxation on Bill "An Act to Establish a Pipeline Privilege Tax" (H. P. 1252) (L. D. 1476)

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

House of Representatives

June 3, 1977

To: All Members of the 108th Maine Legislature:

Pursuant to Joint Rule 23, the Legislative Council has voted to extend the deadline for reporting out bills from Friday June 3rd to Tuesday June 14, 1977.

(Signed) JOSEPH SEWALL

President of the Senate

JOHN L. MARTIN

Speaker of the House

(H. P. 1651)

Comes from the House, Read and Placed on File.

Which was Read and Ordered Placed on File.

On Motion of Mr. Katz of Kennebec.

WHEREAS, legislation has been introduced before the First Regular Session of the 108th Legislature dealing with the opportunities and services for certain preschool children presently unserved; and

WHEREAS, the enactment of PL 94-142 "The Education of All Handicapped Children" has significant implications for the services delivered to these children in Maine; and

WHEREAS, there are 3 state departments involved in programs for the handicapped child and it is essential that good coordination exist to make the best possible use of resources; now, therefore, be it

ORDERED, the House concurring, that the Commissioners of the Department of Educational and Cultural Services, the Department of Human Services and the Department of Mental Health and Corrections are respectfully requested to jointly study the provisions of PL 94-142 and to recommend any necessary actions which may be required to put Maine into compliance. They are further respectfully requested to review the issues raised in this session by the introduction of L. D. 393 and L. D. 665 and to make recommendations, including complete and final drafts of any proposed legislation which they deem necessary. Each commissioner is requested to individually outline his perception of his present and future responsibilities to preschool handicapped children. The commissioners are respectfully requested to report findings and recommendations to the Legislative Council and to the Joint Standing Committee on Education not later than December 1, 1977. (S. P. 528)

Which was Read and Passed. Send down for Concurrence.

**Committee Reports  
House**

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

Bill, An Act to Increase State Reimbursement for Food Stamp Transactions. (H. P. 942) (L. D. 1138)

Bill, An Act Repealing the Law Governing Disbursements from the Aid to Families with Dependent Children Account. (H. P. 488) (L. D. 608)

Bill, An Act to Provide for State Valuation of Certain Property. (H. P. 1131) (L. D. 1349)

Bill, An Act to Provide for a Multi-Tiered Corporate Income Tax Structure. (H. P. 1158) (L. D. 1401)

Resolution, Proposing an Amendment to the Constitution Providing that all State Revenues with the Exception of those now Designated to the Highway Fund, with the Exception that the Legislature may Provide Dedication of Revenues to the Department of Inland Fisheries and Wildlife, with the Exception of Provisions Attached to Federal Funds, and with the Exception of Private Gifts be Credited to and Appropriated from the General Fund. (H. P. 1557) (L. D. 1777)

**Leave to Withdraw**

The Committee on Health and Institutional Services on, Bill, An Act to Make Allocations and Appropriations for Title XX Social Services Programs. (Emergency) (H. P. 1355) (L. D. 1755)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, An Act Relating to Rehabilitative Programs Within Penal and Correctional Institutions Under the Control of the Bureau of Corrections. (H. P. 754) (L. D. 957)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Permit Nonprofit Legal Service

Organizations." (H. P. 758) (L. D. 1018)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Establish a Sliding Scale Minimum Wage Law." (H. P. 1274) (L. D. 1502)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Increase the Minimum Wage to \$2.75 an Hour." (H. P. 1084) (L. D. 1308)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Natural Resources on, Bill, "An Act to Repeal Certain Provisions Regulating Log Driving." (H. P. 717) (L. D. 853)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

**Ought to Pass**

The Committee on Judiciary on, Bill, "An Act Relating to Granting Administration of an Intestate's Goods or Estate under the Law of Decedent's Estates." (H. P. 1202) (L. D. 1431)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-502).

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

**Ought to Pass — As Amended**

The Committee on Education on, Resolve, to Provide for an Agreement Between the Department of Educational and Cultural Services and the City of South Portland to Establish a Greenbelt Area on the Southern Maine Vocational-Technical Institute Campus. (H. P. 1265) (L. D. 1492)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-467).

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

The Committee on Natural Resources on, Bill, "An Act to Amend the Oil Pollution Control and Discharge Prevention Laws." (H. P. 1283) (L. D. 1641)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-484).

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 Bill and Resolve Read Once. Committee Amendments "A" Read and Adopted, in concurrence, and the Bill and Resolve, as amended, Tomorrow Assigned for Second Reading.

The Committee on State Government on, Bill, "An Act to Provide for Legislative Confirmation of Gubernatorial Nominations to the Maine Human Services Council. (H. P. 723) (L. D. 856)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-475).

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

Which Report was Read.

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

Mr. CURTIS: Mr. President, I would like to draw the Senate's attention to this particular piece of Legislation, and note two things, one that it is unanimous Report and otherwise it might not attract the attention that perhaps it deserves; and, secondly, it provides for the confirmation of two new positions by the Legislature which includes, of course, the review by the appropriate Standing Committee of the Legislature, and then a final vote by the Senate. The two committees involved are the Committee on Aging and the Committee on Human Services, Maine Human Services Council, and the positions involved are the chairman of each.

I would not dispute the matter at this time, but would ask the Senate to think a little about the question of whether or not we want to extend the confirmation proceedings any further than we already have, and note also that at the time that this must be adopted as a final vote, that it requires two-thirds vote of those present.

Ought to Pass as Amended Report Accepted. In concurrence.

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

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Repeal the Section Concerning Continuity of State and Local Government in Case of Enemy Attack. (H. P. 15) (L. D. 24)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-483).

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

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

**Ought to Pass in New Draft**

The Committee on Public Utilities on, Bill, An Act Relating to Public Utilities Commission Participation in the Federal Railroad Administration Track and Equipment Safety and Inspection Program. (H. P. 366) (L. D. 457)

Reported that the same Ought to Pass in New Draft under New Title: Bill, An Act to Provide for the Department of Transportation to Participate in the Federal Railroad Administration Track and Equipment Safety and Inspection Program and to Administer Railroad Safety Investigation Provisions of the Maine Statutes. (H. P. 1632) (L. D. 1835)

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

The Committee on Taxation on, Resolve, Authorizing the Attorney General to Undertake Proceedings on Behalf of Resident Taxpayers of this State to Recover Certain Taxes Paid to the State of New Hampshire. (H. P. 1560) (L. D. 1781)

Reported that the same Ought to Pass in New Draft, under same title. (H. P. 1633) (L. D. 1834)

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

Which Reports were Read and Accepted in concurrence, and the Bill and Resolve in New Draft, Read Once, and Tomorrow Assigned for Second Reading.

**Reconsidered Matters**

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

Mr. HICHENS: Mr. President, having voted

on the prevailing side with reference to (H. P. 1624) Joint Order Relative to the Study of Maine's Dog and Coyote Problems, I now move the Senate reconsider its action whereby it voted to adhere.

The PRESIDENT: The Senator from York, Senator Hichens, now moves the Senate reconsider its action whereby the Senate voted to adhere in reference to H. P. 1624.

A viva voce being had,

The Motion to reconsider does not prevail.

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

Mr. PRAY: Mr. President, having voted on the prevailing side with reference to Bill, "An Act Relating to the Regulation of Beano." (H. P. 1606) (L. D. 1811) I now move the Senate reconsider its action whereby it voted to adhere.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves the Senate reconsider its action whereby the Senate voted to adhere in reference to L. D. 1811.

A viva voce vote being had,

The Motion to reconsider does not prevail.

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

Mrs. SNOWE: Mr. President, having voted on the prevailing side with reference to Bill, "An Act to Require that Savings from Substitution of Generic Drugs be Passed on to the Purchaser." (H. P. 147) (L. D. 177) I now move the Senate reconsider its action whereby it voted to adhere.

The PRESIDENT: The Senator from Androscoggin, Senator Snowe, now moves the Senate reconsider its action whereby the Senate voted to adhere in reference to L. D. 177.

A viva voce vote being had,

The Motion to reconsider does not prevail.

Senator Hichens of York was granted unanimous consent to address the Senate on the record.

