

# 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 23, 1977

Senate called to Order by the President.

Prayer by Reverend Elvy Martinez, Regional Director, Seventh Day Adventist Church of Lancaster, Massachusetts.

REV. MARTINEZ: Our Heavenly Father, we worship Thee, seeking a fresh awareness of Thy reality and presence this morning. We thank Thee for this our great and mighty country, of which the State of Maine forms an important part. Upon the President of the United States and all those associated with him in authority and responsibilities, let Thy benediction rest.

In a very special way, we pray that Thy blessings rest on the Governor of the State of Maine, for his responsibilities are great. Lay Thy dedicating hand upon each member of this Senate this morning as they begin their deliberations and the activities of this day. Give them grace in efficiency and wisdom; grant them grace and loyalty and dedication that they may build better homes, and better communities, and better cities for our citizens today, and for our children after us.

Help us, Lord, to never lose our vision of Thee as our God.

We ask it in the name of Jesus. Amen.

Reading of the Journal of yesterday.

## (Off Record Remarks)

Papers from the House  
Non-concurrent Matter

Bill, "An Act to Clarify and Limit the Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish. (H. P. 715) (L. D. 851)

In the House June 21, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-746).

In the Senate June 22, 1977 Report "A" Ought Not to Pass Read and Accepted in non-concurrence.

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

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

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

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

Mr. HEWES: Mr. President and Members of the Senate: We debated this yesterday, and the conclusion of this body was that the present conservation system is working so satisfactory that we should not allow or not change the law. It is working so satisfactory that clam diggers from other towns now want to utilize the flats that have been conserved and used and managed by towns that have these systems, so I think we ought to encourage other towns to have similar conservation systems so that their clam diggers will enjoy, be able to harvest clams in that area.

I sincerely hope that you will vote against the Motion to insist and Join in a Committee of Conference so we may later on vote to adhere to our position of yesterday.

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

Mr. CHAPMAN: Mr. President and Members of the Senate: As we discussed this at length yesterday, there are problems here, but I do not want to treat them lightly, and the matter is a significant matter, and I personally feel that I am happy to join in this Committee of Conference, and I hope the Senate will support this position.

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

Mr. CONLEY: Mr. President, I move that the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President, I request a Division on that motion.

The PRESIDENT: A Division has been requested. Is the Senate ready for the question? The pending motion before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Members of the Senate: I oppose that motion, because in voting to Recede and Concur we are adopting that basically drawn up compromise of Report "C", and as I explained at some length yesterday, I feel that the matter is more weighty than to accept something on that quick decision.

I have talked with a number of the members of my committee since our action the other day. The matter deserves treatment, and I am perfectly willing to sit down and discuss the matter further. I would be hopeful that we might be able to modify some of the positions in that agreement. If we can it may be a step that I would feel we should take at this time, but if we cannot, then I would like to adhere to the other position of waiting until we can give it the kind of treatment that is necessary.

So I will urge the Senate not to Recede and Concur.

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

Mr. LEVINE: Mr. President and Members of the Senate: I heartily concur with the motion of the Senator from Cumberland, Senator Conley, to recede and concur.

It seems that something we have heard and we have all spoken on ourselves, I am sure, as of late, has been the fact that it takes so long to get Amendments drafted and get things down to their final form. Yet here where we have an Amendment that was drawn up quickly, where we have something we can take action on, we are saying, no, we do not want to do things quickly, we want to do things slowly.

If this motion should fail, I would vote to insist and ask for a Committee of Conference. It is an extremely difficult issue. The simplistic argument that there is not any problem there, the problem of conservation is being solved because everybody wants to go dig clams in these areas where they have a conservation program just is not true in its entirety. There are several problems with it, problems brought to the Committee's attention. There are lawsuits pending in the courts right now dealing with some of these problems on question of law, and it may very well be that many of these communities are going to have their municipal restrictions on other people coming in and digging clams, have those restrictions thrown out by the law courts. We have a very severe problem here, a serious problem, and I foresee that it is going to become more and more serious as time progresses. I think that we should have some sort of solution now.

I spoke yesterday and said this Amendment is not perhaps the best answer possible over all, but I do not think it would behoove us to say, well, we will wait and we will study it in a couple of years, or then say we will study it over the next ten year period. Something should be done, and it should be done quickly. Some communities as I mentioned, are abusing the powers they are given to place restrictive municipal ordinances on the flats. It is almost akin to someone in my neck of the woods, I am an inlander, of course, someone in my neck of

the woods saying, well, we are going to put a municipal restriction on that no non-resident can hunt deer.

Well, clams, too, belong to all the people of the State of Maine, and something does have to be done to conserve this resource, and I feel that Report "C", the Report I spoke on yesterday, the Report that was passed in the House, does do something along these lines. It is a good step, it is a step in the right direction. It is a moderate stand. I think two extremist positions are being taken here, the two positions being that (A) it is perfectly alright, it is legitimate for these people to exclude all non-residents, although they have no good study done in that municipality to prove that that is, in fact, a conservation measure, rather than just a restrictive measure; or the opposing position being that they have no right to put in a conservation program. Well, both of those positions are very extreme, and I do not think it behooves us to find favorably in either instance. So, I would ask the Senate to go along with the motion of the Senator from Cumberland, Senator Conley, to Recede and Concur.

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

Mr. SPEERS: Mr. President, I want to thank the good Senator from Kennebec, Senator Levine, in his comments, that the Amendment that we are talking about, which he would have us adopt at this time, is not the best possible solution to this problem that we might be able to come up with. The alternative is not the one that he has suggested that we are looking at, and that is to continue to study this matter over the summer or into the future years, and not coming with any kind of a solution, the motion of the Senator from Sagadahoc, Senator Chapman, has made has been to take another look at this, to see if we can sit down with the members of the House and try and come up with a better solution, a better compromise than what perhaps is being proposed to us by the Minority Report out of the Committee.

So I would hope that the Senate would go along with the motion of the Senator from Sagadahoc, Senator Chapman, to insist and join in a Committee of Conference, and perhaps we can come up with a better solution that what we are being offered at the present time.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate Recede and Concur with the House.

A Division has been requested.

Will all those Senators in favor of the motion to Recede and Concur, please rise in their places to be counted.

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

7 Senators having voted in the affirmative, and 21 Senators in the negative, the motion to Recede and Concur does not prevail.

The Senate voted to Insist and Join in a Committee of Conference.

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

Mr. HEWES: Mr. President, parliamentary inquiry, I thought that I had asked for a Division on this earlier this morning?

The PRESIDENT: The Senator is undoubtedly correct.

The Chair will order a Division on the motion to insist and join in Committee of Conference.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President, is the Motion debatable at this time?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the same Senator.

Mr. HEWES: Mr. President and Members of the Senate: We have gotten off on a tangent, I think, here. I would like to explain that the present law does allow a municipality to have its own conservation program, and if it does have such an accredited program, it then is allowed to have a residence requirement to issue a license to clam in that area, and that is what it really is all about.

These conservation programs have become so successful that towns that have them, for example, Vinalhaven, clam diggers from other municipalities now want to clam on those clam flats, and that will perhaps deplete the clam flats that are being conserved. On the other hand, if we keep the system the way it is, hopefully other towns, other municipalities will have conservation programs, and they will hence encourage the development of clams in their towns. So I hope they will keep the law the way it is, and sustain our position of yesterday on the Ought Not to Pass Report, and vote against the pending motion.

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

Mr. O'LEARY: Mr. President, there are a number of people in my area that are concerned. I know we do not have any clam flats, but the clams are a resource of the people, belong to the people of the State of Maine and they resent it when they are restricted from going into some of these towns to do any claming. That is what it is all about.

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

Mr. LEVINE: Mr. President, I rise again on this. I would agree with the motion now before us to insist and ask for a Committee of Conference. Something has got to be done and quickly.

I would like to pose a question through the Chair to the Senator from Cumberland, Senator Hewes, as to how many of the towns that now have these "conservation programs" have had studies that have been certified that have proved the fact that they are true conservation programs?

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

Mr. HEWES: Mr. President, in response to the Senator's question, I am not sure that there was any testimony about any certified reports. But I would like to comment on the fact that the Senator says that something has got to be done quickly, and I say that the way to have something done quickly is to have other towns that do not have conservation programs, have conservation programs, and a system by which out-of-towners are able to go in and deplete the resources of the town that have conservation programs is not going to help the system. Before long, we are going to be, even the areas where there are ample clams, the harvest will be gone, and there will not be as many clams there as there are now. We ought to encourage towns to have conservation systems, not discourage towns. To change the law will discourage towns from having conservation systems.

In response to the Senator from Oxford, somebody earlier mentioned deer, clams do not roam across the country side the way deer do, so you can have a conservation program in one municipality, and the clams will stay in that particular area. So I think that we ought to encourage conservation all over Maine by encouraging municipalities to have their own conservation systems, and voting to change the law now will not help.

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

Mr. CHAPMAN: Mr. President, the law as it stands now does permit some municipalities to exclude non-residents, but that still is a conservation measure. It does conserve clams. On the

other hand, to change this law as the Bill would direct us to open it up for anyone to come in without some real restrictions, is not a conservation measure. We would not have many clams left if we let anybody, anywhere, to dig wherever they wanted, without some guideline.

In opposing this bill initially, I felt we should study it a little further. The compromise that was developed, was developed rather hastily. The committee has done a lot of talking about this in the last few days, and I think to join in a Committee of Conference is the responsible thing to do to see if we cannot resolve something that is a good step forward.

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

Mr. HEWES: Mr. President and Members of the Senate: Just to respond on one issue, a town or municipality may not arbitrarily exclude clam diggers from digging on its flats. The town must have a Shellfish Conservation Program in order to have a license for residents only, and it is these Shellfish Conservation Programs that are apparently so successful that, and it has been in the law since 1963, for 14 years now. During these 14 years, the clam flats in these towns apparently are bountiful, and the clam flats in other towns are becoming depleted of their clams, and so I hope we keep the law the way it is, which will encourage towns that do not have conservation programs to have them, and then their own clam diggers can use and dig those flats.

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

Mr. LEVINE: Mr. President, I rise with great trepidation again to rebut the statements of the good Senator from Cumberland, Senator Hewes.

Mr. President and Members of the Senate, the way the law stands now, too many of these towns have what they call conservation programs, which are in effect nothing but laws which exclude non-residents from digging, and unless there is a provision written into the law so that there is some proof that, in fact, these provisions are true conservation measures, rather than just exclusionary measures, I feel that we are in very shaky ground here, and would hate to feel that someone is being excluded from enjoying the fine taste of Maine clams with the satisfaction they dug them themselves, simply because members of one community have decided that regardless of whether there are enough clams on the flats for these out-of-towners to dig, they just plain are not going to allow it, and something should be done, and done hastily. Not with too great haste, when I say haste, I do not mean that a decision should be made in a five second span; however, I have thought about this a good deal, as have many members of the committee, and although I did support very strongly the Report "C" that is not now before us, and I feel if we do go along with the motion of the Senator from Sagadahoc, Senator Chapman to insist and call for a Committee of Conference, perhaps we can have a good piece of legislation on the books.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Chapman, that the Senate Insist and Join in a Committee of Conference with the House.

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 Senators opposed to the Motion to Insist and Join in a Committee of Conference, please rise in their places to be counted.

24 Senators having voted in the affirmative, and 3 Senators in the negative, the Motion to In-

sist and Join in a Committee of Conference does prevail.

#### Joint Order

WHEREAS, landing and docking facilities for Casco Bay Island ferry services are in great disrepair and pose a danger to passengers and vehicles that depend upon these facilities; and

WHEREAS, the total cost of repairing or constructing the landing and docking facilities is beyond the financial capability of the City of Portland; and

WHEREAS, the residents of the Casco Bay islands are dependent upon one commercial carrier to transport residents back and forth between the islands and the mainland; and

WHEREAS, the schedule of service between the islands and the mainland creates an undue hardship for many of the residents of the Casco Bay islands; and

WHEREAS, Casco Bay islands residents are prohibited by law from compensating small boat owners to provide transportation between the islands and the mainland to supplement present commercial services; and

WHEREAS, one alternative to the problem of transportation between the islands and the mainland is the creation of a Casco Bay Transit District; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation conduct a study of the transportation problems and needs of and the alternatives to the present transportation system between the Casco Bay islands and between the Casco Bay islands and the Portland City mainland; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977 or no later than 90 days prior to the First Regular Session of the 109th Legislature and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee. (H. P. 1733)

Comes from the House, Read and Passed.

Which was Read.

On motion of Mr. Speers of Kennebec, Tabled pending Passage.

#### Committee Reports

##### House

##### Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Provide for the Licensing of Mobile Homes and Modular Housing Dealers and Mechanics." (H. P. 1376) (L. D. 1702)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-750).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-795) thereto.

The Committee on Marine Resources on, Bill, "An Act to Eliminate Tax on Marine Worms and Replace it with a Fee for Inspection and to Specify Certain Offenses Concerning the Sale of Marine Worms and Other Commodities." (H. P. 913) (L. D. 1119)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-726).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-787) thereto.

Which Reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were read. House Amendments "A" to Committee Amendments "A" were Read and Adopted in concurrence. Committee Amendments "A" as amended by

House Amendments "A" thereto were Adopted in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Provide for no Smoking Areas in All State Offices." (H. P. 818) (L. D. 991)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-757).

Signed:

Representatives:

TRAFTON of Auburn  
NELSON of Portland  
BRENERMAN of Portland  
GOODWIN of South Berwick  
KANE of Augusta  
KERRY of Old Orchard Beach  
PRESCOTT of Hampden  
TYNDALE of Kennebunkport  
FOWLIE of Rockland

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

Signed:

Senators:

SNOWE of Androscoggin  
PRAY of Penobscot  
GREELEY of Waldo

Representative:

GILL of South Portland

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

Which Reports were Read.

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

Mr. REDMOND: Mr. President I move we accept the Ought to Pass Report as amended by Committee Amendment "A".

