

# 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**

**Index**

**Senate Confirmation Session  
September 16, 1977**

**Index**

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## SENATE

Friday, June 24, 1977

Senate called to Order by the President.  
Prayer by the Honorable Philip L. Merrill, of Portland.

Mr. MERRILL: As we gather on this beautiful June day, we thank you, God, again, for all our blessings.

Amen.

Reading of the Journal of yesterday.  
(Off Record Remarks)

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

Bill, "An Act Relating to the Licensure of Plumbers." (S. P. 256) (L. D. 813)

In the Senate June 17, 1977, Passed to be Engrossed as amended by Committee Amendment "A" (S-258) and Senate Amendment "A" (S-273).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" (H-816), There to, and Senate Amendment "A", in non-concurrence.

On motion of Mr. Pierce of Kennebec,  
The Senate voted to recede and concur.

**Non-concurrent Matter**

Bill, "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility." (H. P. 1230) (L. D. 1475)

In the Senate June 21, 1977, Passed to be Engrossed as amended by Committee Amendment "A" (H-672), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-815) There to, in non-concurrence.

On motion of Mrs. Snowe of Androscoggin,  
The Senate voted to recede and concur.

**Non-concurrent Matter**

Bill, "An Act to Amend the Child Abuse and Neglect Laws." (S. P. 337) (L. D. 1122)

In the Senate June 21, 1977, Passed to be Engrossed as amended by Committee Amendment "A" (S-283) and Senate Amendment "A" (S-297).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-798) There to and House Amendment "A" (H-825), and Senate Amendment "A", in non-concurrence.

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

Mr. LOVELL: Mr. President, I have gone over the Amendments, and I find them alright, so I move we recede and concur.

The Senate voted to recede and concur.

**Non-concurrent Matter**

Bill, "An Act to Establish Half Rate for Registration and Excise Fees at the Midpoint in the Registration Year." (H. P. 448) (L. D. 554)

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

In the Senate June 22, 1977, the Majority 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.

**Non-concurrent Matter**

Bill, "An Act Relating to Approving and Financing School Construction." (H. P. 477) (L. D. 583)

In the Senate June 21, 1977, Passed to be Engrossed as amended by Committee Amendment "A" (H-559) as amended by Senate

Amendment "A" (S-290), There to, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "C" (H-824) There to, in non-concurrence.

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

Mr. KATZ: Mr. President, the non-concurrence between the two Bodies is purely a technical matter. I move the Senate recede and concur.

The Senate voted to recede and concur.

**Non-concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses. (S. P. 366) (L. D. 1227)

In the Senate June 17, 1977, Passed to be Engrossed as amended by Senate Amendment "A" (S-274).

Comes from the House, Passed to be Engrossed as amended by House Amendment "B" (H-817), in non-concurrence.

On motion of Mr. Collins of Aroostook,  
The Senate voted to recede and concur.

**Non-concurrent Matter**

Bill, "An Act Permitting Binding Arbitration for Public Employees in Critical Public Services." (H. P. 1317) (L. D. 1553)

In the House June 20, 1977, Passed to be Engrossed.

In the Senate June 20, 1977, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

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

Mr. McNALLY: Mr. President, I move we adhere.

The PRESIDENT: The Senator from Hancock, Senator McNally, now moves that the Senate adhere.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I had such hopes this morning. We had gone down a whole list of receding and concurring, and I had thought we would get to the last item and do likewise, thus I move likewise.

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

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

The PRESIDENT: 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 opposing the motion to recede and concur, please rise in their places to be counted.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: 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 present in favor of a Roll Call please rise in their places to be counted.

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

The Chair recognizes the Senator from York, Senator Farley.

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

The PRESIDENT: The Senator from York,

Senator Farley, now requests leave of the Senate to withdraw his motion for a Roll Call. Is it the pleasure of the Senate to grant this leave? It is a vote.