Mr. HICHENS: Mr. President and Members of the Senate: For several years I have been recognized as a severe critic of the Mental Health & Corrections Department, especially during the regime of the former Commissioner William Kearns who managed in the four years of his tenure to create utter confusion in most branches of the department. I objected strenuously to Commissioner Kearns philosophy in liberalizing criminal rights in our penal institutions, closing the farms and related programs at Augusta Mental Health Institute and the State Prison at Thomaston, closing the Women's Correctional Center at Skowhegan, closing the maximum security unit at Augusta Mental Health Institute, dumping patients from the Mental Health Institutes and Pineland into community settings which were not capable of handling them and initiating procedures to close Stevens School and send the girls to South Portland.

Now that many of the former commissioners' actions have proved unsatisfactory and near chaos has resulted in and connected with these institutions, the press has indicated in an editorial in the Portland Press Herald last Friday it is taking the present commissioner to task because of his efforts to get the department on an even course by striving to correct many of the problems handed to him, and replacing some of the former commissioners' appointees with people who will work compatibly with his ideas. His immediate predecessor, former Commissioner John Rosser, worked diligently to correct problems handed down to him and finally gave up due to lack of cooperation by the Governor and people he should have been able to depend on.

I would share with you portions of the editorial which was in the Press Herald last Friday:

"What is happening at South Portland is a

reflection of years of feuding and fussing within the higher echelons of the Department of Mental Health and Corrections. In what amounted to a successful plot to "get" Dr. Peter Bowman, then head of the Pineland Hospital and Training Center, other superintendents got a message.

Since then there has been nothing but confusion in Augusta right up to and including the resignations of last week.

It is time for someone to take the department apart and put it back together again with a solid, united team that can express dynamic leadership."

The present commissioner came to Maine about two years ago as superintendent of Pineland, and in one short year achieved a miracle in changing the whole course of direction at that institution; bringing patients, concerned parents, staff and the department itself into a working relationship which has not been enjoyed for a decade or more. He was appointed as commissioner last fall and has been gradually putting the pieces of the puzzle he inherited into one solid structure, which to all acquainted, even remotely with the problems, is no small task. The problems at the Youth Center, the proposed consolidation of Bangor & Augusta Mental Health Institutes, the problems at the Adult Correctional Institutions and the several community health centers were not of his doing, but given time and cooperative efforts from the Governor, Legislature, citizens and the critical press, I have sincere confidence in Mr. George Zitnay, the Commissioner of Mental Health & Corrections and hope that my fellow members of the Legislature will manifest that same confidence in his efforts to make a successful working department of which he is the head.

Thank you.

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on Bill, An Act Concerning Proof of Residence Required for Certain Inland Fisheries and Wildlife Licenses. (H. P. 261) (L. D. 329)

Reported that the same Ought to Pass.

Signed:

Sensors:

REDMOND of Somerset

PRAY of Penobscot

USHER of Cumberland

Representatives:

PETERSON of Caribou

MASTERMAN of Milo

MacEACHERN of Lincoln

MILLS of Eastport

PEARSON of Old Town

McKEAN of Limestone

ROLLINS of Dixfield

DOW of West Gardiner

GILLIS of Calais

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

Signed:

Representative:

TOZIER of Unity

Comes from the House, the Bill Passed to be Engrossed.

Which Reports were Read.

Majority Ought to Pass Report accepted.

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

#### Divided Report

The Majority of The Committee on State Government on, Bill, An Act to Clarify the Organization of Cultural Boards and Commissions within the Department of Educational and Cultural Services. (H. P. 804) (L. D. 1055)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

SNOWE of Androscoggin

MARTIN of Aroostook

Representatives:

STUBBS of Hallowell

KANY of Waterville

BACHRACH of Brunswick

VALENTINE of York

MASTERTON of Cape Elizabeth

DIAMOND of Windham

CURRAN of S. Portland

LOCKE of Sebec

CHURCHILL of Orland

SILSBY of Ellsworth

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

Signed:

Senator:

COLLINS of Aroostook

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

Which Reports were read.

On Motion of Mr. Martin of Aroostook,

Majority Ought Not to Pass Report accepted, in concurrence.

#### Senate

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

Bill, An Act to Provide for the Payment of the Prime Rate of Interest on Mortgage Escrow Accounts. (S. P. 419) (L. D. 1460)

Resolution, Proposing an Amendment to the Constitution to Limit Tax Increases to a One-Year Period and to Require Further Legislation and Economic Impact Analysis for the Further Continuation of any Tax Increase. (S. P. 254) (L. D. 779)

#### Leave to Withdraw

Mr. Usher for The Committee on Fisheries and Wildlife on, Bill, An act to Reduce Resident Hunting License Fees. (S. P. 292) (L. D. 918)

Reported that the same be granted Leave to Withdraw.

Mr. Martin for the Committee on Taxation on, Bill, An Act Increasing the Amount of the Real Estate Transfer Tax to be kept by the Counties from 15% to 20%. (S. P. 228) (L. D. 706)

Reported that the same be granted Leave to Withdraw.

Mr. Greeley for the Committee on Transportation on, Bill, An Act to Clarify Motor Vehicle Registration and Operator Licensing Requirements of Nonresidents. (S. P. 123) (L. D. 303)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

#### Ought to Pass — As Amended

Mr. Wyman for the Committee on Taxation on, Bill, An Act to Lighten the Burden of Property Taxes on the Elderly Widowed or Disabled. (S. P. 440) (L. D. 1531)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-186).

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

#### Ought to Pass in New Draft

Mrs. Snowe for the Committee on Health and Institutional Services on, Bill, "An Act to Clarify the Definition of Professional Nursing and Practical Nursing." (S. P. 358) (L. D. 1183)

Reported that the same Ought to Pass in New Draft under same title. (S. P. 529) (L. D. 1847)

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

**Divided Report**

The Majority of the Committee on Taxation on, Bill, "An Act to Provide for Payment of Cigarette Tax on a Cash Basis." (S. P. 477) (L. D. 1726)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JACKSON of Cumberland  
MARTIN of Aroostook

Representatives:

TEAGUE of Fairfield  
CARTER of Bangor  
POST of Owls Head  
CHONKO of Topsham  
IMMONEN of West Paris  
CAREY of Waterville  
COX of Brewer  
MACKEL of Wells  
TWITCHELL of Norway

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

Signed:

Senator:

WYMAN of Washington

Representative:

MAXWELL of Jay

Which reports were read.

On Motion of Mr. Jackson of Cumberland, Majority Ought Not to Pass Report accepted. Sent down for concurrence.

**Divided Report**

The Majority of the Committee on Taxation on, Bill, "An Act to Provide Relief from Extremely Burdensome Property Taxes." (S. P. 386) (L. D. 1331)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington

Representatives:

CARTER of Bangor  
POST of Owls Head  
TEAGUE of Fairfield  
IMMONEN of West Paris  
CAREY of Waterville  
MACKEL of Wells  
TWITCHELL of Norway

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

Signed:

Senators:

MARTIN of Aroostook  
JACKSON of Cumberland

Representatives:

COX of Brewer  
CHONKO of Topsham  
MAXWELL of Jay

Which Reports were Read.

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

Mr. WYMAN: Mr. President, I do not want to make any Motion on this. I merely want to explain why I signed the Report as I did. It has a \$10 million price tag on it, and that is the reason I signed as I did. So I am not making any Motion. I am just trying to explain my reason for signing as I did.

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

Mr. JACKSON: Mr. President, I move we accept the Minority Ought to Pass Report of the Committee.

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

Mr. MERRILL: Mr. President, I would like to speak briefly to the pending Motion, if I may.

The PRESIDENT: The Senator has the floor.

Mr. MERRILL: Mr. President and Members of the Senate: The Chairman of the Taxation Committee, the Senator from Washington, Senator Wyman, is correct in alerting the Senate that the price tag on this Bill is \$10 million. I would like to say that if the pending

Motion is accepted, it would be my intention tomorrow to offer an Amendment to this Bill to provide that this Bill would not be enacted into law until it has gone to the people, along with the question of whether or not we should repeal the uniform property tax this fall. It is my sincere belief that we ought to offer people a broader range of choices than the ones that are being offered to them now this fall in regards to property taxation in Maine.