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

Mrs. SNOWE: Mr. President and Members of the Senate: After having attempted to pass another measure, a no smoking measure, a few weeks ago, I felt at this time we should not further debate the issue. I think at some point you have to draw the line, and I thought that this measure was pretty extensive in prohibiting smoking in all State Office buildings. At this point in time, the Executive Department can pass an Executive Order to designate no smoking areas, and so I feel at this time we should not legislate this measure.

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

Mr. SPEERS: Mr. President, I would point out to the Senate, that the other measure that has been mentioned has not been disposed of, it is in a Committee of Conference, and as I understand this particular measure, and I can certainly stand to be corrected if I am not correct on this it does not prohibit smoking throughout the State Capitol area complex, but merely designates certain areas within that complex in which smoking would not be allowed.

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

Mr. PRAY: Mr. President and Members of the Senate: I would just point out to you that though the other matter is not before it, it has been disposed of.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Redmond, that the Senate accept the Majority Ought to Pass as amended Report of the Committee.

The Chair will order a Division.

The Chair recognizes the Senator from York, Senator Hichens.

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

The PRESIDENT: A Roll Call has been re-

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

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

The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: Mr. President and Members of the Senate, in the Bill it does prohibit anybody from smoking in any of the State offices. Heads of Departments can designate smoking areas, so I still think it is rather restrictive, and also it would require that all Departments, agencies, and commissions will make reasonable efforts to prevent smoking in all offices, except those areas designated as smoking areas.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Somerset, Senator Redmond, that the Senate accept the Majority Ought To Pass as amended Report of the Committee.

A yes vote will be in favor of accepting the Majority Report. A nay vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEA — Carpenter, Chapman, Collins, S.; Conley, Cummings, Curtis, Hewes, Hichens, Katz, Levine, Lovell, McNally, Merrill, Morrell, Redmond, Speers, Trozky.

NAY — Collins, D.; Danton, Farley, Greeley, Jackson, Mangan, O'Leary, Pierce, Pray, Snowe, Wyman.

ABSENT — Huber, Martin, Minkowsky, Usher.

17 Senators having voted in the affirmative, and 11 Senators in the negative, with 4 Senators being absent, the Motion to accept the Majority Ought to Pass as amended Report does prevail.

The Bill read once. Committee Amendment "A" Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, An Act to Establish the Legal Rights of Hospital Patients. (H. P. 755) (L. D. 901)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-768).

Signed:

Senator:

PRAY of Penobscot

Representatives:

KERRY of Old Orchard Beach  
GOODWIN of S. Berwick  
BRENERMAN of Portland  
NELSON of Portland  
TRAFTON of Auburn  
PRESCOTT of Hampden  
FOWLIE of Rockland  
KANE of Augusta

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "B" (H-769).

Signed:

Senators:

SNOWE of Androscoggin  
GREELEY of Waldo

Representatives:

GILL of So. Portland  
TYNDALE of Kennebunkport

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

Which Reports were Read.

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

Mrs. SNOWE: Mr. President, I move that we

accept the Majority Ought to Pass Report as amended by Committee Amendment "A".

The PRESIDENT: The Senator from Androscoggin, Senator Snowe, now moves that the Senate accept the Majority Ought to Pass as amended Report of the Committee. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I wonder if some Member of the Committee might enlighten the Senate as to the differences between the two reports.

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

Mrs. SNOWE: Mr. President and Members of the Senate: I know the motion does appear to be a little bit confusing, but somewhere along the line the committee letters were transposed, so actually the Majority Report is the Minority Report, and the Minority Report is the Majority Report. So I am glad to see that the Senator from Penobscot and I are on the same side. I would like to explain the differences between the two bills before us.

First of all, I think obviously the Committee Report, everybody on the committee had a basic acceptance of the Bill of Rights. We felt that perhaps the hospital should adopt some form of Bill of Rights. I think that the approach was different. Hospital care today, is certainly more involved than just medical treatment. There are other kinds of courtesy extended to patients while they are serving in the hospital.

The Majority Report, first of all, codifies and specifically states the rights of which patients can expect to receive from hospitals and physicians, and, secondly, it also distinguishes which rights are the responsibility of the physician and which are the responsibility of the hospital, and the Minority Report, however, requires the hospitals as a condition of licensure to adopt a patient's Bill of Rights which is comparable to patients' Bill of Rights as adopted by the House of Delegates of the American Hospital Association on February 6, 1973. Also the Bill of Rights, as it states, shall become a part of any contract between a hospital and patient upon admission.

I think simply the differences are in the two Reports, and the reason for supporting one over the other are just several. First of all, I feel in supporting the Majority Report that there is less likelihood of litigation and legal implication because we are codifying and explicitly stating what kind of Bill of Rights there should be, and which kind of Bill of Rights should be adopted by a hospital. I think that if you were going to adopt a standard such as the American Hospital Association Bill of Rights, you are actually requiring a kind of a subjective evaluation. The Department of Human Services in licensing a hospital will also have to interpret whether or not they have a Bill of Rights which is comparable to the American Hospital Association Bill or Rights. I think that also the small hospitals would have to hire lawyers at this time so that they could get a Bill of Rights which would be legally comparable to the American Hospital Association Bill of Rights.

The Committee did send out letters to all of the hospitals in the State to see at what point they are at, if any of them, in fact, had adopted a Bill of Rights. We received responses from 17 hospitals out of the, I guess, 51 hospitals in the State. Half of the 17 had adopted some form of Bill of Rights, and the others had not. I think that the main concern expressed in these letters was the fact that they were afraid of increased litigation, malpractice suits, and I think if we are concerned about those kinds of things, then we should adopt a Bill of Rights that is explicit and intense. We have several measures in the legislature that we are considering this Session and next Session about cost containment in the health care field, and I think if we do have that

concern sincerely, then we should adopt the Majority Report.

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

Mr. MANGAN: Mr. President and Members of the Senate: I look over both of the Committee Amendments. Committee Amendment "A", which I assume, if I have interpreted the Senator from Androscoggin, Senator Snowe, correctly, is the Majority Report.

I notice that we do come up with some of the problems that have been, I think, persistent over many years. The biggest problem I see there is the issue of the fact of the position of Committee Amendment "A" has responsibility to provide the patient with complete and current information concerning the patients diagnosis, treatment, prognosis, etc. I wonder whether the legislature wants to mandate the patient-doctor relationship to that degree.

I can potentially see a lot of people being told they have cancer and really being affected by it very seriously. Secondly, I notice that under Section I of Section 1331, every patient shall have the right to be free from mental and physical abuse, and I question whether in a ward situation of a hospital a patient would be free from mental abuse if somebody had to be moved in next to him with a disease that he felt was dangerous to his mental stability, and I kind of wonder whether we should start mandating legislation on the hospitals in the State of Maine.

Under Committee Amendment "B", however, we are leaving the Bill of Rights generally up to the hospital itself and the hospital policy, and it is my basic impression that if we enact Amendment "A" the State is again going to be taking the Big Brother fraternalistic attitude towards the hospitals in the State of Maine now, and saying you must enact this, and this is the right you must provide everybody in your hospital. Under "B" we are providing the hospital with the opportunity to have their own. Out of the 17 that the Committee did receive reports on, several already did have their own Bill of Rights, and I wonder whether we really should get involved in this degree of legislation.

I would request a Division when the vote is taken.

The PRESIDENT: A Division has been requested. Is the Senate ready for the question? The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: Mr. President, in response to the Senator from Androscoggin, Senator Mangan, I think that is the very question. I think that most hospitals would prefer to have an explicit Bill of Rights, knowing just where they stand, and Committee Amendment "B" is very general. It will be a suggested of evaluation and assessment. There will always be a question of whether or not their Bill of Rights is comparable to the American Hospital Association.

And, secondly, I would also have strong reservations about setting a standard in our statutes with the American Hospital Association, which happens to be a private Association.

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

Mr. MORRELL: Mr. President and Members of the Senate, I will support the Senator from Androscoggin, Senator Snowe, in this, but I just would like to make a couple of comments. One, as minor as this is, this is one more requirement that a level of government is placing on hospitals, and all of us here are extremely critical where hospital costs continue to soar, and it is this kind of thing, it may be absolutely necessary, I guess I have not heard an abundance of evidence in that direction; but I think when you add this and scores of other requirements on hospitals, I think we then have to back off in our criticism, or at least some of our criticism

as they add staff to carry some of this out.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Androscoggin, Senator Snowe, that the Senate accept the Majority Ought to Pass as amended Report of the Committee.

A Division has been requested.

Will all those Senators in favor of the motion to accept the Majority Ought to Pass as amended Report, please rise in their places to be counted.

Will all those Senators opposed to the Motion to accept the Majority Ought to Pass as amended Report, please rise in their places to be counted.

22 senators having voted in the affirmative, and 4 Senators in the negative, the Motion to accept the Majority Ought to Pass as amended Report does prevail.

The Bill Read once. Committee Amendment "A" Read and Adopted, in non-concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Requiring Immunization of Children Prior to Entering Grade School." (H. P. 1072) (L. D. 1264)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-754).

Signed:

Senators:

SNOWE of Androscoggin  
GREELEY of Waldo

Representatives:

TYNDALE of Kennebunkport  
TRAFTON of Auburn  
FOWLIE of Rockland  
BRENERMAN of Portland  
NELSON of Portland  
GOODWIN of South Berwick  
KERRY of Old Orchard Beach  
GILL of South Portland  
KANE of Augusta

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

Signed:

Senator:

PRAY of Penobscot

Representative:

PRESCOTT of Hampden

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

Which Reports were Read.

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

Mr. PRAY: Mr. President, I am not going to oppose that Motion that the Chair has just made, but I would point out that the individuals in this Body have an opportunity between now and enactment of this Bill if they would read the Committee Amendment that they may find it very interesting, and I just point out one section of the Amendment which is kind of a loophole which does away with the entire Act which makes it, in my opinion, completely useless. A child shall not be required to receive immunization if his parents or guardians has demonstrated through a statement that his morals, philosophical or personal objections to such immunization. To me that is a complete loophole. If there is any reason at all that they desire not to, then there would be no need for the child to receive the shot, and to me I think it is just too big of a loop hole to put the Act on the books.

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

Mrs. SNOWE: Mr. President and Members of the Senate: In answer to the Senator from Penobscot, Senator Pray's objections, the Committee felt as a whole that right now in the

initial process requiring immunization, that perhaps we should be less restrictive. Yes, it is a loophole, but there are people who do have serious objections about immunizing their children, and we felt that at least to get the program off the ground again, because there certainly is a need, that parents have become apathetic in the last few years about immunizing their children, and now we find, not only in the State of Maine, but across the country, that there have been a number of outbreaks in various childhood communicable diseases, and it has become a serious problem. As a matter of fact, the Secretary of Health, Education, and Welfare Joseph Califano is on a program now where he tried to raise the level of immunization of children, up to over 90 per cent. It is a serious problem however, but we do feel that we should be a little bit less restrictive in our approach this time around.

Majority Ought to Pass as amended Report Accepted.

The Bill read once. Committee Amendment "A" Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Revising the Disqualification Periods for Persons who Voluntarily Quit Work or are Discharged for Misconduct." (H. P. 113) (L. D. 143)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-644).

Signed:

Senator:

PRAY of Penobscot

Representatives:

BUSTIN of Augusta  
FLANAGAN of Portland  
BEAULIEU of Portland  
MCHENRY of Madawaska  
LAFFIN of Westbrook  
DUTREMBLE of Biddeford  
ELIAS of Madison

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

Signed:

Senator:

McNALLY of Hancock

Representatives:

TARR of Bridgton  
PELTIER of Houlton  
LEWIS of Auburn

Comes from the House the Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-782).

Which Reports were Read.

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

Mr. McNALLY: Mr. President. I move the acceptance of the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Hancock, Senator McNally, now moves that the Senate accept the Minority Ought to Pass Report.

On motion of Mr. Speers of Kennebec,

Tabled until later in Today's Session,

Pending the motion of the Senator from Hancock, Senator McNally, to accept the Minority Ought to Pass Report.

(See Action Later Today)

#### Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas." (H. P. 1385) (L. D. 1573)

Reported that the same Ought Not to Pass.

Signed:

Senators:

O'LEARY of Oxford

REDMOND of Somerset  
Representatives:  
DEXTER of Kingfield  
HUBER of Falmouth  
BLODGETT of Waldoboro  
HUNTER of Benton  
BROWN of Bethel  
WILFONG of Stow

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-628).

Signed:  
Senator:

TROTZKY of Penobscot  
Representatives:  
GREEN of Auburn  
BENOIT of South Portland  
HALL of Sangerville

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "B" (H-781).

Which Reports were Read.

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

Mr. TROTZKY: Mr. President, I move that the Senate accept the Minority Ought to Pass as amended Report of the Committee.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves that the Senate accept the Minority Ought to Pass as amended Report of the Committee.

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

Mr. O'LEARY: Mr. President, I notice that this Bill comes from the House amended by House Amendment "B", which I have never seen before this morning.

I was not really going to oppose this piece of legislation that much; however, I am scared of what is going to happen here, and I am not sure what the House Amendment will do, and I am not sure that we want to travel the route suggested by this Bill or the Committee Amendment.

I would ask that this be tabled until later in Today's Session so that everyone will have an opportunity to look at these Amendments to see just what they're about.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I intend to move the indefinite postponement of Committee Amendment "A" and then debate the House Amendment.

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

On Motion of Mr. Pray of Penobscot, Tabled until later in Today's Session, Pending the Motion of the Senator from Penobscot, Senator Trotzky, that the Senate accept the Minority Ought to Pass as amended Report.

(See Action Later Today)

#### Senate

##### Ought to Pass — As Amended

Mr. McNally for the Committee on Labor on, Bill, "An Act Relating to Residency Requirements of Municipal Employees." (S. P. 192) (L. D. 589)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-314).

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.

#### Second Readers

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

#### House

Bill, An Act Relating to Electric Companies' Fuel Charges. (H. P. 1179) (L. D. 1407)  
Which was Read a Second Time.

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

Mr. HICHENS: Mr. President, I now present Senate Amendment "A" to LD 1407, and move its passage.