I might just say briefly about the approach this Bill takes, there are really only two types of proposals to do something of an across the board nature with property taxation in the State of Maine. One would be an extension of the so-called homestead exemption, which we have in effect in Maine for certain citizens to a limited degree. I call to the Senator's attention that we have a homestead exemption in place now for veterans, which has been the subject of considerable discussion in last Session, and in this Session to some extent also, in regards to the changes we made last time.

It is my belief that the homestead exemption approach is an unacceptable one for several reasons. It is not economical, and that it does not direct the financial tax relief in the areas where it is most needed. It runs into the problem of evaluation in that because the homestead exemption applies to the amount of money on the evaluation of property, in other words, exempts the property from a certain amount of its evaluation. It runs into a problem in that regard because we all know there are major discussions and controversies that go on as to the evaluation of real property, and it also generally speaking, as it has been written in most states and as it is written in this State, creates a situation where the taxes are really shifted from one property taxpayer to another within the local communities, and when we considered the homestead exemption two years ago in the Taxation Committee, I recall that the Tax Assessor from the town of Bath came forward and pointed out what the Homestead Exemption would do to the other taxpayers in the town of Bath in terms of shifting a major property tax burden to them.

So, it is my feeling, generally, for those and other reasons, that the homestead exemption is not the way to go now.

Really the only other way to go as far as property tax relief is concerned is with a circuit breaker. We also have the circuit breaker in effect in Maine. We have experience with the circuit breaker on the limited scale as we do on the homestead exemption, and that is the so-called Elderly Household Rent Relief Act, and I think the experience with that, which is a limited circuit breaker, circuit breaker that was created to serve a very limited constituency, mainly elderly of very low income, I think that the experience with that one has been good.

It would be my hope that at this time or at some time in the future, if we are not able to put this choice before the people at this time, that we will be able to address the problems of the property taxation through a circuit breaker, and do away with what I think is the major concern with property taxation, and that is that even at its extreme it is not related to a person's ability to pay. The beauty of the circuit breaker is that it is precisely the problem that it addresses, and it addresses only that problem, and in essence says that when your payment of property taxes exceeds a certain percentage of your income then you are eligible for relief.

I would like to make one final point about why I think that it is, for all the reasons we would normally think of in terms of the relief that would be granted to individuals, but there is another reason I think that we ought to be concerned about addressing the problems of property taxation, and that is in so many areas that this Legislature deals with, where there

are concerns of local government, and education certainly comes to mind the fastest, but there are others areas of concern also where this Legislature is constantly being asked to share its tax revenues with local governments. A great deal of the push that comes to this Legislature, and a great deal of the impetus that comes to this Legislature for us to do that, comes from the fact that there is a general feeling that at least in regards to many property taxpayers the property tax is unfair. The property tax exceeds what we would consider to be a reasonable burden in terms of the amount of the people's cash flow that it takes away.

It is my very strong feeling that unless we do something to address that concern, the Legislature is constantly going to be in a situation where it is going to be faced with the undesirable alternatives of putting more of its money into local programs and, therefore, ultimately taking over more of the controls of local programs, or of allowing a situation that we really consider to be intolerable to continue, with that situation being that there be a continuing reliance on the property tax without any effort being made to make it more equitable.

So, it is my sincere belief that if we could institute a program like this that its long term effect would be a conservative one on the State, and on the State Budget, and that we would then be able to address these matters of local concern over need to reach into the State Treasury on the basis of whether or not the State has a proper involvement, and not on the basis of whether or not we are concerned about the level of property taxation on certain individuals.

So it is my hope that we can accept this Ought to Pass Report of the Committee, and that we can amend this so that we can provide the voters of Maine another choice or an added choice, they certainly are not proposed in such a way that the choice would have to be one way or another, — Another choice of the citizens of the State of Maine and how to address the problems of property taxation, and if we are going to have a broad discussion this Fall, as I am sure we are, of the advantages and disadvantages of property taxation, I think it would be to everyone's advantage to have in that discussion the broader issue of whether or not at the extremes, property taxes should be related to the ability to pay.

I might further point out that this approach, this circuit breaker approach, was endorsed by the Joint Legislative Committee on Taxation this time, and it has been endorsed by a broad group of citizens across the County. The State of Vermont has had the property tax circuit breaker in effect for some years now. It has been very successful there and it is a very popular program, and I think that it is one of the best uses that we could put to State dollars. I think that it is a choice that we should put to the people, along with the choice as to whether or not to repeal the uniform property tax.

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

Mr. TROTZKY: Mr. President and Members of the Senate, I Move this Bill be indefinitely postponed.

Right now we have an elderly householders tax and rent refund Act. I believe the Governor of this State in his Legislative message asked that we beef that up to provide more relief to our elderly citizens who own homes and rent and have low incomes. This is going to create \$10 million pull on the General Fund, and I ask where that money is going to come from. I have a feeling Senator Merrill feels that is going to come again from the Income Tax.

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

Mr. MERRILL: Mr. President and Members

of the Senate: I suppose that in questioning how we fund anything in any of the programs the State carries on — any of the massive programs that the State carries on now to help local governments hold down their property tax, the question always comes, you know, what source of State revenues it comes from, as will the choice if the people decide to do away with the uniform property tax. The choice will be very clearly where to come with the extra money, or where to shift the burden to. But I would hope that the Senate would not accept the Motion to indefinitely postpone.

As the Senator rightly points out, we have a circuit breaker in effect in Maine, and it applies just to the elderly. But the trend across the country, and I think it is a good one. What a circuit breaker is is a program to see that no one pays in excess of a certain percentage of his income in property tax. If that is where you begin, what is the argument for limiting it solely to the elderly? Now, if you set up a program that is not related to income and ability to pay, the argument for limiting it just to the elderly is obvious. They are, as a group, the people who are least able to pay. But when you start out with a program that starts out measuring cash flow and ability to pay, what is the argument for limiting it solely to the elderly?

I suggest to you that if a person is paying in excess of 5 or 6 percent of his income in property tax, whatever his age, say he is a person of my own age and is supporting a family, and he is in just as much need of some sort of property tax relief as the elderly citizen is. So with a program like this that starts out providing aid only where it is needed on the basis of cash flow, I do not think that it is a rational distinction, to make a distinction on the basis of age. I might also point out that the present circuit breaker that we have in effect for the elderly is not an across the board circuit breaker for the elderly, and it is limited to extremely low income elderly. The fact of the matter is that many elderly people who do not have any great amount of income, they have a small nestegg set aside in hopes that that will carry them through their later years of life, are not eligible for relief under our present circuit breaker, and it should be broadened, because the actual effect of this is that many of these people who do not quite fit into the low income elderly definition of that law, are really forced to leave their homes under the present situation. If we put this into effect, put this beside the special limit we have for low income elderly, those people, too, would get relief.

I am concerned about the plight of those people, and I think in a state like Maine where ownership of property is such an important aspect of peoples lives, that we ought to provide this sort of relief to those elderly people who are slightly above the low income elderly definition, and to all the other people that own homes.

I am reminded of a good friend of mine that I went to high school with, and he went out and spent about seven years building a house. It took him that long because he did not have much money, and he did it at night, and he got the house built, and he got the property tax bill on it, and found out he could not keep the house any longer, because he could not afford to pay the property taxes on it. That is the sort of problem that this Bill addresses, and I know that there are people in Bangor and Portland, and all the small towns of the State, that would be helped by a Bill of this kind.

I might say that I have the figures for the State of Vermont that show where this relief money is going, and the types of individuals that it is going to, and it is pretty much an across the board relief program. You cannot single out any one group and say these are the people that are getting the primary benefit of this, because there are people in lots of dif-

ferent income brackets and a lot of different age brackets, homeowners and home renters that are paying far in excess of five percent of their income in property tax. I think we ought to address that problem.

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

Mr. CONLEY: Mr. President and Members of the Senate, I concur with the good Senator from Cumberland, Senator Merrill, but it would be my hope that the Senate would delay indefinitely postponing this Bill at this particular time.

Last week we had three other measures that came before this Body from Taxation. Those were all relative to giving tax incentive or tax breaks to develop employment and such, and I think that at least we could continue this Bill along to the point, as we did the previous Session, and I know that the previous Session this Bill received overwhelming approval in both Houses and we got it to the Appropriations Table. We are going to be here a few more weeks, and so long as we have some taxation measures before us to give us an opportunity to at least review and ponder exactly what direction we are going to follow.

I commend the good Senator, my colleague from Cumberland for presenting this measure again to give the Legislature an opportunity to review it. So once again I would hope that we continue to keep it alive for the time being.

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

Mr. SPEERS: Mr. President and Members of the Senate, I agree with the words of the good Senator from Cumberland, Senator Conley, and I would ask that the Senate would vote against the current Motion to indefinitely postpone this Bill.

I would simply say that for as long as I have been a Member of this Body, the succeeding Legislatures have been very much concerned with the question of property taxation in this State, and the very great burden that property taxation in and of itself, places upon a good many people of the State of Maine. We have taken numerous measures over succeeding Legislatures to relieve that burden to give further aid to the municipalities, further aid to the individuals involved.

I would hope that we would continue in that consideration and pass this Bill along at this point.

Mr. President, I would Request a Roll Call on the Motion.

The PRESIDENT: A Roll Call has been Requested.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate, I would suggest that one's wealth is also tied up in one's property, and just to continue protecting property over and over again and throwing more and more taxes on the increasing and increasing income tax which this Bill is going to mandate. It is \$10 million, and I do not know where that money is coming from.

It is just going to destroy incentive in our free enterprise system if we keep loading the income tax and taking taxes off of the property. Property is also a form of wealth.

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

Mr. MERRILL: Mr. President and Members of the Senate, earlier in this Session we took a major tax off property, or allowed a major tax to continue on property, and that was the tax that used to be on inventory. From the steps that we took in this Legislature, that tax shift is going to be to homeowner property taxpayers.

I do not know what that does to the incentive of people to be able to live in their own home; but I think it had ought to be a major concern to this Legislature. The question of what we shift the tax burden to is a valuable one, and an im-

portant one and one that should be discussed, but I do not think that we could justify not doing anything about the property tax situation, which is as bad as it is, on the basis of the fact that we are going to have to shift it to another tax. The real question is do we want to continue to tax people on their property at such an exorbitant level, which exceeds 10 percent in many cases.

I suggest to the Senator from Penobscot, Senator Trotzky, that if we do not do something, if we do not take a long view of the problems of property tax, and address them, that the trend in this Legislature is going to be more and more and more of our money going to local government to help them with local programs, and the result of that is going to be less and less control of those local governments over those local programs, because right now they have us in a double edged situation. First of all, the concern for the programs at the local level, and, secondly, our knowledge that is existent in this Legislature about the problems that property tax poses to people. Until we address the underlying problem, the force in this Legislature to continue to send more of our money to the local level to underwrite local programs and, therefore, to undermine local control is going to continue.

So I would suggest that if we do not take a little bit longer view and ask ourselves what is at the base of this trend to have more and more of our money spent at the local level, and more and more Legislature's time spent controlling local level, that we are going to fall into the pitfall of having more and more State dollars, however they are raised, spent at the local level reducing the property tax burden.

This is the most economical way to address the problem, and this is the way, if we address the problem, that we can save some elements of local control in the long run.

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

Mr. WYMAN: Mr. President and Members of the Senate, I am sort of betwixt and between, because I agree with a great deal that the Senator from Cumberland, Senator Merrill, has said. It disturbs me greatly. I see people in my own area who have saved money for their older years and live in their homes, and they find they cannot, with inflation, they cannot pay their taxes. They cannot pay their bills. I am not sure just which way to arrive at Legislation which would help them.

The \$10 million did bother me. I think we spend a lot of money for, oh, I will not say useless things, but for low-priority items, and I just want to make my position clear that I am in agreement with a great deal of what the good Senator from Cumberland says.

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 present in favor of a Roll Call, please rise in their places to be counted.

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

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Trotzky, that the Senate indefinitely postpone L. D. 1331.

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

The doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Trotzky.  
 NAY — Carpenter, Chapman, Collins, D.: Collins, S.; Conley, Cummings, Curtis, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Minkowsky, Morrell, O'Leary.



Pierce, Pray, Redmond, Snowe, Speers, Usher, Wyman.

ABSENT — Danton.

1 Senator having voted in the affirmative, and 30 Senators in the negative, with 1 Senator being absent, the Motion to indefinitely postpone does not prevail.

Minority Ought to Pass Report Accepted.

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

#### Second Readers

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

##### House

Bill, An Act to Delete the Requirement that Appeals to Superior Court from a Municipal Board of Appeals must be Trial De Novo (Trial Anew). (H. P. 756) (L. D. 929)

Resolve, Authorizing and Directing the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to Undertake, to Preserve and to Enhance the Anadromous Fish Runs of the State of Maine. (Emergency) (H. P. 1246) (L. D. 1487)

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

##### House — As Amended

Bill, An Act to Amend the Septic Tank and Cesspool Waste Act. (H. P. 365) (L. D. 456)

Bill, An Act Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland, Maine, an Emergency and Extended Shelter for Girls. (H. P. 421) (L. D. 526)

Bill, An Act Relating to the State's Bonded Debt. (H. P. 502) (L. D. 621)

Bill, An Act to Appropriate Funds to Enable the City of Eastport to Cope with Gale Damage. (Emergency) (H. P. 565) (L. D. 690)

Bill, An Act to Create a Commission on Energy Efficiency Building Performance Standards. (H. P. 749) (L. D. 954)

Bill, An Act to Exempt Certain Woodburning Appliances from the Sales Tax. (H. P. 1240) (L. D. 1465)

Bill, An Act to Provide for the Provisional Payment of Certain Disability Benefits Pending the Outcome of a Workmen's Compensation Application. (H. P. 1373) (L. D. 1576)

Bill, An Act to Provide Uniformity in the Method of Payment of Fees in Criminal Cases. (H. P. 1364) (L. D. 1599)

Bill, An Act to Provide for Budgeting of State Expenditures of Federal Funds. (H. P. 1387) (L. D. 1676)

Bill, An Act to Repeal Certain Laws Relating to Domestic Relations. (H. P. 1627) (L. D. 1330)

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

Bill, An Act to Authorize Bond Issue in the Amount of \$2,348,000 for Construction of an Educational Wing at Central Maine Vocational-Technical Institute, a Mechanicals Building at Eastern Maine Vocational-Technical Institute and a Building Construction Facility at Southern Maine Vocational-Technical Institute. (H. P. 1618) (L. D. 1819)

Which was Read a Second Time.

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

Mr. KATZ: Mr. President, I want to call the Senate's attention to L. D. 1819, which is a Bond Issue for the VTI's in the State, and L. D. 750, which is a Bond Issue for the University of Maine.

Earlier this Session you dealt with an appropriation for the Maine Maritime Academy. The Committee on Education in reporting these Bills out, felt that the value and the worth of these programs were established to our satisfaction, but we call to your attention also that the final determination as to whether or not they shall be passed for bonding, rests with

the whole Legislature, which is properly the place.

Passed to be engrossed as amended in concurrence.

#### Senate

Bill, An Act to Improve the Management of the Department of Conservation. (S. P. 525) (L. D. 1840)

Bill, An Act Relating to the Regulation of Games of Chance. (S. P. 527) (L. D. 1846)

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

Sent down for concurrence.