The PRESIDENT: The Senator from York, Senator Hichens now offers Senate Amendment "A" (S-315) to LD 1407, and moves its adoption. The Secretary will read Senate Amendment "A"

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

Sent down for Concurrence.

(See Action later Today.)

RESOLUTION, Proposing an Amendment to the Constitution to Require the Legislature to convene in December after the General Election. (H. P. 1048) (L. D. 1259)

Which was Read a Second Time.

On Motion of Mr. Speers of Kennebec, Tabled until later in Today's Session, Pending Passage to be Engrossed.

(See Action later Today.)

#### House — As Amended

Bill, An Act to Permit Municipalities to Levy and Collect Service Charges for Certain Municipal Services from Tax Exempt Residential Property Used to Provide Rental Income. (H. P. 1403) (L. D. 1657)

Which was Read a Second Time.

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

RESOLVE, to Authorize a Study of the Judicial Pension System of the State of Maine. (H. P. 1273) (L. D. 1501)

Bill, An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office for Children and Families. (H. P. 910) (L. D. 1158)

Bill, An Act Exempting Certain Uses of Gas and Electricity from Taxation under the Sales and Use Tax Law. (H. P. 307) (L. D. 362)

Bill, An Act to Revise Certain Motor Vehicle Related Laws. (H. P. 246) (L. D. 336)

Bill, An Act Relating to Taxable Personal Property. (H. P. 851) (L. D. 1042)

Bill, An Act to Extend the Exemption for Certain Individuals Engaged in Fishing From Coverage Under the Employment Security and Workmen's Compensation Laws. (Emergency) (H. P. 198) (L. D. 259)

Bill, An Act Providing for an Investment Tax Credit and a Credit for the Creation of New Jobs. (H. P. 540) (L. D. 658)

Bill, An Act to Repeal and Correct Certain Laws Relating to Health and Institutions. (H. P. 1356) (L. D. 1592)

Bill, An Act to Establish Long-term Foster Care. (H. P. 1453) (L. D. 1693)

Bill, An Act to Encourage Restitution. (H. P. 1474) (L. D. 1712)

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

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

Bill, An Act Relating to the Powers of Plantations and their Organization. (H. P. 1396) (L. D. 1635)

Which was Read a Second Time.

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

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to the Chairman of the Local and County Government Committee in relation to the Amendment that has been adopted on this Bill. The Amendment number is 761. I notice that they put a date that the Bill becomes effective for plantations that were organized prior to November 1, 1977, and I

would like to know if I could have an explanation for that reasoning. I have several plantations in my District that want to have legislation introduced so they can become organized municipalities. I would like to know exactly how this Bill would apply to them.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate, basically what this Bill does is it allows plantations to apply and accept federal grants. As you will all remember, I think we had a Bill here in the last Session of the Legislature. I think it pertained to an island. I think it is down in Senator Collins' District, Knox, Matinicus, I believe, wanted to acquire a generating plant, and there were some funds available, federal funds available, to help assist in the acquisition of this generating plant. Come to find out, under the State statutes, that plantations could not exercise this prerogative. The reason it was organized prior to 1977 was to just take care of this little problem of that particular area, and we felt that if we gave the plantations the same authority to solicit the federal funds as you did the municipalities that you might find that a few of the plantations which are becoming sizable to become an organized township, that they possibly might not do this. So this would be another advantage to staying a plantation. I hope that would answer his question. Briefly, as I have not looked the Amendment over completely, but I believe this is what we discussed in the Committee when the Amendment was brought up.

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

Mr. PRAY: Mr. President, due to the fact that the Chairman of the Committee has not had the opportunity to thoroughly read the Amendment so that he is absolutely sure of his statement, I would wish that somebody would table this until later in Today's Session, because if I understand the good Senator correctly, then I would be opposed to the House Amendment that we have offered. I believe if we are going to allow an unorganized town or plantation, as it may be, the right or the opportunity to gather some federal funds, then we should give it to all of them, and to cut off some of the towns that may be new municipalities coming down the road in the next year or so, I think would be an injustice to those people, and that it would only lead to further legislation which would come in and move that date back, perhaps to November 1, 1978, then back again. So I would like to get together with the Chairman of the Committee and talk this matter over, so I wish somebody would table this until later in the day.

On Motion of Mr. Conley of Cumberland, Tabled until later in Today's Session, Pending Passage to be Engrossed.

(See Action later Today.)

Bill, "An Act to Create a Board of Registration of Substance Abuse Counselors." (H. P. 418) (L. D. 530)

Which was Read a Second Time.

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

Mrs. CUMMINGS: Mr. President, I would like to ask a question through the Chair as to an explanation. I have read part of the Bill strictly the Statement of Fact, and I wonder if this can be taken care of some other way than creating a new Board, and if possible, I would like someone to answer that.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, has posed a question through the Chair.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President and Members

of the Senate: It does, in fact, create a new Board. It deals with the people who are involved as counselors in alcoholic-drug field, and it seems that it comes to us as a result of a task force report and a series of public hearings that were held throughout the State, and apparently there is a desire to have some standardization and certification of people who are dealing in the field of drug abuse and alcoholism, and this is a first attempt to certify people as to their quality to perform this type of counseling.

Which was Passed to be Engrossed, as amended, in concurrence.

#### Reconsidered Matter

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

Mr. KATZ: Mr. President, in reference to Bill, "An Act Relating to Electric Companies' Fuel Charges" (H. P. 1179) (L. D. 1407), I now move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby L. D. 1407 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

On motion of Mr. Katz of Kennebec,

Tabled until later in Today's Session, Pending Passage to be Engrossed.

(See Action Later Today)

#### Senate — As Amended

Bill, "An Act Concerning Professional Conduct of Chiropractors, Optometrists, Podiatrists and Dentists." (S. P. 167) (L. D. 572)

Bill, "An Act to Amend Certain Provisions of the Employment Security Law." (S. P. 504) (L. D. 1789)

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

Sent down for concurrence.

#### Enactor

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

#### Emergency

"An Act Increasing the State Gasoline Tax." (H. P. 1159) (L. D. 1383)

Comes from the House, Failed of Enactment.

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

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

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

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, is this bill in a posture for debate at this time?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the same Senator.

Mr. SPEERS: Mr. President, I would point out to the Senate that this is a measure of great importance, and that this matter has come down to the Senate from the other Body, having failed of enactment, and would hope that the Senate would give every careful consideration to the conditions of the roads and highways, not only at the present time in the State of Maine, but the likely conditions on into three or four or five years on into the future, unless we can provide for adequate funds for the highway maintenance.

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

Mr. KATZ: Mr. President, this has been a most peculiar Session for me personally.

Earlier in the Session I spoke out against motherhood and voted against Mother's Day, and today I am going to be speaking in favor of a gasoline tax, and I have never done that before, never voted for it before.

But I think that the gasoline tax increase is different this year, and I would like to tell you why. When gasoline was selling at the low prices that were pretty much stabilized over so many years, a penny increase was a rather significant percentage, but we have seen the price of gasoline go up and up, and we have been told it will continue to go up and up, and one penny on the gas tax, on the price of gasoline, is almost unnoticeable today when you drive in to fill up your tank. I used to drive a few blocks to save that extra penny, but today the signs change so quickly I have changed my habits.

I think this penny gas tax is essential for a Department that has seen the same kind of grinding inflation that all of us have experienced in our lives. I feel that we have a responsibility to the State of Maine to make sure that the communications between the parts of our State are good and continuing. In a State which has more land area than the rest of New England combined, I think our roads are a primary concern of the Maine Senate, and even if in the past if you have voted against gasoline taxes, because you have felt human services are more important. I ask you this year to consider the changed ball game, and in light of the changed ball game perhaps you will now change your mind and change your voting pattern and support the enactment of this legislation.

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

Mr. SPEERS: Mr. President, I request leave of the Senate to withdraw my request for a Roll Call.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now requests leave of the Senate to withdraw his request for a Roll Call. Is it the pleasure of the Senate to withdraw this leave. It is a vote.

On motion of Mr. Conley of Cumberland,

Tabled until later in Today's Session pending Enactment.

(See Action Later Today)

#### (Off Record Remarks)

On motion of Mr. Huber of Cumberland, Recessed until 2:30 this afternoon.

(Recess)

#### After Recess

Senate called to order by the President.

#### Orders of The Day

The President laid before the Senate.

RESOLVE, Authorizing and Directing the Commissioner of Marine Resources, the Commissioner of Inland Fisheries and Wildlife and the Atlantic Sea Run Salmon Commission to take the Steps Necessary to Assure the Construction of a Fishway on the Dam Obstructing the Kennebec River at Augusta. (H. P. 1267) (L. D. 1494)

Tabled — June 22, 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 Reduce Traffic Accidents and Fatalities by Providing for the Establishment of Education and Treatment Programs for Persons Convicted of Operating under the Influence of Alcohol." (H. P. 1122) (L. D. 1340)

Tabled — June 22, 1977 by Senator Conley of Cumberland

Pending — Passage to be Engrossed

On Motion of Mr. Conley of Cumberland, Retabled until later in Today's Session.

(See Action later Today.)

The President laid before the Senate:

Bill, "An Act to Revise the Maine Tort Claims Act." (Emergency) (H. P. 1680) (L. D. 1874)

Tabled — June 22, 1977 by Senator Merrill of Cumberland

Pending — Motion of Senator Pierce of Kennebec to reconsider whereby Senate Amendment "A" (S-252) failed of adoption.

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

Mr. PIERCE: Mr. President, I would request leave of the Senate to withdraw my Motion to reconsider.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I now present Senate Amendment "B" (S-319) to LD 1874, and move its adoption, and I would like to speak to my motion.

The PRESIDENT: The Senator from Knox, Senator Collins, now presents Senate Amendment "B" and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. COLLINS: Mr. President, the Senate knows that we have had strenuous debate on this matter. I am happy to report to the Senate that that debate has resulted in deeper thinking, and I think in a solution that should be improvement to the entire picture, and hopefully acceptable to all. I am also very grateful to the Senator from Cumberland, Senator Merrill, for participating with me and with other Members of the Judiciary Committee, and working out this compromise.

This compromise would provide that employees of the State acting within the course or scope of their employment would remain liable for their torts up to a limit of \$10,000.00. Beyond that limit they would be immune, and the further provision of the Bill is that the State would purchase insurance on behalf of its employees to insure them against personal liability to the limit of this liability which remains open under this Amendment.

I would move the adoption of this Amendment.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate adopt Senate Amendment "B".

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I would like to make an inquiry through the Chair, if I may as to what the cost to the State would be of the insurance, and whether or not it might be wiser to be a self-insurer in this situation.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, has posed a question through the Chair.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I think that perhaps both Senator Merrill and I can add something to that. I undertook to explore the private insurance market, and the quotations which, of course, are not official until they are in writing and properly solicited, but I think provide a pretty good guide to this. The quotations indicated that the cost would be somewhere between \$7.50 and \$12.50 per employee and if we add 10,000 employees, we are looking at \$75,000.00 to \$125,000.00. However, not all of that would come out of the General Fund, and I think that members of the Appropriations Committee perhaps could explain better how this might work.



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

Mr. MERRILL: Mr. President and Members of the Senate: Recognizing, of course, at this time all action of the Appropriations Committee is very tentative, however, by unanimous vote this morning on the Appropriations Committee, we have decided tentatively, until we could get firmer figures, to set aside more than enough out of the General Fund to meet the maximum level that we have been quoted. It looks like, talking somewhere in the ball park figure, this will cost the General Fund somewhere in the neighborhood of \$50,000.00, and I might add that I think Senator Collins and I share the feelings that in the long run there will be a net savings to the State, because of the likelihood that more people will take this avenue even if they have larger claims, and because this insurance includes the cost or providing the employees attorneys, not out of the Attorney General's Department, but private attorneys and will save future growth and cost to that Department. So, I think in the long run, the State will effect the net savings as a result of this compromise, and I think that fact was reflected in the tentative vote of the Appropriations Committee this morning.

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

Mr. CURTIS: Mr. President, I am amazed and delighted that the cost would only be \$50,000.00 or \$75,000.00 per year purchasing insurance to provide this coverage, and I think it is probably much wiser to buy insurance than to be self insurers in this situation.

Senate Amendment "B" Adopted.

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

Mr. MERRILL: Mr. President, I would ask at this time, that we dispense with our daily reading of the Legislative Report on this Bill.

The PRESIDENT: The Chair hears the Senator.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I might also inform the Senate that the cost of money it has cost to get this Bill in the engrossment stage, we could have more than self-insured these people.

This Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate:

House Reports — from the Committee on Election Laws — Bill, "An Act to Revise the Election Laws Concerning Political Activity at Elections and Requirements for Absentee Ballots." (H. P. 1117) (L. D. 1335) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-688); Minority Report — Ought Not to Pass

Tabled — June 22, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report Majority Ought to Pass as Amended Report accepted, in non-concurrence.

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

The President laid before the Senate:

Bill, "An Act to Increase the Exemption on Estates of Veterans." (H. P. 70) (L. D. 94)

Tabled — June 22, 1977 by Senator Conley of Cumberland

Pending — Passage to be Engrossed.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to call the attention of the Senate to House Amendment 747 on this particular Bill that has been adopted.

As the good Senator from Knox, Senator Collins, pointed out yesterday, I think we are really fooling people when we talk about the tax exemption for veterans. If you look at the price tag of the fiscal note on the bill, it reads between \$540,000.00 and \$810,000.00 will need to be appropriated for fiscal years 1979 and 1980. There is no question in my mind the statement made by the good Senator from Knox, Senator Collins, that all we are doing is kidding people, and the chances of this getting passed is practically nil. So I think if we want to be honest, I think what we should do is reconsider our action whereby we adopted, or got this bill in the position of the procedure that it is in at the moment, so that I may offer an Amendment at least that I feel is worth debating, and then if people feel that it should not be adopted, then kill the Amendment, then this Bill would eventually get onto the Appropriation Table and die, because I am convinced it will never pass.