#### Senate — As Amended

Bill, An Act to Permit Trial Work Periods under the Workmen's Compensation Statutes. (S. P. 394) (L. D. 1353)

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 to Standardize Some of the Procedures and Statutes Administered by the Department of Environmental Protection. (H. P. 1588) (L. D. 1800)

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

An Act Concerning the Power of Podiatrists. (S. P. 280) (L. D. 893)

An Act Relating to Bidding Procedures Involving the Bureau of Public Improvements. (S. P. 429) (L. D. 1514)

An Act Concerning the Practical Training of Electricians. (H. P. 122) (L. D. 155)

An Act Concerning the Membership of the Standardization Committee. (H. P. 134) (L. D. 171)

An Act Concerning the Payment of Workman's Compensation Pending an Appeal to the Supreme Judicial Court. (H. P. 281) (L. D. 375)

An Act Concerning the Motor Vehicle Certificate of Title and Anti-Theft Laws of Maine. (H. P. 1595) (L. D. 1803)

An Act to Adjust the Civil Process Fees and Travel Allowances for Deputy Sheriffs. (H. P. 1378) (L. D. 1571)

An Act to Amend the Method of Collecting Municipal Costs in the Abatement of Malfunctioning Domestic Sewage Disposal Units. (H. P. 1323) (L. D. 1557)

An Act Relating to Instruction Posting under the Election Laws. (H. P. 454) (L. D. 559)

An Act Concerning Unfair Trade Practices of Financial Institutions. (S. P. 162) (L. D. 438)

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

An Act to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems. (H. P. 1586) (L. D. 1799)

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

Mr. O'LEARY: Mr. President, I am going to ask for a Division on the enactment of this Bill. I do not believe that I will be on the prevailing side. However, I think I should make a few comments.

Last week when I took the floor, I referred to a mental midget, and I would like the Senate to know that I was not speaking about Mrs. Woodrow Mercier, nor the Commissioner of Education Sawin Millett. I had another person in mind, and I want the Senate to be aware of that.

Mr. President, over the weekend, I had an opportunity to speak to a Member of the School Board, and if any of you in the Senate have had,

you will find that they have serious reservations about this piece of legislation. However, I am not going to make any long dissertation on the merits of this piece of legislation, because I thought it was handled pretty well the other day, and the effect of this Legislation is nil, and I think it is going to create more a havoc than is intended. I think that if the Committee on Education would have their Attorney General look at this piece of legislation in the area with other laws, you would find that there is going to be utter confusion.

I just ask for a Division on this Motion.

This being an emergency measure and having received the affirmative votes of 21 Members of the Senate, with 8 Members of the Senate voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

(Off Record Remarks)

The Chair recognizes the Senator from Cumberland, Senator Huber.

An Act Concerning the per Pupil Cost of a School Administrative Unit Losing More than 35% of its Enrollment between June and September. (H. P. 907) (L. D. 1106)

An Act to Authorize an Archeologist for the Maine Historic Preservation Commission. (H. P. 781) (L. D. 934)

An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institute. (H. P. 221) (L. D. 285)

On Motion of Mr. Huber of Cumberland, Placed on Special Appropriation Table, pending enactment.

An Act to Provide for Legislative Review of Federal Grant Applications by State Agencies. (H. P. 1393) (L. D. 1636)

On Motion of Mr. Huber of Cumberland, Tabled One Legislative Day, Pending enactment.

Resolve, to Convey Land from the State of Maine to Clarence E. Nichols. (H. P. 726) (L. D. 846)

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

#### Emergency

An Act to Permit State Aid to be Distributed to the Unit or School which the Student Attends. (H. P. 1348) (L. D. 1651)

#### Emergency

An Act to Authorize the Towns of Beals and Jonesport to Withdraw from the Moosabec Community School District and Form a New District. (H. P. 47) (L. D. 68)

These being emergency measures and having received the affirmative votes of 28 members of the Senate, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Bond Issue

An Act to Authorize Bond Issue in the Amount of \$5,965,000 for the Construction and Renovations of Higher Education Facilities at the University of Maine. (H. P. 613) (L. D. 750)

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

#### Orders of The Day

The President laid before the Senate: Bill, "An Act to Create a Clients' Bill of Rights and Responsibilities." (H. P. 1594) (L. D. 1802)

Tabled — June 2, 1977 by Senator Snowe of Androscoggin

Pending — Passage to be Engrossed  
The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

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

The PRESIDENT: A Division has been Requested.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I have some questions and reservations about this Bill. Do I understand that this is the Client's Bill of Rights Bill? Is this the pending matter?

The PRESIDENT: The Chair would answer the Senator in the affirmative.

Mr. COLLINS: Mr. President, I think it is important to notice that this Bill is extremely broad because it covers all of our State Institutions and it also covers the jails, municipal lock ups and any place of incarceration. There are several things in the Bill that are already established by decision of Federal Courts with respect to what the State must do in protecting the rights of those that it incarcerates, or places of protective custody or hospitalization over, but we are in a day when we have patient advocates and inmate advocates in most of our larger institutions. People usually paid from Federal Grant money are going around talking to inmates and finding out their problems, and raising their problems before the Administration, and frequently steering their problems into the Courts.

Among the things in this Bill is a provision that residents shall be afforded reasonable access to a telephone. I would like to know from any Member of the Committee, or any person who is better informed than I in the management of our institutions, just what this means. I have received telephone calls in the past from patients at our Mental Health Institutes. Sometimes I suppose they were a form of therapy. They were usually under the auspices of the social worker, and I expect they are rather carefully managed. But if the patient has a right to reasonable access to the telephone — there are 1500 patients in an institution — what is this going to mean in terms of cost, availability? What sort of program is going to be established for this reasonable access to the telephone?

There is another section about taking steps to prevent suicide, and other self destructive acts or prolonged isolation. There are sections that talk about having a secure area for the maintenance of permitted personal effects. I suppose this means a private locker in a protected area for certain things. It seems to me to require the building of some new facilities. I do not know very many jails, local jails or lockups, that have private locker space for personal effects. Usually they are dumped into one place, usually the safe in the office, something like that and receipted for.

There is a Section about receiving visits at any reasonable time from various specialized people, like attorneys, clergy, advocates, and then it says also reasonable opportunities to receive other visitors. I am fearful that this sort of thing going onto the books is going to mean that some of the inmate advocates, particularly those perhaps who are already part of the prison population, will begin to test the meaning of this in the Courts, and perhaps that is what we want.

But I wonder if any person more experienced than I with this could comment on some of the concerns that I have raised. If no one else has any concern, then I will be quiet.

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

Mr. LOVELL: Mr. President, I just noticed this Bill a while ago. It came before the Committee on Human Resources and this was a redraft by our Committee assistant, and on the redraft the Committee, as well as myself, evidently felt that we were covering and giving inmates of all the various institutions, prisons, so forth, a certain amount of Client's Rights: But, however, it came out of the Committee Unanimously Ought to Pass. But, however,

after hearing the good Senator from Knox, Senator Collins, and after noticing some of the things that he has mentioned, and reasonable opportunities such as to receive other visitors, that could well go into conjugal visitations, which was a Bill we killed at the last Session, and, consequently, I have no particular feeling on this Bill.

I think that probably the good Senator is right, so I will Move indefinite postponement of this Bill and all its accompanying papers.

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

Mr. CONLEY: Mr. President, I would pose a question through the Chair. Would you have the Secretary read the Committee Report?

The PRESIDENT: The Secretary will read the Committee Report.

Which Report was read.

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

Mr. CONLEY: Mr. President and Members of the Senate, I do not intend to belabor this particular Bill, but apparently there must have been a need for this type of Legislation to be introduced to this Legislature.

I know that many visitations that I have made into some of our State Institutions, as well as County and Local Institutions across the State, leave a lot to be desired. As I read the Statement of Fact on this new Draft, it states clearly, and I know that is not what the Law is, but what the Statement of Fact at least is addressing itself to, is to guarantee the rights of persons who reside in public institutions under the authority of the Department of Mental Health and Corrections in County jails and Municipal lock-ups the rights of persons that would be outside of those institutions, the same rights, unless spelled out specifically differently by the Constitution.

I know that on one occasion I had the opportunity of visiting the Hancock County Jail to pick up a constituent of mine from Portland that got waysided by one of those fine deputies they have in that community. I brought him back to Portland, back to civilization, and he expressed to me as to the type of institution the Hancock County Jail was. I will tell you one thing. He rode in the back seat on the way back home, because he smelled like he had been sitting around chickens that were being plucked for about three weeks. That was the period of time he was there.

I also remember the first occasion I had as a Member of the Appropriations Committee to visit our State Hospital over here in Augusta. I do not think anybody would want to go over there and see their mother there, because of the way conditions were at that time. I think they have been spruced up a little since then. I know we are having the same problems at Bangor. One of the big reasons that there is so much fire coming from those two directions.

The other thing is I remember, and I have been criticized desperately by many people in Portland, but the fact is that we built a new Taj Mahal located on Middle and the freeway, Franklin Street-Arterial, known as the Public Safety Building, but if the truth was known when the former facility was active that it could not receive approval from the Health Department for keeping anybody there for any period of time because the conditions were such. In fact, there was some talk given to it that they would like to harbor the loose dogs that they caught in the streets, and they found that even that would not be humane, so they did away with that idea.

I am not absolutely sure what is all contained in L. D. 1802, but at least in the first few paragraphs that I have read it makes a lot of sense to me that this Legislature should guarantee the rights of those individuals that do not have their full faculties, and have to rely on either some guardian who never appears at

these various institutions, but who remains sort of on the sidelines to keep things in check. For no other reason than that, I would support this Bill.

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

Mr. McNALLY: Mr. President, I only want to stand up and tell the good Senator from Cumberland that we have on the front page of our paper, the best paper in the State of Maine, as you have heard, the Ellsworth American, a picture of the new jail that will be built beside the Courthouse, adjoining the Courthouse. I have not seen the plans and I have not reviewed them to see whether there is included a place for co-habitation or not, but there may be.

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

Mrs. SNOWE: Mr. President and Members of the Senate: Yes, I had this Bill Tabled for several days, because I wanted to do some work as well as the Executive Department wanted to do some further investigation. However, I did not have the opportunity to do all that I would like to on this Bill.

I guess my question today is whether or not this Bill is necessary, because right now under the Chapter on Public Institutions, the Department has quite a bit of the identical authority that would be applied in this Bill. The Department of Mental Health and Corrections right now has the authority to inspect jails, or to set standards and promulgate those standards in County jails already.

And also there is a section on rules and regulations, and it states the essential principle underlying all rules and regulations, procedures and practices relating to residents of several institutions within the Department and hospitals as defined by Section 2251, Subsection 3, shall be that such persons shall retain all rights of an ordinary citizen, except those expressly or by necessary implication taken from them by law. And as I read the Statement of Fact and the Bill, it does this very same thing.

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

Mr. CONLEY: Mr. President, the promulgation of rules and regulations means a great deal to some people, but statutes, I believe, have a heck of a lot more importance, and a heck of a lot more weight.

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

Mr. LOVELL: Mr. President, I regret that I do not have my notes with me on the hearing of this Bill. If somebody would like to Table it, I would be glad later in this Session, or tomorrow, to get my notes and see who testified for or against the Bill, because it came out Unanimously Ought to Pass in the redraft. We must have had some reason for all 13 to vote for the Bill, so if somebody wants to Table it, I will get my notes and have it ready tomorrow to explain.

The PRESIDENT: Is the Senate ready for the Question? The Pending Question before the Senate is the Motion by the Senator from York, Senator Lovell, that this Bill be indefinitely postponed.

The Chair will Order a Division.

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

23 Senators having voted in the affirmative, and 7 Senators in the negative, the Motion to indefinitely postpone does prevail.

(See Action later today)

The President laid before the Senate: House Reports — from the Committee on Election Laws — Bill, "An Act to Change the Deadline for Change in Party Enrollment in Order to Qualify for Voting in a Primary Election." (H. P. 1028) (L. D. 1246) Majority Report — Ought to Pass as Amended by Committee

Amendment "A" (H-452); Minority Report — Ought Not to Pass

Tabled — June 3, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report On Motion of Mr. Speers of Kennebec, Retabled one Legislative Day.

The President laid before the Senate:

House Reports — From the Committee on Local and County Government — Bill, "An Act Establishing County Boards, to Allow Them to Set and Approve County Budgets and to Allocate Services." (H. P. 215) (L. D. 225) Majority Report — Ought Not to Pass, Minority Report — Ought to Pass in New Draft under same title. (H. P. 1620) (L. D. 1825)

Tabled — June 3, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator O'Leary of Oxford to Accept Majority Ought Not to Pass Report

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

Mr. O'LEARY: Mr. President and Members of the Senate, as I understand, there are certain Amendments that are going to be prepared that will remove most of the objections to this Bill.

I would now ask leave of the Senate to withdraw my Motion to accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Oxford, Senator O'Leary now requests leave of the Senate to withdraw his Motion to Accept the Majority Ought Not to Pass Report of the Committee.

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

Minority Ought to Pass in New Draft Report Accepted.

The Bill in New Draft Read Once, and Tomorrow Assinged for Second Reading.

#### Reconsidered Matter

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

Mr. HUBER: Mr. President, having voted on the prevailing side with reference to Bill, "An Act to Create a Clients' Bill of Rights and Responsibilities." (H. P. 1594) (L. D. 1802) I now move the Senate reconsider its action whereby it voted to indefinitely postpone.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves the Senate reconsider its action whereby the Senate voted to indefinitely postpone L. D. 1802.

A viva voce being had,

The Motion to reconsider does not prevail. Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act Clarifying the Tax Status of Regional Planning Commissioners and Councils of Government." (H. P. 555) (L. D. 672)

Tabled — June 3, 1977 by Senator Martin of Aroostook

Pending — Adoption of House Amendment "B" (H-482)

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

Mr. CARPENTER: Mr. President, just a question for somebody on the Committee on Taxation. I have read House Amendment "B", and I understand what it does, but what is the present tax status of Regional Planning Commissions, and what exactly would this Bill with the Amendment do to change? It says clarify, but I think it is a change, and I would like to have somebody explain it.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, has posed a question through the Chair.

The Chair recognizes the Senator from Aroostook, Senator Martin.

Mr. MARTIN: Mr. President, in response to the question from the Senator from Aroostook

County, Senator Carpenter, presently the Regional Planning Commissions do not pay sales or income tax. However, under certain IRS rules and regulations, the Feds claim that this is irregular and does not clarify their statutes.

Passage of House Amendment "B" would not create a financial loss to this State. However, if in fact House Amendment "B" is enacted, I have another Motion to take care of Committee Amendment "A", which was killed in the other Body.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: Just a further question, as I understand what the Senator from Aroostook just said is that if we pass this Bill, the Federal IRS will allow this income tax and sales tax exemption. If that is the case, I would like to have somebody say so.

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

Mr. JACKSON: Mr. President and Members of the Senate, maybe I can clarify this a little further. We have one Regional Planning Committee presently in the State of Maine which has acquired some real estate, and under the provisions for financing this real estate, the prime rate of the interest, due to the Federal regulations, not the Federal regulations but the State regulations, they were unable to get what they felt was a fair rate of interest, because of the tax that is paid by the financial institutions to the Federal Government. And, if this Bill should be passed with the House Amendment, and if we further go to strike the Committee Amendment, it would resolve this little discrepancy that they have.

House Amendment "B" Adopted in concurrence.

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

Mr. MARTIN: Mr. President, I Move that we reconsider our action whereby we adopted Committee Amendment "A" (H-380.)

The PRESIDENT: The Senator from Aroostook, Senator Martin, now Moves that the Senate reconsider its action whereby it adopted Committee Amendment "A". Is it the pleasure of the Senate? It is a vote.

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

Mr. MARTIN: Mr. President, I now Move that Committee Amendment "A" (H-380) be indefinitely postponed.

The PRESIDENT: The Senator from Aroostook, Senator Martin, now Moves Committee Amendment "A" (H-380) be indefinitely postponed. Is this the pleasure of the Senate? It is a vote.

The Bill as amended Tomorrow Assigned for Second Reading.

#### (Off Record Remarks)

The PRESIDENT: Is it the pleasure of the Senate that all matters acted upon this morning be sent down forthwith? It is a vote.

On Motion of Mr. Huber of Cumberland, Recessed to 5:00 this afternoon.

#### (Recess)

#### After Recess

Senate called to order by the President. The President laid before the Senate:

Resolve, Directing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor to the Northeastern Research Foundation, Inc. (Emergency) (H. P. 1619) (L. D. 1820)

Tabled — June 3, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

The Bill passed to be engrossed in concurrence.