So I would at least point out to the Senate the Amendment that I would like to be able to present — Mr. President, I would call the Senate's attention to S318, and what it does is explicitly points out the exemptions to all World War I veterans, and their widows or minor children, who served during any federally recognized World War period, during or before World War I, and there is no cost for the State, and whatever losses there would be, would be absorbed by the communities, but I think that then the communities could address that or the next Legislature could address any further exemptions.

Mr. President, I would move that the rules be suspended and that the Senate reconsider its action whereby it adopted House Amendment "A" to Committee Amendment "A".

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

Mr. JACKSON: Mr. President, I would not want anybody to be misled by the Committee Amendment, the loss of revenue of \$500,000.00 plus has no effect on the General Fund. That is not a loss of revenue to the General Fund. That is a loss of revenue to the local municipalities, the assessment or the exemption that would be cleared for this, and I would almost like to see how those figures were ascertained, because I do not think we would have that many veterans that would be applying for that exemption. I think the debate was handled pretty well yesterday by the good Senator from Aroostook, Senator Collins, and the good Senator from Kennebec, Senator Levine, and these fellows did, they devoted many years of their life, probably the best years of their life to this country and to this State, to give us what we have today, and I think an exception of \$5,000.00 on the real property is not asking too much, and I, therefore, would oppose the motion to reconsider, and when the vote is taken I request it be taken by the yeas and nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President and Members of the Senate: I spoke briefly on this item yesterday, and I would just stand here today and say how much I appreciate the comments of the good Senator from Cumberland, Senator Jackson, but as always, I see the logic of my leaders, our good Senator from Cumberland, Senator Conley, or my former leader, I might more appropriately say.

I think that the good Senator from Knox, Senator Collins, yesterday brought out some very good points about this type of legislation and the fact that it is going to keep increasing and increasing over the years as we pick up the people. We presently have on the books an exemption for all veterans 62 years of age and older, and for disabled veterans, and I think if we are going to go higher than we have now in

order to minimize the impact on our municipalities, and I agree with Senator Jackson that the impact on the municipality and not the State, that we are going to have to pick these people up as they become most needed, perhaps even approximately 30 years from now, 32-33 years from now somebody will be in this Chamber and will feel the same way about the veterans of my era, but I think if we are going to increase the exemptions as they go along, in order to minimize the tremendous impact on the rest of the people in the various municipalities of the State, that we ought to go slowly, pick up the veterans, in this case the World War I, a few years later down the road if we feel that it is necessary, if we are still in the same situation with our elderly people, we can pick up the veterans of World War II. I think this a very logical and sane way to go about things.

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

Mr. CONLEY: Mr. President, I call the attention of the good Senator from Cumberland, Senator Jackson, to House 747 Amendment. If you read H, any municipality granting exemptions under this section shall be reimbursed by the State for amount to equal one fifth of the tax lost because of the exemption in 1978, and one-third of the taxes lost because of the exemptions in 1979, and each year thereafter. The municipalities may make claim for the reimbursement in form satisfactory to the Commissioner of Finance and Administration, who shall present the claims to the Legislature next commencing, and it clearly states that no appropriation is required during the biennium. Between \$540,000.00 and \$810,000.00 will need to be appropriated in fiscal year of 1979 and 1980.

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

Mr. LEVINE: Mr. President and Members of the Senate, I am not going to get embroiled in an argument over whether it is State dollars or municipal dollars we are talking about. We are talking about dollars, and the argument is starting to come down here just dollars and cents.

Well, how many dollars and cents would any of us have here in the State of Maine if these people had not gone off to serve their country in the time of war? Now let us exclude everyone after World War I, fine, and down the road if there are people who need it, let us give it to them. Well, why don't we just exclude all memory, all traces of World War II from the books. World War II did happen. It is a fact. These people went out in World War II, went out in the Korean War, went out in the Vietnamese War, and I am not going to get in a debate here now about the merits of any of these wars, but I am very sure if they had not marched in at least one of these wars, World War II, I doubt very much of us would be sitting in this Chamber, with this form or system of Government at this time.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I agree wholeheartedly with the comments of my good friend and colleague, the Senator from Kennebec, Senator Levine, and probably there is nobody in this Chamber that can get it any more impassioned in a speech about veterans and injustices and maltreatment and all of this than I can, if we get into the sort of an issue, if we ever get into that sort of an issue, and I hope that we do not, but let us be realistic.

I do not want a Roll Call vote in this Senate to send something down to the Appropriation Table that I know is going to die. That does not do a thing for that veteran in Houlton, Winslow, or Harrison, and if it means that I have to vote against this type of issue, this type of amendment or however it comes out, and have to go on

record, then I am sure I can go back and tell my veterans that it was not going anywhere, that this is something that happens quite often around here. But let us be realistic about what is going to get funded and what is not going to get funded, when we leave here in another two weeks, hopefully, I would rather do something that I think has the chance of passing, maybe it is going to significantly help only a few people, but I think it is important that we be honest with ourselves and with our veterans in this particular case, and do something that we know we can handle, rather than biting off a chunk that we are going to have to spit out in another few weeks.

I would just like to pose a question if I might through the Chair to the Senator from Cumberland, Senator Jackson. Am I correct in stating that if we adopted the Amendment as proposed by the Senator from Cumberland, Senator Conley, that this might increase the exemptions for World War I veterans, but not change the exemption, would it still leave the exemptions for all the rest of the veterans?

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

Mr. DANTON: Mr. President and Members of the Senate: I am delighted to know that the good Senator from Kennebec, Senator Levine, is concerned about all the veterans. So am I. I am a veteran, a Korean War veteran.

But I think what we should do is handle what we are ready to handle right now, and that is the World War I vet. That is the fellow we should be concerned about. As time goes on, I am sure future Legislatures will come in and they will take care of World War II vets. Hopefully, they will take care of Korean War vets. Looking down the road, they will take care of the Vietnamese War vets. But right now all we are saying is let us help these fellows that went in during the mid-1900's. They got nothing for salary. They got out of the service. There were no GI benefits for them to go to school. There were no programs for them to go to learn trades. You know, we all had the benefit of this. I know that I did as a Korean War vet. I know World War II veterans had these benefits. These are the fellows that I think we should be addressing ourselves to today to try to help them, and that is all we are saying. We are not saying we are against veterans. I am sure all of us are for the veterans, and we all want to help the veterans, but as time goes on, we will take care of the veterans of World War II, Korean War, and Vietnamese Veterans.

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

Mr. LEVINE: Mr. President and Members of the Senate: Perhaps if we wait long enough to take any action, and if there are no more wars in the foreseeable future, we will not have any veterans to take care of.

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

Mr. MANGAN: Mr. President and Members of the Senate: I have a basic hang-up with this thing. It is my impression that I think certain Members of this Body would want to include the Civil War, Spanish American War, and limit it to that point.

I think that what we have got to look to in this Bill is to provide assistance for our needy veterans, and I think the limitation should not be on a war necessarily, but on an age limitation, for those veterans over the age of 65 who are now on fixed incomes. I do not really think it makes that much difference what war they fought in. I think that we do owe our veterans a tremendous debt of obligation, and I think that we should help them in this time of need.

It would impress me at this time that most of the World War I veterans would be approximately 70 or 80 years of age, and if they have lived in this current society for the last 15 or 20 years, I doubt that very many of them could af-

ford homes anywhere at this time, and I do not think that the exemption is going to help them very much, and I do not think that the State is going to lose very much by it. But I think that for those veterans who did fight the Second World War, who are well over 65 at this time, some of them could be as old as 70, 72, 75 years of age, I think these are the people that we should benefit by the exemption. They do have the homes right now, and this is the time when they are hurting the most right now. So I would urge the members of the Senate to deny the reconsideration, and to let this Bill go through a reading and to amend it later on to make it an age limitation rather than a war.

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

Mr. LEVINE: Mr. President and Members of the Senate: One last word on this. What happens on the Appropriations Table is by how we set our priorities. What gets funded and what does not is by priorities. I think I have made it quite plain in this Chamber that the veterans, the people who have served this country, are a very high priority item with myself, and if that should become a high enough priority with other members of the Legislature, I am sure that Appropriations Committee will fund this program rather than some other one that is on the table.

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

Mr. PRAY: Mr. President and Members of the Senate: I rise with great concern on this issue. I am a member of the American Legion and a member of the VFW. I served in Vietnam. I voluntarily enlisted in the service, but I went on a principle. I think though we had the draft at the time that I enlisted, there was also the draft during World War II, but many individuals went on that same principle, that same principle that has been talked about here today when many of our fathers, or maybe even some of our grandfathers or some of our brothers went away to the war. The reasons they fought it may be different than the war that I fought in.

But I perhaps take a position today that is not popular among the members of the same organizations that I am. I am going to support the Amendment that the Democratic Floor Leader is offering. I would like to take care of the World War I veterans first, and I would like to come back in the next Legislature or the Legislature thereafter, or sometime down the road, when these other individuals come in, and the economic situation at that time could be better evaluated on their needs and the necessity of those people at that time. I think that the Senator from York, Senator Danton has perhaps said it best. Those members of this Body, I am not sure how many of you are veterans, how many of you have served, and what not, but let us take a good careful look at exactly what we are doing.

I also have to consider the dollars that we talk about, because when I come down here to represent people, and I affect dollars, either on the State level or the municipal level because of action I take here in the Legislature, then I am responsible for those dollars to the people that I represent, and if we pass legislation that is going to cost the municipal governments in my District dollars, then I consider myself responsible for those dollars, and I would hope that the other Members of this body would also.

Just a short while ago, we debated the issue that was, I think sponsored by the Senator from Cumberland, Senator Merrill, on the 50 percent provision that the State would pick up part of the tab, that these would be considered, I think it is something we have that realize, perhaps just imagine what it would be like if this issue was before us at this time. As I understand the Amendment, we are going to pick up a third of the exemption that is given. The other proposal was to pick up 50 percent. We are going to affect

dollars to those people who pay the dollars, and those are the taxpayers of this State, one way or the other, whether they pay it in to the municipal government or they pay it in to the State government, and I think that it is a very important issue to look at.

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

Mr. HEWES: Mr. President and Members of the Senate: I would pose a question to the Senator from Cumberland, Senator Conley. Do I interpret his proposed Amendment right. As I see it, we would be taking away from those veterans that are 62 years of age, who presently receive the \$4,000.00 exemption, unless they were a World War I or earlier vet. In other words, many veterans of World War I and the Korean conflict are now 62 or over, and are receiving a \$4,000.00 exemption. As I would read his proposed Amendment, which is S-318, the only ones that would benefit would be those veterans of World War I or earlier, so that we are in effect taking away from some veterans, such as those that fought in the Korean conflict, or World War II, benefits they are presently receiving. Do I interpret your Amendment properly?

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

Mr. CONLEY: Mr. President, the good Senator from Cape Elizabeth reads as well as I do. He is right, and I would have to agree with everything that has been said here and certainly with respect to my good Assistant Floor Leader, Senator Danton, and good Senator from Penobscot, Senator Pray.

We have been debating, and we have another Bill on the calendar today, and I noticed that it was tabled last evening. I notice that the good Senator from Cumberland, Senator Jackson, very rapidly moved that we accept the Majority Ought Not to Pass Report, and it was the good Majority Floor Leader that tabled that Bill pending reconsideration. We anticipate debating that Bill today.

But again, if these are exemptions when it was popular, extremely popular to put them on the books, and to go down Congress Street waving a flag saying that we are for the veterans. Well, who is not a veteran today? Who is not a veteran today? We have had more wars and more skirmishes since World War I than you can count on both hands. It is a question of who is going to pick up that exemption that you grant so lovely and so easily here in this Chamber. Yes, it is easy to say, yes, I vote to exempt Brother Conley from paying his taxes on \$6,000.00 when he gets to be 62. Well, if you want to help someone, you are going to have to help the fellow who is retired from World War I, who did not get the benefits that the Congress in Washington so very generously gave of your tax dollar to make sure that this veteran got a fine home, make sure that this veteran got a fine education, because some other fellow who may have been poor and unfortunately had to struggle through was not given those benefits, not to mention the fact that we have small businesses loans for veterans. Every kind of program that you can imagine is available to assist them and to help make them better citizens, and we have supported those things. But how much longer can you afford to support these exemptions that are being placed every year, after year, on local projects that just skyrocket local budgets, because of the fact that we in Augusta are so generous in giving away the tax dollars that belong to someone else. Now, let us put the phoniness aside, and let us address the issue.

The good Senator from Knox yesterday, and it is strange because we were discussing it, I think that it was earlier this morning or last evening, but in the Session last year when he got up and moved the indefinite postponement of this particular Bill, and I believe it came off the

Appropriation Table, all 32 stood up for indefinite postponement, and you know what, it is going to happen again, because the money is not there, and it is not going to be there, because we are not going to pledge any commitment of a future Legislature to come up with this kind of money, and we do not know where it is.

Now there are people out there who are having hard times, and they are in their 70's and their late 60's and their 80's. Now if you want to help someone, and you want to do it honestly, then do it with this Amendment, because I can assure you those veterans of World War I, in the last Session thought they were helped when there was some double dealing done with the Bill that really did not help them a bit.

This Bill, this Amendment is going to give them that help. Now let us stop playing the games and waving the flag, because I can wave the flag as great as anyone in this Chamber, and I ask you to be honest, and be honest with the communities you serve, and the people who are paying those taxes. If you want to help someone, then support the Amendment.

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

Mr. HEWES: Mr. President and Members of the Senate, I disagree with the good Senator from Cumberland, Senator Conley. I say you are taking away from perhaps 20 or 30,000 State of Mainer something that they presently have. World War I ended in 1918, which is 59 years ago. If a person was 18 years of age when he was in the service, that means that he would be 77 at the present time. There are thousands of World War II and Korean conflict veterans who are 62 or over that are getting this benefit now, the \$4,000.00 exemption, and this Bill would remove that benefit from them.

I hope that you will vote against reconsideration.

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

Mr. FARLEY: Mr. President and Members of the Senate, I was hoping that the Senator from Cumberland is not speaking, Senator Conley, as the Minority Leader. Obviously, the way he sounds he is a councilman from Portland today.

To refresh his memory, some of the World War II veterans were 25 or 30 years old when they got drafted, and many of them dropped out of the school system during the depression of the 30s. They did not go to high school, never took advantage of the GI Bill. This is something they always had until two years ago, and now we are taking it away from them.

If we want to do something, first of all, I think that we have to get rid of the Amendment that came down from the other Body, because, obviously, the way it is written, the Senator from Cumberland, Senator Conley, is correct. I do not think that the State has to pick up the tab on this. The communities always did prior to the acts of the last Session of the Legislature.

The Senator from Cumberland, Senator Hewes, is right. There are many, many veterans who would take advantage of this. A lot of them never took advantage of the benefits of the Veterans Administration after World War II, only because they never went to grammar school, or high school in the 30's to get the GI Bill, and these are the people we are hurting. Those who did, they have no problem. The ones who did not, and there were many of them who did not take advantage of the GI Bill after World War II. They are now 65 years of age. They had something, and it was taken away from them.

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

Mr. CURTIS: Mr. President and Members of the Senate: I do not think there is any particular point in getting emotional over this particular piece of legislation. If it were pertinent to the debate, I guess I would mention that I, too, am a

Vietnam veteran and a member of the VFW and the American Legion, and I was a volunteer to serve in Vietnam.

But I think we are dealing here with a question of tax policy, and I am interested by some of the comments which were made by the Senator from Cumberland, Senator Conley, when he talked about every kind of program that is available from the State for veterans. I really wonder if he would be willing to look at the programs which we provide in the State of Maine of veterans, to see if he really thinks that they are generous or satisfactory in any meaningful sense of the term.

We provide an emergency veterans benefit program for people who are in immediate need only until such time as social security is able to pick it up. We provide a modest program for veterans who are interested in businesses, and that is only an insurance program. It is not a subsidy program. We have never provided a bonus in this State, which many States do. I guess about the one benefit which we do provide, if we were to eliminate this one, that is available to every veteran is that he be entitled to be buried in the State Cemetery.

I note that the Bill applies not only to veterans, but also eliminates, as I understand it, a very important benefit which is available now to widows and orphans, or children of deceased veterans, and that is that this same property tax exemption is now available to widows and the children of deceased veterans. I happen to know a family in which the father was a Korean veteran. He died and his wife and three children are benefitting in the town of Orono from this particular program. It would be my understanding from reading the Bill that if we pass the Amendment which is proposed here by the Senator from Cumberland, Senator Conley, that that benefit which is available to the widow and three children would no longer be available.

It would be my further understanding that that particular decision on the part of the Senate would result in a windfall to the town of Orono. Speaking as one citizen and as a Senator who has been elected in that town, as well as others, I do not think the expense is worth it. I will vote against the Amendment.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I am sure that my fellow colleagues will agree with me when I say it is probably the worst thing to have to do in this Body is to stand up and admit that you were wrong, but I would say that I am much more comfortable now being back in my normal roll opposing my Floor Leader.

I did misunderstand the Amendment at First Reading and on my first discussion of it with some people, and I now would have to oppose Senate 318, proposed Senate Amendment "A", for the same reason as my seat mate has already alluded to, and that is the fact that we are striking out the exemption for everyone except World War I. I was under the impression that it was going to be World War II to \$4,000.00, Korean etc. to \$4,000.00 and then an increase to \$5,000.00 or \$6,000.00 for the people in World War I. That is something I think a majority of the members of this body could support, and if there is enough support for that, I would be glad to draft the Amendment at a later date if we want to get past this hurdle.

But stop and think about the points that have been brought up by the last couple of speakers, that you are taking away an exemption or taking away something that has been, some of these people have been barely scraping by with the help of now for quite a few years, and I am sure that if we went the route that I thought we were going, that I would hope we would go, with increasing World War I people later, that

perhaps the price tag would be considerably less.

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

Mr. CONLEY: Mr. President and Members of the Senate: Presently there are 18,000 veterans who filed for exemptions last year. I should 18,000 claimed. There are 11,000 veterans, and 7,000 widows. Let me tell you right now, we are on the threshold of 45,000 additional veterans coming in and claiming tax exemptions on local property tax — 45,000.

The good Senator from Penobscot, Senator Curtis, has mentioned the fact, and it has been mentioned by other speakers, that the age 62 has been removed. It has not been removed, if you read the Amendment. Now perhaps this Amendment may need some cleaning up. Perhaps it should be based on the ability to pay rather than just an outright grant. But let us not, and I say to you, let us not, perpetuate a very, very bad system, because we have got more and more and more people waiting to join the line, and unless we do something, we are not going to do anything. We are going to do nothing. So I would hope, at least, that the Senate would suspend its rules and reconsider its action whereby it adopted House Amendment "A". If that is done, I will move the indefinite postponement of that Amendment, and perhaps then we can reconsider where we adopted Committee Amendment "A" and put an Amendment on based on the ability to pay, but to give a blanket outright exemption to everyone is going to just put tremendous burdens on every taxpayer that has to pay his property tax.

Mr. President, I move that the rules be suspended, and the Senate reconsider its action whereby it adopted House Amendment "A".

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

Mr. CARPENTER: Mr. President, I move that this lie on the table for One Legislative Day.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that LD 94 lie on the Table for One Legislative Day.

The Chair will advise the Senator from Aroostook, Senator Carpenter, that the Motion to Table a Motion to Suspend the Rules is not in order.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate I request the privilege to withdraw my Motion to suspend the Rules.

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

On Motion of Mr. Conley of Cumberland, Tabled One Legislative Day, Pending Passage to be Engrossed.

The President laid before the Senate: Bill, "An Act Relating to Charitable Solicitations." (H. P. 1451) (L. D. 1736)

Tabled — June 22, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed  
On Motin of Mr. Speers of Kennebec, Retabled until Monday next.

(Off Record Remarks)

The President laid before the Senate: RESOLUTION, Proposing an Amendment to the Constitution to Mandate the Appropriation of Funds for State Employee and Teacher Retirement Costs. (H. P. 2) (L. D. 2)

Tabled — June 22, 1977 by Senator Merrill of Cumberland

Pending — Motion by the same Senator to

reconsider action whereby the Resolution Failed of Final Passage.

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

Mr. KATZ: Mr. President, two years ago with a brand new Governor, and a brand new Legislature, in a situation that was unique in Maine's history, with an Independent Governor, Republican Senate, Democratic House, an oil crisis, a budget that was in a shambles, and to a time when the people presented to Governor Longley a request for enough dollars to meet the State's obligation for that year in the retirement program. But the Governor chose not to include it in his first year's budget. It is my understanding that there was a request to the Attorney General, and the question was, can the Governor legally, constitutionally, refuse to include this money in the first year's budget of the biennium. The response of the Attorney General was, Yes, the Governor has this legal authority, and, consequently, all over the State of Maine, retirees and State employees and active teachers became extremely concerned as to the integrity of their fund in which they were depending.

There are two ways of dealing with this situation. One is by statute, and one is by Constitutional Amendment, and I understand the deep concerns of those who want to be so certain that no Governor or Legislature will ever again defer, delay, or welsch on payments to the retirement program, that there came into being a LD 2, a Constitutional Amendment. A Constitutional Amendment, because once it is in the Constitution, it is in there, and no politician for any reason will ever have access to the decision as to whether funds will be deferred or not.

Yesterday I voted against the enactment to this Constitutional Amendment, easily the hardest vote I have made this Session, easily the decision that went most against my grain, but I have a deep concern for the Constitution of the State of Maine, and a deep concern for my responsibilities as a Member of the Senate, and I expressed the basis for those concerns yesterday, and I struck on them, and I agonized all day, and those concerns are still with me.

If this Constitutional Amendment fails of Enactment today, I intend to propose a Joint Order directing the Retirement Committee to report out a Bill which mandates, so that the Governor has no discretion at all as to whether these funds are appropriately included in the budget every blessed year from now on. The statutes were silent. The statutes never said that he had to. The Attorney General said that he did not have to, and I do not think it was a case of bad faith, as much as it was a case of statutes that were improperly drawn. In my heart, I am absolutely certain that the statutory change in the law which requires future Governors to include an appropriate amount in the budget every year will solve this problem. Without raising the horrible specters that I raised before the Senate yesterday, and, consequently, I shall vote against enactment of the Constitutional Amendment, but I promise you that I will bust my till if the Amendment fails to have a Joint Order before you immediately, and it is my understanding, that I will have a very cooperative Committee on Retirements and Pensions to report out of Bill that gives the kind of protection that every man and woman in here wants to give to the Retirement Fund.

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

Mr. MERRILL: Mr. President and Members of the Senate: I know that there is a great deal of concern on the part of the Senator from Kennebec, Senator Katz, and others about whether or not this should be put in the Constitution, and I have gone through some of the same questioning myself, and have come to the other conclusion, but I certainly can understand his concern and understand his sincerity. But I would point

out that the Governor's obligation in presenting a Part I and Part II Budget in regards to the statutes, as ours are to make recommendations that comply with the statutes, or at the time that he presents the budget to submit legislation to change the statutes. If he meets that one requirement, and at the same time submits legislation to change the statutes, he does not have to recommend that the money be put in.

Point of fact, at this time, our present Governor, at this time has submitted several small items in the budget that are not funded, that are required by statute to be funded. Human Resources Council, for example, is established by law, and it is established by law that they shall meet a certain number of times, and it is established by law that when they meet they shall be had a certain sum of money, and yet the Governor's budget had absolutely no money for that in it, nor did he present legislation to change that law.

So this remains the concern, and I do not think that the problem can be satisfactorily solved by the approach that the Senator from Kennebec, Senator Katz, suggests. I do not say this, and I mean this sincerely, in any way to suggest that the Senator from Kennebec, Senator Katz' concerns are not real, and that his desire to protect this Fund is not sincere. But I just say it to make it clear to the Senate why I come down after considerable thought on this subject, because I think that members of this Senate know, and I think that the Senator from Kennebec, Senator Katz, knows that I do not take the Constitution lightly, but to tell the members of the Senate why I come down on the other side of the issue from him, and so I would hope that the Senate today would enact this Constitutional Resolve, and what I have said previously is not meant to suggest that I would not support some legislative effort, but I do not think that it can be a solution, and I would point out to the members of the Senate that as extraordinary as it is to create an obligation in the Constitution to do something, to create an obligation to spend money, that we really have several of those obligations now, and this is not in any way to suggest that this is not a major step, but simply to point out that it is not quite unique. There are salaries that we are Constitutionally required to pay, at least as long as the people who hold the office, hold them. We are required to pay at the level at which they took them, and we are required to pay them something by the Constitution, and we have debts in which we have obligations to pay.

So this is not a unique matter, even though it is an important step, and I guess the reason that I can come down on the opposite side of this issue than the Senator from Kennebec, Senator Katz, even though I share some of his concerns, is because I think that the analogy of this with the debt is a good one. I think of it as a debt that we owe to the people who worked in reliance on this Retirement Fund. So as extraordinary as the step may be, I think it is an important protection to provide the people who lived in reliance on the solvency of this Fund. So I take the concerns that the Senator has given and the scales tip the opposite way, and I would hope that the Senate would consider, and I do not know if a position, I honestly do not know if a position has been taken by the other party or not, but I would hope that each Senator would consider this matter as a matter individually, because certainly amending the Constitution, whether we do it or not do it, is too important a matter to be decided on any other basis ultimately, and would weigh this individually, and I would hope that they would come down on the side of essentially saying that this is a debt, let us create a barrier to not meeting the requirements of that debt.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion by the Senator from Cumberland,

Senator Merrill, that the Senate reconsider its action whereby this Resolution failed of final passage.

A viva voce vote being had,

The Chair is in doubt, and will order a Division.

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

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

23 Senators having voted in the affirmative, and 5 Senators in the negative, the motion to reconsider does prevail.

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

Mr. MERRILL: Mr. President, is the issue before the Body now Final Passage?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the same Senator.

Mr. MERRILL: That would require a two-thirds vote. Mr. President, I request when the vote be taken, it be taken by Roll Call.

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting.

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

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

The pending question before the Senate is Final Passage of L. D. 2, a Constitutional Amendment. This being a Constitutional Amendment, requires two-thirds vote of those Senators present and voting for passage.

A yes vote will be in favor of passage, a nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will Call the Roll.

#### ROLL CALL

YEA — Carpenter, Chapman, Collins, D.; Conley, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Jackson, Levine, Lovell, Mangan, Merrill, Minkowsky, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Usher.

NAY — Collins, S.; Cummings, Huber, Katz, McNally, Morrell, Trozky, Wyman, Sewall.

ABSENT — Martin.

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

Mr. JACKSON: Mr. President, I wish to change my vote from yea to nay.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, changes his vote from yea to nay.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I wish to change my vote from yea to nay.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, changes his vote from yea to nay.

21 Senators having voted in the affirmative, and 11 Senators in the negative, with 1 Senator being absent, and 21 being less than two-thirds of the Membership present, this Resolution fails of Final Passage.

(See Action Later Today)

The President laid before the Senate: Communication — From the Committee on Transportation — Final Report of the Committee on the Maine State Ferry Service (S. P. 563)

Tabled — June 22, 1977 by Senator Speers of Kennebec

Pending — Consideration

On motion of Mr. Speers of Kennebec,

The Senate voted to Recede from its action whereby this Communication was Placed on File.

On motion of Mr. Speers of Kennebec, The Senate voted to Place the Communication be Placed in the Senate File.

The President laid before the Senate:

Bill, "An Act to Prohibit the Exclusion of Manufactured Homes from any Municipality." (H. P. 1151) (L. D. 1369)

Tabled — June 22, 1977 by Senator Speers of Kennebec

Pending — Enactment

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

The President laid before the Senate:

House Reports — from the Committee on State Government — Bill, "An Act Providing Automatic Cost-of-Living Wage Supplements for State, Maine Maritime Academy and University of Maine Employees." (H. P. 950) (L. D. 1144) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass

Tabled — June 22, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report

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

Mr. COLLINS: Mr. President, I move that the Senate accept the Minority Ought Not to Pass Report of the Committee, and would speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Ladies and Gentlemen of the Senate: The title of this Bill tells the whole story. It provides for automatic cost of living wage increases based on the consumer price index. It has a cost in the first year of \$1,450,000.00 plus an additional \$850,000.00 from the Department of Transportation funds. The second year cost is roughly twice that much.