The President laid before the Senate: Bill, "An Act to Clarify and Reform the Laws Relating to County Law Enforcement." (H. P. 214) (L. D. 224)

Tabled — June 3, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

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

Mr. JACKSON: Mr. President, I present Senate Amendment "A" (S-183) and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now presents Senate Amendment "A", (S-183) and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read and Adopted.

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

Mr. LEVINE: Mr. President, I present Senate Amendment "B" (S-192) and move its adoption.

Mr. PRESIDENT: The Senator from Kennebec, Senator Levine, now offers Senate Amendment "B" (S-192) and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" Read.

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

Mr. JACKSON: Mr. President, I rise to oppose this Amendment. This Amendment strikes out Section 959 of L. D. 224 and its political activities. This is the section which prohibits the Deputies from receiving or soliciting contributions for political service.

I think if we are going to have a professional organization at the local level of law enforcement, mainly with the Sheriff's Department, that this Section 959 is a must, and should stay in the Bill.

I think as it presently stands we see the activities of the Deputy Sheriffs throughout the 16 Counties of the State in regards to the Sheriff's that they are serving, and if they want, and the Deputy Sheriff's would like civil service, I think that they also should be restricted in their political activities.

I know that there are men in this Body that do not feel so, but I think if we are going to have an effective and efficient law enforcement, that this section must stay in the Bill, and I would ask for a Division on the Motion.

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

Mr. LEVINE: Mr. President, I rise for one point, to correct the good Senator from Cumberland, Senator Jackson. He says that this Amendment strikes out Section 12. The Section number of the law is 30 MRSA, section 959. It does not do that. It only strikes out one subsection of this. The subsection it does, in fact, deal with, Deputies and their abilities to raise political contributions.

Section 1, I have been very careful to leave in the Bill. I did not want to Amend the Bill to take that out. It says that no Sheriff shall directly or indirectly coerce, attempt to coerce, or command any County employee or deputy to pay, lend and so on, so that a Sheriff cannot coerce these Deputies into raising political funds.

What subsection 2 of section 959 does is to make it impossible for a Deputy or a Chief Deputy, whether he be full time or part time, to raise political funds for any reason. What this subsection does, is make it impossible for any Deputy to run for the office of Sheriff, without first resigning from his job. I think that is wrong. I think that it is directly opposed to every bit of political philosophy that we as Democrats and Republicans supposedly hold.

I think that if it is proper for a Sheriff to raise political funds, it is also proper for his Deputy to raise political funds. This subsection of Section 959, subsection 2, seems to me to be an incumbent Sheriff's sub-section. — that is, it

allows a Sheriff to raise political funds for himself to run for political office, but does not allow his Deputies to do the same. I would say to the Senate now, that, in fact, the one argument that was presented to me that said that this sub-section is proper, said that we do this now for classified State employees, now we are doing it for Deputy Sheriffs. I ask the Members of the Senate, where are we going to stop? Are we going to do it for municipal employees, are we going to do it for private industry employees. How far are we going to go in restricting the activities, political activities of people in this State?

I think that the least amount of restriction we can place we can place on others, the better. We refuse to place restrictions on ourselves, yet we would place restrictions on these other people. I think it is wrong. I think this subsection is wrong. I in general agree with the Bill. It is a very good document. But this subsection should not go on the books, and, therefore, I present this Amendment.

When the vote is taken, I would ask all the Members of the Senate to vote in favor of the rights of these people within the State of Maine, to vote in favor of each individuals right to do as he sees fit, as long as he does not injure or bring injury or harm to any other person, and to vote in favor of the Amendment.

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

Mr. KATZ: Mr. President, let me clarify, if I may, through the Chair. Is it a fact that in an election under the Bill that is presently drafted, where a Deputy Sheriff is running against the Sheriff, the Sheriff could raise funds for his own campaign and the Deputy Sheriff could not raise funds for his own campaign, and if that is true I am confident that is not the intent of those who drafted this Bill, and perhaps they might like to address their attention to it.

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

Mr. JACKSON: Mr. President and Members of the Senate, the Senator from Kennebec, Senator Katz has brought up a good point. I thought in section 959 that we did restrict, but evidently not. If somebody would be nice enough to table this Bill, we can take care of that little problem.

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

On Motion of Mr. Katz of Kennebec,  
Tabled for One Legislative Day, Pending the adoption of Senate Amendment "B".

The President laid before the Senate:  
Bill, "An Act to Increase the Salaries of the Judiciary." (H. P. 310) (L. D. 401)

Tabled — June 3, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed  
On Motion of Mr. Speers of Kennebec,  
Retabled for One Legislative Day.

The President laid before the Senate:  
Bill, "An Act to Establish a Property Tax Exemption for New and Expanding Businesses." (S. P. 416) (L. D. 1457)

Tabled — June 3, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed  
On Motion of Mr. Speers of Kennebec,  
Retabled for Two Legislative Days.

The President laid before the Senate:  
Bill, "An Act to Establish a Tax Credit to Aid Businesses Providing New Jobs in Areas of High Unemployment." (S. P. 436) (L. D. 1513)

Tabled — June 3, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed  
On Motion of Mr. Speers of Kennebec,  
Retabled Two Legislative Days.

The President laid before the Senate:

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

Tabled — June 3, 1977 by Senator Trotzky of Penobscot

Pending — Enactment  
On Motion of Mr. Chapman of Sagadahoc,  
Retabled One Legislative Day.

The President laid before the Senate:  
Bill, "An Act to Require that Certain Conditions be Met Prior to Certification of any Nuclear Power Plant by the Public Utilities Commission." (H. P. 1388) (L. D. 1660)

Tabled — June 3, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed  
The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby it adopted Committee Amendment "A".

The PRESIDENT: The Senator from Aroostook, Senator Collins now moves that the Senate reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the Senate. Is it a vote.

The Chair recognizes the same Senator.

Mr. COLLINS: Mr. President, I offer Senate Amendment "A" (S-188) and move its adoption.

The PRESIDENT: The Senator from Aroostook, Senator Collins now offers Senate Amendment "A" (S-188), and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" read.  
The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, through the Chair, I might ask for an explanation.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to any Senator who wishes to answer.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, the Amendment chiefly defines some of the technical terms in the Bill, such as high level nuclear waste, construction, and other technical terms. It does not affect the thrust of the Bill.

Senate Amendment "A" Adopted. Committee Amendment "A", as Amended, Adopted

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

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act to Regulate Security Deposits on Residential Rental Units." (S. P. 519) (L. D. 1813)

Tabled — June 3, 1977 by Senator Hewes of Cumberland

Pending — Passage to be Engrossed  
The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I present Senate Amendment "B" (S-190) and move its adoption. I would like to speak briefly to my Motion.

The PRESIDENT: The Senator from Cumberland, Senator Jackson now offers Senate Amendment "B" (S-190) and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" Read.

Mr. JACKSON: Mr. President and Members of the Senate: This Senate Amendment, the only thing that it does is just remove the requirements of interest that he paid on security deposits. It removes all of Section 6033.

Senate Amendment "B" Adopted.  
The Bill, as amended, passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act Relating to Adult Education." (S. P. 102) (L. D. 231)

Tabled — June 3, 1977 by Senator Pierce of Kennebec

Pending — Passage to be Engrossed  
On Motion of Mr. Katz of Kennebec,  
The Bill passed to be engrossed, as amended.  
Sent down for concurrence.

Out of order and under suspension of the rules, the Senate voted to reconsider the following:

#### Papers From The House House Paper

Bill, An Act Concerning State Reimbursement and Executive and Legislative Deadlines under the School Finance Act of 1976. (H. P. 1654) (L. D. 1852)

Comes from the House, referred to the Committee on Education and Ordered Printed.

Referred to the Committee on Education and Ordered Printed in Concurrence.