I suggest that the Senate accept the Ought Not to Pass Report.

On motion of Mr. Collins of Aroostook, Minority Ought Not to Pass Report accepted, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate:

HOUSE REPORTS — from the Committee on Transportation — Bill, "An Act Appropriating Funds for the Acquisition and Construction of a Site and Facilities for Certain Casco Bay Island Ferry Services and to Repair other such Ferry Facilities." (Emergency) (H. P. 844) (L. D. 1029) Majority Report — Ought Not to Pass; Minority Report Ought to Pass as Amended by Committee Amendment "A" (H-715)

Tabled — June 22, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report.

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

Mr. CONLEY: Mr. President, I move that the Senate accept the Minority Ought to Pass as amended Report of the Committee.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate accept the Minority Ought to Pass as amended Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I move that this item lie on the Table pending the Motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that this item be Tabled pending the Motion to accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I now move that this item be Tabled until Later in Today's Session.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that this item be tabled until Later in Today's Session. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

The PRESIDENT: The Senator from Kennebec, Senator Speers, now asks for a Division on the Tabling Motion.

Will all those Senators in favor of the Motion to Table this item until Later in Today's Session, please rise in their places to be counted.

Will all those Senators opposed to the Motion to Table this item until Later in Today's Session, please rise in their places to be counted.

8 Senators having voted in the affirmative, and 17 Senators in the negative, the Motion to Table Until Later does not prevail.

Is it now the pleasure of the Senate that this item be Tabled pending the Motion of the Senator from Cumberland, Senator Conley, to accept the Minority Ought to Pass as amended Report of the Committee? It is a vote.

The President laid before the Senate:

HOUSE REPORTS — from the Committee on Taxation — Bill, "An Act to Provide for the Periodic Review of Sales and Property Tax Exemptions." (H. P. 1250) (L. D. 1479) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass with Committee Amendment "A" (H-652)

Tabled — June 22, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator Speers of Kennebec to Reconsider Acceptance of Majority Report

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

Mr. SPEERS: Mr. President, it is my understanding on this particular Bill that it reinstates a number of taxes that have been removed in the past, namely the inventory tax, personal property tax on business inventory, sales tax exemption on new machinery, and a number of other tax exemptions that have been brought about through statutory changes in the past, and it does it on a regular, systematic basis, placing these taxes back on the books, and mandating that the legislature take a look at those on a regular basis.

The fact of the matter is that the Legislature certainly has every opportunity to take a look at these exemptions, and usually does in any given Legislative Session, and I do not feel that we should be in a position at the present time to reimpose the taxes on inventories as one simple example that exists in this particular Bill. I would urge the Senate to vote against the Motion to reconsider, or acceptance of the Ought Not to pass Report on this Bill, and would request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate, I think that the good Senator from Kennebec explained the Bill quite appropriately, and I know why they call Sunset Legislation, Sunset Legislation, because it keeps everybody in the dark, especially pertaining to this one.

As a matter of fact, the first item to come up for periodic review, and it is kind of ironic, is the inventory for 1979, sales tax on new equipment used in manufacturing, household furniture, vessels and construction, boats and pleasure craft, air pollution equipment, water pollution equipment. Now I would say to the people that if they would like to remove these exemptions, why put a piece of legislation in that allows for periodic review, and at the same time repeals the exemption or whatever the case may be that is in law? Why not attack the problem right out front, right out where everybody can see it? Let us not hide it in a piece of legislation. If somebody wants to repeal the inventory tax, why don't they put a Bill in to repeal the inventory tax? If they want

to repeal the exemption on new equipment used in manufacturing, or if they want to take and remove the exemption for diabetic medical supplies, or seeing eye dogs, or agricultural feed, or prescription medicine, why don't they attack that right head on? I oppose the motion to reconsider this bill. I think that it is in the proper posture right now, and I think that is where it should stay, and anybody who wants to deal with these, why not put in a private bill to deal with these, and we will address it right up front.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would concur with the good Senator from Kennebec, Senator Curtis, that this is perhaps one of the most important pieces of tax legislation to come before this Session of the Legislature. An article that was published recently by the correspondent of the Bangor Daily News, an article, the column Maine Comment by John S. Day, I know most of you just love reading his Saturday column that comes out over the weekend, particularly when it headlines some of the most notorious members of this Legislature. He speaks of the negative taxation that this Legislature addresses. Very briefly, he states, if everybody paid taxes, everybody's taxes would be lower. We consider such examples of further tax exemptions before this Session of the Legislature, and I know both the Presiding Officer and my good friend from Penobscot, Senator Trotzky, would more than enjoy reviewing this particular list, starts off with the biggie of them all, the exempt jet fuel used in trans-Atlantic flights from Bangor International Airport for revenue loss of only \$253,000.00 per year; exempt non-profit medical facilities \$7,500.00 a year; exempt farm machinery; we cannot even come up with a price tag on that one, we will not have to worry about that one; exempt farm supplies \$4.3 million; exempt charitable organizations at State fairs, \$8,750.00 over two years, and so forth down the line.

Mr. President and Members of the Senate: I see nothing wrong at all with this Legislature reviewing those exemptions that have been given out in wholesale lots over the years, and not all of us can be held accountable for them, although some of us perhaps can be blamed for many of them. But the way things are going today, I think that it is time we all tighten our belts and it is time that we took a total and complete review of the exemptions that have been given.

So I again would state that I would support the motion of the good Senator from Kennebec, the Majority Floor Leader, Senator Speers, in urging the Senate to vote for reconsideration.

Mr. Merrill of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. MERRILL: Mr. President and Members of the Senate: It is not a usual thing for me to interrupt the debate, especially on an issue that I think is important, because I think continuity is important, but hopefully before anybody locks up the story today that holds up 21 of us as great defenders of the rights of retirees, and I think wrongly holds up 11 of us as people who are not sympathetic to the problems of retirees, I would like to say that since the vote that was just taken, I have conferred with the Senator from Kennebec, Senator Katz, and made a proposal to him that we try to find an approach to this that would have us put in our Constitution that Legislation dealing with the Retirement Fund require two-thirds vote to change, and then at the same time put into our Legislation protection of the Retirement Fund. It being my thinking that that would give the protection and the sense of security on the part of the retirees that they so richly deserve and at the

same time would provide that escape valve for the unforeseen future disaster or problems that the Senator from Kennebec rightfully takes into consideration when he looks at a Constitutional Amendment.

Because I found him to be sympathetic to that proposal, and because I think that this Senate can work out a proposal of that kind, and because I think that it is more important that we find a solution to this problem for our retirees than anyone try to take partisan advantage of what misinterpretations could be made of this vote, I wanted to make this proposal clear to the Senate at this time, and hope that when this item comes back from the other Body, we can place it on the Table until we could possibly work out a measure at this time.

Senator Morrell of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. MORRELL: Mr. President and Members of the Senate: As one of those who voted against the subject matter that the Senator from Cumberland just mentioned, I would like to say that I appreciate his comments, and I personally would find great favor with the suggestion he has made to the Senator from Kennebec, and I hope that we can work something out along those lines generally.

Senator Katz of Kennebec was granted unanimous consent to address the Senate on the record.

Mr. KATZ: Mr. President and Ladies and Gentlemen, it has been a fascinating afternoon. LD 1874, an Act to Revise the Maine Tort Claims Act. As men and women of good faith, we felt uneasy with the solutions being offered to us. There is an awful lot of courage shown in this Legislature and in the Senate, and we pursued our Legislative procedure, and I think we have arrived at a very, very happy solution. LD 2, a Constitutional Amendment for the Retirement Program, something which offered the kind of protection all of us wanted. Eleven of us felt uneasy enough about that particular solution, we voted against it.

I want to take off my hat to the Senator from Cumberland, Senator Merrill, who has identified an alternative method that gives the Constitutional guarantees that the retirees want, protection that they deserve, and yet does not incorporate the bad features of the original Bill, and I would like to take advantage of the unanimous consent given to me to express my particular appreciation to Senator Collins, Senator Cummings, Senator Huber, Senator Jackson, Senator McNally, Senator Morrell, Senator Pierce, Senator Trotzky, Senator Wyman, and to the President. This was probably as tough a vote as any of us would have this Session, and I just have a feeling of extraordinary relief and gratitude that perhaps we have found the right decision that will last down through the years.

Senator Speers of Kennebec was granted unanimous consent to address the Senate on the record.

Mr. SPEERS: Mr. President and Members of the Senate, as one who voted for the final passage of this measure, I, too, want to extend my personal congratulations and feelings of admiration to those who voted against the final passage of this particular measure, because I, too, realize that it was done out of considerations for the very real problems that could arise out of placing a measure in the Constitution, but also done reluctantly because of the feelings that they have to provide for the security of retiree funds.

I, too, am very pleased, obviously, that we are able to arrive at a compromise that will accomplish the purposes of the Bill, and yet not encompass many of the problems that would also occur with the Bill as it is now written.

I would hope that after we dispense with the measure that is before us at the present time, I believe that it would be in order to move reconsideration of failure to enact, and at that time perhaps, unless the Secretary rules that Motion out of order, we could place it on the Table to further consider it.

Senator Jackson of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. JACKSON: Mr. President and Members of the Senate, on the piece of Legislation that dealt with the Constitutional Amendment dealing with the State Teachers Retirement Fund, it was very difficult for myself to change my vote from yes to no, but prior to coming into the Session I had the opportunity to talk with the good Senator from Kennebec, Senator Katz, and he felt that there would be a chance to work on an Act to compromise, and I can see now where the good Senator from Cumberland, Senator Merrill, and the good Senator from Kennebec have got together, and I am sure there can be a workable compromise which will satisfy all parties interested in this.

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

Mr. SPEERS: Mr. President, directing my attention to the Bill that is before us, LD 1479, I wish to state that I agree with the Minority Leader of this Body when he states that it would be a very good idea to provide for a review of the tax laws on a periodic basis. I certainly have no objection to that, and I certainly endorse that point of view, but I would point out to the Members of this Body that we are talking about a considerably greater issue here than simply providing for a periodic review of the tax laws which have been enacted in the past.

What LD 1479 does is to reinstate taxes, to reinstate the inventory tax, remove the exemption from new machinery, remove any number of other exemptions, and I have not totalled them all up. This Bill places taxes, reinstates taxes, that have been removed over the years through Legislative deliberations. In one fell swoop, in one single Bill, we are going to reinstate all of these taxes unless future Legislatures again re-enact the exemptions. Now that goes considerably beyond simply reviewing our tax laws.

I would, therefore, urge the Senate to vote against the Motion to reconsider.

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

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

The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee.

A yes vote will be in favor of reconsideration. A nay vote will be opposed of reconsideration. The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEA — Conley, Cummings, Merrill, Pray.  
 NAY — Carpenter, Chapman, Collins, D.: Collins, S.; Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Minkowsky, Morrell, O'Leary, Pierce, Redmond, Snowe, Speers, Trotzky, Usher, Wyman.

ABSENT — Martin.

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

Mrs. CUMMINGS: Mr. President, I would like to change my vote from yea to nay.

3 Senators having voted in the affirmative, and 28 Senators in the negative, with 1 Senator being absent, the motion to reconsider does not prevail.

The President laid before the Senate:  
 RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with International Paper Company. (H. P. 1704) (L. D. 1879)

Tabled — June 22, 1977 by Senator Speers of Kennebec

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

Out of order and under suspension of the rules:

The Senate voted to consider the following:  
**Papers from the House**

**Non-concurrent Matter**  
 Bill, "An Act to Revise the Judicial Retirement System. (S. P. 497) (L. D. 1776)

In the Senate June 10, 1977 Bill Passed to be Engrossed.

Comes from the House, Bill Passed to be Engrossed as amended by House Amendment "A" (H-809) in non-concurrence.

On Motion of Mr. Collins of Knox,  
 Tabled until Monday next, Pending Consideration.

#### Non-concurrent Matter

Bill, "An Act to Remove the Town of Carrabassett Valley from the Maine Forestry District." (H. P. 664) (L. D. 805)

In the House June 22, 1977 Bill Passed to be Engrossed, as amended by Committee Amendment "A" (H-714) and House Amendment "A" (H-775).

In the Senate June 22, 1977 Majority 'Ought Not to Pass' Report Read and Accepted in non-concurrence.

Comes from the House, that Body having Insisted.

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

Mr. O'LEARY: Mr. President, I move that we Recede and Concur.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

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

The PRESIDENT: A Division has been requested on the Motion to Recede and Concur.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, when we debated this Bill the other day, we alluded to the price tag that was the concern of the Senator from Cumberland, Senator Jackson, about the price tag on this Bill. I would just point out that the price tag with both Amendments on it is roughly \$58,000.00.

Previous to that action yesterday, he had moved the Ought to Pass Report on a Bill that cost \$3.5 million.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Oxford, Senator O'Leary, that the Senate Recede and Concur with the House. A division has been requested.

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

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

12 Senators having voted in the affirmative,

and 18 Senators in the negative, the Motion to Recede and Concur does not prevail.

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

Mr. JACKSON: Mr. President, I now move that we adhere.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves that the Senate adhere.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I move that the Senate insist and request a Committee of Conference.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate insist and request a Committee of conference with the House.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

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

The PRESIDENT: A Division has been requested.

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

Will all those Senators opposed to the Motion to insist and request for a Committee of Conference with the House, please rise in their places to be counted.

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

The PRESIDENT: Is it now the pleasure of the Senate to adhere?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, since the other day I mentioned one issue, I would just like to bring that issue back. In the 107th we had this issue before us and there was talk of a Study Order in relation to this matter, and again I have heard that same thing in the 108th, and I would hope that the Taxation Committee somewhere between now and the end of the Session would introduce a Study Order on this matter, so that those areas, those small municipalities in the State which are paying this tax and receiving no benefits from it, could at least have the opportunity to come down here and be able to reflect their opinions and expressions on this matter, which they come here year after year attempting to act out from underneath this tax, this burden that they are paying, which they receive no benefits.

The Senate voted to adhere.

#### Reconsidered Matter

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

Mr. MERRILL: Mr. President, I now move that under Senate Rule 29, that we suspend the rules by a two-thirds vote so that I may then move to reconsider our action a third time whereby we Failed to Finally Pass Resolution, Proposing an Amendment to the Constitution to Mandate the Appropriation of Funds for State Employee and Teacher Retirement Costs. (H. P. 2) (L. D. 2)

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate suspend its rules. Is it the pleasure of the Senate? It is a vote.

Is it now the pleasure of the Senate to reconsider its action whereby L. D. 2 failed of final passage? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I move that this lie on the Table.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that

L. D. 2 be placed on the Table, pending Final Passage.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I move that this lie on the Table for Two Legislative Days.

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

Mr. CONLEY: A Point of Order, Mr. President. Mr. President, I question as to which time period has the prevailing motion?

The PRESIDENT: The Chair would advise the Senator that the Tabling Motion unassigned is the highest priority motion; according to the rules; however, the Chair will also point out that according to the customs of the Senate the time certainly has always prevailed. However, the Chair will go by the book.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, debating the timing of the Tabling, I would urge the maker of the motion to consider —

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

Mr. MERRILL: Mr. President, the motion to lie on the Table is not debatable. The motion to postpone for time certain is as to matter of timing.

The PRESIDENT: The Senator is correct.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that this item be Tabled pending Final Passage.

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to Table pending consideration, please rise in their places to be counted.

Will all those Senators opposed to the motion to Table pending consideration, please rise in their places to be counted.

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

On motion of Mr. Speers of Kennebec, Tabled for Two Legislative Days.

Pending Final Passage.

#### Non-concurrent Matter

Bill, "An Act Relating to Judicial Review of Public Utilities Commission Decisions." (H. P. 226) (L. D. 290)

In the Senate June 21, 1977 Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-267) as amended by Senate Amendment "A" (S-299) thereto, in non-concurrence.

Comes from the House, Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-267) in non-concurrence.

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

Mr. SPEERS: Mr. President, I move that this item lie on the Table.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that L. D. 290 be Tabled.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

Will all those Senators in favor of the motion to Table L. D. 290, please rise in their places to be counted.

Will all those Senators opposed to the motion to Table L. D. 290, please rise in their places to be counted.

19 Senators having voted in the affirmative,

and 9 Senators in the negative, the motion to Table does prevail.

Senator Conley of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. CONLEY: Mr. President and Members of the Senate: I think there are very important bills that are being placed on this table at this time unassigned, and I believe in good spirit of trying to expedite the Legislative process, that these Bills should be debated at this time, and not be left there until the waning days of the Session, so that they can be clobbered in one Body or the other, and I would hope that better judgment would be exercised than what has been exercised today on two very important matters, both to me and to members of my constituency, and I would hope that in the future we could be informed and at least discuss what actions that are to be taken.

Senator Speers of Kennebec, was granted unanimous consent to address the Senate on the record.

Mr. SPEERS: Mr. President and Members of the Senate: Once again I concur with the remarks of the good Minority Leader of this Body, and agree with him that I would hope that there might be good spirit and cooperation, not only between the two parties in this Legislature, but between the two Branches in this Legislature, and I can assure him that there will be indeed good spirit, and most of all good cooperation between the two Branches of this Legislature.

On motion of Mr. Carpenter of Aroostook, out of order and under suspension of the rules, the Senate voted to consider the following:

#### Joint Order

Expression of Legislative Sentiment recognizing that: Representative Richard J. Carey was awarded the First American Legion Father of the Year Award on June 18, 1977 at the Fifty-ninth Maine American Legion Convention. (H. P. 1765)

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

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CARPENTER: Mr. President and Members of the Senate: If you will look at H. P. 1765, it is a Joint Order representing or showing appreciation, if you will, of Representative Richard J. Carey, Representative of Waterville, who was recently awarded the First American Legion Father of the Year Award last week, and I cannot think of a higher honor for a man who has served the Maine Legislature, but who first and foremost is a good father to his children, and I move that this item be taken up out of order because Representative Carey is in the back of the room, and I just want to assure you people that know Spike as well as I do, that I was in the House this morning when this Order was taken up down there, and for the first time in my three years in Legislature, I found Spike Carey moved to speechlessness, and I would just like to have Spike honored by this Senate as well as the House.

#### (Off Record Remarks)

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

Mr. MERRILL: Mr. President, I would like to add to the words of the previous speaker, and say further that Representative Carey is an excellent State Representative, excellent Mayor, and I hope he continues in those positions for a great time to come.

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

Mr. LEVINE: Mr. President, I also wish to add my congratulations, especially my heart felt congratulations. As a young man who grew

up in Waterville, I am sure that Representative Carey is not only the father of his own children, but he has acted in the capacity as an image of a father of all the children of the State.

Which was Passed, in concurrence.

#### Non-concurrent Matter

Bill, "An Act Recognizing County Charters and Establishing County Charter Commissions." (S. P. 437) (L. D. 1648)

In the Senate June 20, 1977 Bill and Papers Indefinitely Postponed.

Comes from the House, Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-250) as amended by House Amendment "A" (H-789) thereto, in non-concurrence.

On Motion of Mr. Mangan of Androscoggin, The Senate voted to Recede and Concur.

#### Non-concurrent Matter

Bill, "An Act Concerning the Sale of Prescription Drugs." (H. P. 1033) (L. D. 1265)

In the House, June 22, 1977 Bill Passed to be Engrossed.

In the Senate June 22, 1977 Bill and Papers Indefinitely Postponed.

Comes from the House, that Body having Insisted.

On motion of Mrs. Snowe of Androscoggin, The Senate voted to Adhere.

#### Non-concurrent Matter

Bill, "An Act to Establish Regional Marine Resources Centers." (H. P. 1564) (L. D. 1778)

In the House, June 22, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-725).

In the Senate June 22, 1977 Minority 'Ought Not to Pass' Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion of Mr. Speers of Kennebec,

Tabled for One Legislative Day, Pending Consideration.

#### Joint Orders

Expressions of Legislative Sentiment recognizing that: Wanda Ward, Faye Tenney, Natasha Brackett and Kelly Kimball have graduated from Lake Region High School with top academic honors. (H. P. 1762)

Barbara Brown, Judy Campbell, Michael Duddy, Linda Small, George Taylor and Thomas White have been recognized for their outstanding academic record at Calais High School. (H. P. 1763)

Kathryn J. Amber, T. M. Ryan, Jeri-Mae Coulter, Joanne Margaret Riddell, Becky Linn Varnum and Valerie Sue Wallace have been recognized for their outstanding academic record at Woodland High School. (H. P. 1764)

Come from the House, Read and Passed.

Which Orders were Read and Passed, in concurrence.

#### Committee Reports

##### House

#### Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Establish the Fair Credit Reporting Act." (H. P. 1262) (L. D. 1526)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-749).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-797) thereto.

Which Report was Read and Accepted, in concurrence.

The Bill Read Once. Committee Amendment "A" Read. House Amendment "A" Read and Adopted. Committee Amendment "A", as amended, Adopted.

The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on Election Laws on, Bill, "An Act to Clarify Election Related Laws." (H. P. 979) (L. D. 1201)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1734) (L. D. 1887)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-742) and "B" (H-794).

Which Report was Read and Accepted, in concurrence. The Bill, in New Draft, Read once. House Amendment "A" Read.

On Motion of Mr. Speers of Kennebec, Tabled until Later in Today's Session. Pending Adoption of House Amendment "A".

(See Action Later Today)

#### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Concerning Licenses for Camping Areas and Eating Establishments." (H. P. 869) (L. D. 1062)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-722).

Signed:

Senators:

SNOWE of Androscoggin  
GREELEY of Waldo

Representatives:

NELSON of Portland  
FOWLIE of Rockland  
GILL of South Portland  
KERRY of Old Orchard Beach  
PRESCOTT of Hampden  
KANE of Augusta  
BRENERMAN of Portland  
GOODWIN of South Berwick  
TYNDALE of Kennebunkport  
TRAFTON of Auburn

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "B" (H-723).

Signed:

Senator:

PRAY of Penobscot

Comes from the House, the Majority Report Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-760) thereto.

Which Reports were Read.

On Motion of Mrs. Snowe of Androscoggin, Majority Ought to Pass as amended Report Accepted.

The Bill Read Once. Committee Amendment "A" Read. House Amendment "A" Read and Adopted.

Committee Amendment "A", as amended, adopted, and the Bill, as amended, Tomorrow assigned for Second Reading.

#### Divided Report

Ten members of the Committee on Judiciary on, Bill, "An Act Concerning Administration of the Judicial Department." (H. P. 635) (L. D. 838)

Reported in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (H-698).

Signed:

Senators:

COLLINS of Knox  
CURTIS of Penobscot  
MANGAN of Androscoggin

Representatives:

SPENCER of Standish  
BENNETT of Caribou  
HOBBINS of Saco  
HUGHES of Auburn  
DEVUE of Orono  
GAUTHIER of Sanford  
HENDERSON of Bangor

Two members of the same Committee on the

same subject matter Reported in Report "B" that the same Ought to Pass as amended by Committee Amendment "B" (H-699).

Signed:

Representatives:

TARBELL of Bangor  
SEWALL of Newcastle

One member of the same Committee on the same subject matter Reported in Report "C" that the same Ought to Pass as amended by Committee Amendment "C" (H-700).

Signed:

Representative:

NORRIS of Brewer

Comes from the House, the Bill substituted for the Reports and the Bill Passed to be Engrossed.

Which Reports were Read.

On Motion of Mr. Collins of Knox,

Report "A" Accepted, in non-concurrence.

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

#### Senate

#### Ought to Pass — As Amended

Mr. Jackson for the Committee on Taxation on, Bill, "An Act Providing for Changes in the Laws Relating to Property Taxation." (S. P. 479) (L. D. 1742)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-316)

Which Report was Read and Accepted.

The Bill Read Once. Committee Amendment "A" Read.

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

Mr. SPEERS: Mr. President, I would ask a question through the Chair for a brief explanation of this particular matter.

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

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: The original Bill, 1742, is the Governor's Bill, and we felt as a whole, the Taxation Committee, that it could be horrendous.

If you will read the Bill, and you take Section 209-A, Withholding-Municipal Revenue Sharing Funds, the tax assessor shall have the power in his discretion to direct the Treasurer of State to withhold from a particular municipality all municipality revenue sharing funds allocated to that municipality pursuant to Title 30, Section 5055 when the municipality has failed to comply with the laws and rules and regulations relating to taxation for property for a period of three months. What we should say is if we have a municipality that might have had a problem in their assessments and it was brought to the attention of the Tax Assessor, State Tax Assessor, that he would have the opportunity, an alternative to withhold all the municipality revenue sharing funds.

We have gone through the Bill. There are many other areas that are very, very restrictive on the municipalities, and even with talking with the State Tax Assessor, he felt that probably all we could salvage out of this Bill was the appropriation for the assessment review panel, and that is the panel which hears all of the tax appeals from municipalities within the State.

So that is exactly what we did, just took that out and put it in the Committee Amendment, and that is why it is where it is.

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

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Table the item tabled un-



til later in Today's Session, Bill, "An Act to Clarify Election Related Laws" (H. P. 1734) (L. D. 1887)

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate remove from the Table L. D. 1887, which was Tabled earlier in Today's Session by the Senator from Kennebec, Senator Speers, pending adoption of House Amendment "A". Is it the pleasure of the Senate? It is a vote.

House Amendment "A" Adopted.

House Amendment "B" Read.

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

Mr. KATZ: Mr. President, I move that House Amendment "B" be indefinitely postponed. It takes out a Section of the Bill which deals with unauthorized activities at the polling places, and the Section that is deleted seeks to prohibit or control within 250 feet of the voting place the solicitation of donations, gifts, contributions, purchase of tickets, or similar things, nor may a person request or obtain signatures on petitions without the expressed approval of the Ward Clerk.

I think that what it does or attempts to do is to avoid chaos at the polls, and I would like that Section left in and the Amendment takes it out, so I ask that you kill the Amendment.

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

Mr. MERRILL: Mr. President and Members of the Senate: This sounds a great deal like a matter we disposed of earlier in this Legislative process. I assume that it is not exactly the same, or it would not be in here, but it does come up with the problems of petitions again, I believe, and I imagine that is why the other Body removed it.

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

Mr. KATZ: Mr. President, I think that the gentleman is correct. The other one prohibited activity, and all this says is that if you are going to go into a polling place that is awash with people and try to set up a table to get petitions, at least you ought to have the advance permission of the Clerk who is legally responsible for everything that is going on. This was the Unanimous Report out of the Committee, but I may be wrong on that.

House Amendment "B" indefinitely postponed, in non-concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Enactor

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

"An Act Creating a Maine State Board for Registration of Architects and Landscape Architects." (H. P. 1390) (L. D. 1733)

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

The President laid before the Senate:

House Reports — from the Committee on Labor — Bill, "An Act Revising the Disqualification Periods for Persons who Voluntarily Quit Work or are Discharged for Misconduct." (H. P. 113) (L. D. 143) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-644); Minority Report — Ought to Pass

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Motion of Senator McNally of Hancock to Accept Minority Report

Minority Ought to Pass Report Accepted.

The Bill Read Once. House Amendment "A" Read.

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

Mr. McNALLY: Mr. President, I move the in-

definite postponement of House Amendment "A".

The PRESIDENT: The Senator from Hancock, Senator McNally, now moves that the Senate indefinitely postpone House Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, would the good Senator from Hancock, please explain what House Amendment "A" does to the Bill?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to the Senator from Hancock, Senator McNally, who may answer, if he so desires.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I can explain practically what it does. It puts back into the Bill the first part of it, in the Majority Report Ought to Pass. There is another Amendment being prepared, which would call for the indefinite postponement of this one.