#### Joint Orders Expressions of Legislative Sentiment recognizing that:

Elizabeth Anne Keith has been recognized for her excellent academic record by being chosen Salutatorian of Mattanawcook Academy of Lincoln. (H. P. 1652)

Elaine Marie Currier has been recognized for her excellent academic record by being chosen Valedictorian of Mattanawcook Academy of Lincoln. (H. P. 1653)

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

#### Committee Reports House

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

Bill, An Act Exempting Fishing Cooperatives From Registration as Dealers in Securities. (H. P. 741) (L. D. 946)

Bill, An Act Relating to the Payment of Interest on Mortgage Escrow Accounts. (H. P. 407) (L. D. 500)

Bill, An Act to Assure Uniformity in Insurance Discrimination Provisions. (H. P. 584) (L. D. 711)

Bill, An Act to Restrict Oil Firms to One Phase of the Oil Industry. (H. P. 808) (L. D. 1052)

Bill, An Act to Provide for Boat Registration in Municipalities. (H. P. 412) (L. D. 505)

Bill, An Act to Permit the Taking of Togue from Sebago Lake. (H. P. 1118) (L. D. 1336)

Bill, An Act Relating to the Duties and Supervisory Authority of the Commissioner of Business Regulation. (H. P. 782) (L. D. 935)

Bill, An Act to Clarify Transporter Registration and Licensing. (H. P. 250) (L. D. 322)

Bill, An Act to Provide for the Issuance of a 30-day Temporary License Class 2 Motor Vehicles Operator's License to a Holder of a Class 3 License. (H. P. 1425) (L. D. 1632)

#### Leave to Withdraw

The Committee on Health and Institutional Services on.

Bill, An Act to Change the Name of the Bureau of Mental Retardation. (H. P. 1034) (L. D. 1257)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Taxation on,  
Bill, An Act to Provide an Equitable Method of Reimbursing Municipalities for Revenue Loss Due to the Tax Exemption on Business Inventories. (Emergency) (H. P. 1054) (L. D. 1289)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Taxation on,  
Bill, An Act to Provide Reimbursements to Municipalities for the Loss of Revenues from the Tax on Business and Agricultural Inventories. (Emergency) (H. P. 1053) (L. D. 1260)  
Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Taxation on,  
Bill, An Act to Increase the Fees on Real Estate Transfers. (H. P. 443) (L. D. 550)  
Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Taxation on,  
Bill, An Act Increasing the Real Estate Transfer Tax. (H. P. 659) (L. D. 800)

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 Concerning Axle Weight Limits for Vehicles Hauling Certain Special Loads. (H. P. 1100) (L. D. 1324)

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 Relating to Requirements for Operation of a Motor Vehicle upon Attaining Age 75. (H. P. 1181) (L. D. 1422)

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 Authorize the Construction of a Bangor-Brewer Bridge. (H. P. 793) (L. D. 1016)  
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 Labor on,  
Bill, An Act to Avoid Delays in Payment of Workmen's Compensation Claims because of the Involvement of Two or More Insurance Carriers. (H. P. 1261) (L. D. 1490)

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.

The Bill read once, and tomorrow assigned for second reading.

#### Ought to Pass — As Amended

The Committee on Education on,  
Bill, An Act to Provide for Adult Education for Certain Students under the Provisions of the School Finance Act of 1976. (H. P. 1466) (L. D. 1720)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-498)

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

The Committee on Energy on,  
Bill, An Act to Encourage Energy Conservation in Maine. (H. P. 1468) (L. D. 1711)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-497).

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

The Committee on Health and Institutional Services on,

Bill, An Act Empowering the State of Maine to Enter into the Interstate Corrections Compact. (H. P. 358) (L. D. 451)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-495).

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

The Committee on Natural Resources on,  
Bill, An Act Appropriating Funds to Provide Road and Bathing Facilities on Lucia Beach at Owls Head. (H. P. 1217) (L. D. 1453)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-499).

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

The Committee on State Government on,  
Bill, An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission. (H. P. 1128) (L. D. 1345)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-496).

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

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

#### Ought to Pass in New Draft

The Committee on Business Legislation on,  
Bill, An Act to Revise the Oil Burner Men Law. (H. P. 681) (L. D. 863)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1644) (L. D. 1844)

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

The Committee on Energy on,  
Bill, An Act to Exempt Energy Conservation Materials From the Sales Tax. (Emergency) (H. P. 786) (L. D. 1095)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1642) (L. D. 1841)

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

The Committee on Fisheries and Wildlife on,  
Bill, An Act Regulating Ice Fishing in the Various Counties. (H. P. 1032) (L. D. 1328)

Reported that the same Ought to Pass in New Draft under new title: RESOLVE, Authorizing and Directing the Commissioner of Inland Fisheries and Wildlife to Promulgate Rules and Regulations Pertaining to Ice Fishing. (H. P. 1637) (L. D. 1839)

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

Which Reports were read and accepted in concurrence. The Bills and Resolve in New Draft, Read Once, and 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 Extend the Effective Date of Sections of the School Finance Act of 1976 Allowing Local Administration Units to Raise and Expend Additional Funds and to Exclude Such Funds From Computation Made Pursuant to that Act. (Emergency) (S. P. 204) (L. D. 602)

#### Leave to Withdraw

Mr. CURTIS for the Committee on Judiciary on,

Bill, An Act to Prohibit the Use of State Funds for Abortions, Except to Save the

Mother's Life. (S. P. 377) (L. D. 1253)

Reported that the same be granted Leave to Withdraw.

Which Report was read and accepted.

#### Ought to Pass — As Amended

Mrs. SNOWE for the Committee on Health and Institutional Services on,

Bill, An Act to Clarify Physician Certification of Patient Deaths in Maine Nursing Homes. (S. P. 408) (L. D. 1416)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-189).

Which Report was read and accepted. The Bill read once. Committee Amendment "A" Read and Adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

#### Committee of Conference

The Committee of Conference on,  
Bill, An Act to Remove the Manufacturer's Excise Tax on Tires from the Sales Tax (H. P. 339) (L. D. 430) have had the same under consideration, and ask leave to report: that they are unable to agree.

On the Part of the Senate:

JACKSON of Cumberland

WYMAN of Washington

MARTIN of Aroostook

On the Part of the House:

CAREY of Waterville

MACKEL of Wells

Which Report was Read and accepted.

Sent down for concurrence.

#### Enactors

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

An Act Providing for Improved Accountability of Funds Expended by the Department of Human Services and by the Department of Mental Health and Corrections. (S. P. 514) (L. D. 1807)

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

An Act Relating to Communicable Diseases. (H. P. 1602) (L. D. 1805)

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

An Act to Revise the Excise Tax on Camper Trailers. (H. P. 953) (L. D. 1147)

On Motion of Mr. Speers of Kennebec,

Tabled Two Legislative Days, pending enactment.

An Act to Establish a Sign on Interstate 95 Announcing Peaks-Kenny State Park. (S. P. 302) (L. D. 928)

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

Mr. FARLEY: Mr. President and Members of the Senate, I merely ask a question from somebody on the Transportation Committee as to if this sign is on the open section of I-95 or the closed section?

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

Mr. SPEERS: Mr. President, I am very happy to see that at least one member of this Body recognizes that there is a difference.

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

Mr. GREELEY: Mr. President, as far as I know it could be optional.

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

An Act to 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)

An Act to Promote Direct-Marketing of Agricultural Commodities. (H. P. 1339) (L. D. 1619)

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

#### Emergency

An Act Clarifying the Saco River Corridor Commission Statutes. (H. P. 1281) (L. D. 1517)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, and having received the negative vote of one member of the Senate, and 27 being more than two-thirds of the Membership present and voting, was passed to be enacted and having been signed by the President was by the Secretary presented to the Governor for his approval.

#### Senate Appointments

##### Committees of Conference

The PRESIDENT: The Chair will appoint as Conferees on the part of the Senate the following:

"An Act Authorizing Municipalities to Create a Development District" (H. P. 1216) (L. D. 1482):

The Senator from Cumberland, Senator Jackson

The Senator from Kennebec, Senator Pierce

The Senator from Oxford, Senator O'Leary

On the disagreeing action between the two Bodies on "An Act to Prohibit Smoking in Public Meetings" (H. P. 361) (L. D. 453):

The Senator from Cumberland, Senator Huber

The Senator from Penobscot, Senator Trotzky

The Senator from Penobscot, Senator Pray

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