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

Mr. CONLEY: Mr. President, I wish to thank the good Senator from Hancock, Senator McNally, and I request a Division on the Motion to indefinitely postpone.

The PRESIDENT: A Division has been requested.

The pending question before the Senate is the Motion by the Senator from Hancock, Senator McNally, that the Senate indefinitely postpone House Amendment "A" to L. D. 143.

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

Will all those Senators opposed to the motion to indefinitely postpone, please rise in their places to be counted.

17 Senators having voted in the affirmative, and 11 Senators in the negative, the motion to indefinitely postpone House Amendment "A" does prevail.

The Bill, Tomorrow Assigned for Second Reading.

The President laid before the Senate:

House Reports — from the Committee on Natural Resources — Bill, "An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas." (H. P. 1385) (L. D. 1573) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-628)

Tabled — Earlier in the day by Senator Pray of Penobscot

Pending — Motion of Senator Trotzky of Penobscot to Accept Minority Report

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

Mr. O'LEARY: Mr. President, now that I understand that the good Senator from Penobscot, Senator Trotzky, is going to indefinitely postpone the Committee Amendment, and we will go with the House Amendment, and perhaps Table until I can have my Amendment to the House Amendment prepared, I am willing to go with this.

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

Mr. PRAY: Mr. President, I would like to direct a question through the Chair with the previous statement that is being made, perhaps the Chairman of the Natural Resources Committee, if he could tell us the difference between the Committee Amendment and the House Amendment that was adopted.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members

of the Senate: All of those who signed the Committee Amendment have agreed now to go with the House Amendment "B", so instead of burdening you with a Committee Amendment, what I will do is indefinitely postpone Committee Amendment "A" and then debate the House Amendment.

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

Mr. PRAY: Mr. President, I would just like to follow up on that very fine explanation that was given by the Chairman of that Committee, but the explanation was so fine that I move the indefinite postponement of this Bill and all its accompanying papers.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, to accept the Minority Ought to Pass as amended Report of the Committee, and that motion must be disposed of before your motion would be in order.

The Chair will order a Division.

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

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

20 Senators having voted in the affirmative, and 9 Senators in the negative, the motion to accept the Minority Ought to Pass as amended Report does prevail.

The Bill Read Once.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, would it now be in order to make the previous motion that I had made?

The PRESIDENT: The Chair will answer in the affirmative.

Mr. PRAY: Mr. President and Members of the Senate: I just read over the Committee Amendment and the House Amendment as they are listed, and I glanced over the legislation that is before us, and I become concerned about what is known here as the conversion permit of individuals that decide to improve perhaps a seasonal camp or something to the extent that it is habitable year round, not necessarily living in a place year round, but just the fact that they make an attempt to insulate it and perhaps have a well drilled and have water and what not, that we are going to require these individuals, because they are converting the existing facility they have to a year round facility, that they are going to have to go through the paper work and the extra layer of bureaucracy that we are constantly passing down here onto these people.

I would thus move the indefinite postponement in light of the explanation given by the Chairman of that Committee of the Amendments.

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

Mr. TROTZKY: Mr. President, I would ask the Senate to oppose the motion at this point now to indefinitely postpone this Bill, because it will be in the form, with Committee Amendment "A" on it, and I would like to debate the House Amendment, which is House Amendment "B", which all the members of the committee who voted for the Minority Report voted for or will support right now, now House Amendment "B".

I will explain to you right now what House Amendment "B" is. What this does is as follows: First, Maine is going to be facing problems, in fact, we are facing them now and will be facing it in the future. As Maine develops, there is intense pressure to convert seasonal dwellings to year round homes. This is taking place, for example, in the Portland area, and also I know in my area of the State near

Bangor. One of the problems in converting to year round homes, people do not know what their septic systems are like. They go ahead, they buy a seasonal dwelling or a camp on a lake, and then they go in, they insulate it, they drill a well, they put a new heating system in, they put a lot of money into converting it into a year round home, and then often the septic system which was not built to handle the large amount of sewage coming from that home fails, and then the lake starts to receive some of the effluent and becomes polluted. Now when you have a lot of camps that become converted to year round use, you start having a cumulative affect on the lake when many of these systems start to fail.

Now the towns can provide ordinances locally to control this; however, one of the problems you have here is that the lakes and the waters of the State belong to all of the people of the State. If there is a lake in, let us say Bridgton, it is my right in Bangor to have that lake clean as well as it is as the right of that person in Bridgton, because under our laws the great Ponds Act and other Acts that we have, the waters of the State belong to all the people. Consequently, in some of our areas, some towns may adopt ordinances, while other towns do not adopt ordinances, and those towns that do not adopt these ordinances end up polluting the waters of those towns that have adopted protective ordinances.

So the Committee felt that this Bill, or the minority of the Committee, felt that House Amendment "B" would protect the waters of the State, and let me tell you what this does. If a person wants to convert a place from a seasonal to a year-round, he goes to the plumbing inspector to get a permit, a conversion permit. Now basically that is the local plumbing inspector who is giving the permit. Now he has to meet with one of three conditions, and those conditions are, first, that the sewage disposal system meet the standard of the Maine State Plumbing Code. Now if the camp has been built in recent years, the chances are it is very easy to prove that the system meets the State Plumbing Code, because one can go to the records of the municipality, can go to the installer of that system to show what that system is like. However, under "B", if one has bought this camp on a lake and does not know what is under the ground, there is a problem. The question is should he have to dig the whole system up, and the Committee felt, no, but the answer would be that that person should have the site evaluation done by a licensed evaluator, which usually costs about in my area, let us say, \$60.00 to \$75.00. Now that site evaluator goes in, looks at that lot, and determines that the site conditions will permit the installation of sewage disposal system for year-round home. And in the event of a future malfunction of the system that is there, that on that lot the person will be able to build a system for the home for year-round that will function.

Now this protects, this \$75.00 that he has to pay for a site evaluation, also protects that person who makes a commitment to put all that money in, to put a new heating system into the camp, to insulate it, and also to have a year-round water supply. So, of course, if the sewage disposal system is connected to a sanitary sewer system, there is no problem. There is also a variance procedure on House Amendment "B".

So I feel, and I think approximately half of the Committee Members feel at this point now, that because of the problem of conversion of many camps on lakes to year round use, this would be in the best interest of the State of Maine in protecting the waters of the State. Now this Bill has been endorsed by, and I will read, first of all, Commissioner William Adams. He said and this is a letter addressed to me in support of L. D. 1573, "An Act to Control Conversion of

Seasonal Dwellings to Year-Round Use of Shoreland Area." "It is well documented that many existing septic systems serving seasonal dwellings are inadequate due to improper maintenance and design, lot sizing or poor soil. These systems not only discharge bacteria with the potential of becoming disease factors, but also unwanted nutrients which contribute to the eutrophication of our lakes and ponds. This problem is compounded significantly if such systems are overloaded by year round use; therefore, we must face the problem of controlling such activities. L. D. 1573 appears to be the tool for such control."

It was also endorsed by Don Hoxie of the Department of Human Services, and also by the Congress of Lakes Association, and many other organizations throughout the State, many of the Regional Planning Commissions also. So again I do feel this is an extremely important bill, and I hope that the Senate will allow this bill to proceed on its way, and if there are Amendments, there are problems that you see, I hope there will be some constructive suggestions.

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

Mr. MERRILL: Mr. President, because it is my understanding under Rule E of the Senate, that a Motion to amend takes precedence over a motion to indefinitely postpone, I will move House Amendment "B".

House Amendment "B" Read.

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

Mr. MERRILL: Mr. President, I move that this lie on the Table One Legislative Day.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that this item be tabled for One Legislative Day, pending the adoption of House Amendment "B".

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, a parliamentary inquiry.

The PRESIDENT: The Senator may state his inquiry.

Mr. SPEERS: Mr. President, may I inquire as to the status of Committee Amendment "A"?

The PRESIDENT: The Chair would advise the Senator that Committee Amendment "A" has not yet been considered by the Senate. House Amendment "B" is the Amendment to the Bill.

On motion of Mr. Merrill of Cumberland, Tabled for One Legislative Day, Pending Adoption of House Amendment "B".

The President laid before the Senate:

RESOLUTION: Proposing an Amendment to the Constitution to Require the Legislature to Convene in December after the General Election. (H. P. 1048) (L. D. 1259)

Tabled — Earlier in the Day 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 Relating to the Powers of Plantations and Their Organization." (H. P. 1396) (L. D. 1635)

Tabled — Earlier in the Day by Senator Conley of Cumberland

Pending — Passage to be Engrossed

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

Mr. PRAY: Mr. President, I move that the Senate reconsider whereby it adopted House Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate reconsider its action whereby it adopted House Amendment "A" to L. D. 1635. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. PRAY: Mr. President, I move the indefinite postponement of House Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate indefinitely postpone House Amendment "A". Is it the pleasure of the Senate? It is a vote.

This Bill Passed to be Engrossed, in concurrence.

Sent down for concurrence.

The President laid before the Senate: Bill, "An Act Relating to Electric Companies' Fuel Charges." (H. P. 1179) (L. D. 1407) Tabled — Earlier in the Day by Senator Katz of Kennebec

Pending — Passage to be Engrossed

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

Mr. KATZ: Mr. President, I have an Amendment which has been prepared. I would like to offer Senate Amendment "B" (S-323), and move its adoption, and I would like to explain it.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now offers Senate Amendment "B" to L. D. 1407 and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, the adoption of this Amendment by the Senate would strike out the whole Bill, with the exception of Section 3, as amended by the Senator from York, Senator Hichens this morning. What it does, in effect, is recognize the fact that we really do not know enough about the automatic fuel charges that we are passing along to the customer. It stops far short of giving the Public Utilities Commission discretionary authority, and it limits them not less than semi-annually to prepare and make public a Report of any automatic fuel charges for any utility with a gross annual revenue in Maine of more than, as amended I think it is about \$3 million or \$2 million now, and such a Report shall state clearly and intelligibly the basis for the fuel charges, trends in those charges, the reason for the trends, and the Commission's best estimate of fuel charges for the next six months. That is the effect of this Amendment.

Senate Amendment "B" Adopted.

This Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

(See Action Later Today)

The President laid before the Senate: Bill, "An Act Increasing the State Gasoline Tax." (H. P. 1159) (L. D. 1383) (Emergency) Tabled — Earlier in the Day by Senator Conley of Cumberland

Pending — Enactment

This being an emergency measure, and having received the affirmative vote of 27 Members of the Senate, and the negative vote of one member, and 27 being more than two-thirds of the entire elected membership of the Senate, was passed to be enacted.

Sent down for concurrence.

(See Action Later Today)

The President laid before the Senate: Bill, "An Act to Reduce Traffic Accidents and Fatalities by Providing for the Establishment of Education and Treatment Programs for Persons Convicted of Operating under the Influence of Alcohol." (H. P. 1122) (L. D. 1340) Tabled — June 22, 1977 by Senator Conley of Cumberland

Pending — Passage to be Engrossed

On motion of Mr. Conley of Cumberland Retabled for One Legislative Day.

**Reconsidered Matter**

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

Mr. CONLEY: Mr. President, in reference to Bill, "An Act Increasing the State Gasoline Tax." (H. P. 1159) (L. D. 1383) (Emergency) having voted on the prevailing side, I now move that the Senate reconsider its action whereby this Bill was Passed to be Enacted.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby L. D. 1383 was Passed to be Enacted.

A viva voce vote being had,

The motion to reconsider does not prevail.

**Reconsidered Matter**

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

Mr. KATZ: Mr. President in reference to Bill, "An Act Relating to Electric Companies' Fuel Charges." (H. P. 1179) (L. D. 1407) I now move that the Senate reconsider its action whereby L. D. 1407, was Passed to be Engrossed and I request you vote against reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby L. D. 1407 was Passed to be Engrossed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: When this Bill was engrossed this morning, the good Senator from Kennebec, Senator Katz, stated he had a very minor Amendment to attach to this Bill. The more I read it, the more I try to decipher exactly what has been done, I am sure that the Bill will be back in non-concurrence tomorrow.

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

Mr. KATZ: Mr. President, the record will indicate that I made no comment whatsoever about my purpose for reconsideration, except as an aside, off the record.

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

Mr. CONLEY: Mr. President, apparently, it was a little birdie that told me so.

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

Mr. CARPENTER: Mr. President, cheep, cheep. Mr. President and Ladies and Gentlemen of the Senate, I also am in full agreement with my Leader again, and I am a little bit confused about exactly what we did, except I do know one thing, we got at the Bill fairly well, and I do note that one Section says that the fuel rates, meaning the fuel adjustment charge, shall be uniform for all customers of any electric company, and that rate shall be calculated by dividing a reasonable allowance, etc. etc. That has now been stripped from the Bill, and basically I am not sure what we are left with, but I will ask for a Division on the reconsideration, and I hope that you do vote for reconsideration. Thank you.

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

Mr. CONLEY: Mr. President, I would ask through the Chair for the Secretary of the Senate to give just the Report of the Committee as to how that Bill was reported out of Committee.

The PRESIDENT: The Secretary will read the Report.

Committee Report Read.

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

Mr. CONLEY: Mr. President, that was my understanding, and it was also my understanding that the Senate also substituted the Bill for the Report, and I just think it is a farce today to be putting an Amendment on that completely destroys the intent of the legislation.

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

Mr. KATZ: Mr. President, I must protest. It was not my intention, nor I think the substance of the Amendment, to create a farce. This is an issue in every State that has fuel adjustment charges, and I think that the Amendment does indicate that we are making a step to understand the implications of fuel adjustment charges a little bit better than we do, and to alert consumers and customers of utilities all over the State as to what they may expect with some kind of a professional prognosis in months ahead.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby this bill was passed to be engrossed.

A Division has been requested.

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

Will all those Senators opposed to the motion for reconsideration please rise in their places to be counted.

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

On motion of Mr. Huber of Cumberland,  
Adjourned until 9:30 tomorrow morning.