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

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

7 Senators having voted in the affirmative, and 18 Senators in the negative, the motion to recede and concur does not prevail.

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

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I move that we insist and join in a Committee of Conference with the House.

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

The Chair recognizes the Senator from Hancock, Senator McNally.

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

The PRESIDENT: A Division has been requested on that motion.

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 opposing the motion to insist and join in a Committee of Conference, please rise in their places to be counted.

The Chair recognizes the Senator from Penobscot, Senator Pray.

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

The PRESIDENT: A Roll Call has been requested.

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

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

The pending question before the Senate is the Motion of the Senator from Kennebec, Senator Pierce, that the Senate insist and join in a Committee of Conference with the House.

A yes vote will be in favor of the motion to insist and join in a Committee of Conference. A nay vote will be opposed.

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

**ROLL CALL**

YEA — Conley, Cummings, Danton, Farley, Katz, Merrill, Minkowsky, O'Leary, Pierce, Pray, Usher.

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

ABSENT — Carpenter, Levine, Mangan, Martin, Redmond.

11 Senators having voted in the affirmative, and 16 Senators in the negative, with 5 Senators being absent, the motion to insist and join in a Committee of Conference does not prevail.

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

A viva voce vote being had,  
The motion to adhere does prevail.

(See Action Later Today)

**Joint Order**

WHEREAS, there are large numbers of state employees presently designated as "intermittent employees" pursuant to Personnel Rule 1.3 (10); and

WHEREAS, many of these employees have been and are employed on a regular and nearly full-time basis; and

WHEREAS, these employees perform duties identical or similar to duties performed by permanent state employees; and

WHEREAS, these employees do not enjoy any of the same benefits and protections afforded permanent employees, such as vacation leave, sick leave, health and accident insurance, retirement benefits and promotional rights; and

WHEREAS, certain state employees are not receiving equal pay for equal work; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government undertake a study of the status of all intermittent employees employed by the State of Maine; and be it further

ORDERED, that the Commissioner of Personnel immediately undertake an investigation of the status of these employees and supply to the Joint Standing Committee on State Government such information, including the names, service history and employment status of all intermittent employees presently employed or employed since July of 1966 by the State of Maine, as may be necessary for the committee to make recommendations to alleviate the inequities suffered by these employees without jeopardizing their continued employment; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977, 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. 1760)

Comes from the House, Read and Passed.

Which was Read.

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

#### Reconsidered Matter

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

Mr. SPEERS: Mr. President, with regard to Bill, "An Act Permitting Binding Arbitration for Public Employees in Critical Public Services." (H. P. 1317) (L. D. 1553) having voted with the majority, I move the Senate reconsider its action whereby it adhered.

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

A viva voce vote being had,

The motion to reconsider does not prevail.

#### Joint Order

WHEREAS, this Legislature has had under consideration L. D. 1787, "An Act to Reorganize Certain Boards and Commissions and to Affiliate Certain Boards and Commissions with Departments of Maine State Government; and

WHEREAS, there are still many problems and issues with the reorganization and affiliation of the boards and commissions that deserve careful and thorough review, and this review is necessary to insure added efficiency and responsiveness in State Government; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government be authorized to study the reorganization and affiliation of certain boards and commissions with departments of Maine State Government, including the proposals contained in L. D. 1787; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977, 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. 1761)

Comes from the House, Read and Passed.

Which was Read.

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

#### Communications

Office of the Governor

June 21, 1977

To: The Honorable Members of the Senate and House of Representatives of the Maine 108th Legislature

I am returning without my approval or signature H. P. 1247, L. D. 1477, An Act to Expedite Construction of Natural Gas Pipelines in the State.

This bill would carve out an exception in the law for natural gas pipeline companies to the extent that it would exempt them from having to comply with that section of the law which requires an applicant to have some "interest" in the land affected by the application.

I can appreciate how this legislation passed. I assume that it was done on the basis that this law would make no substantive changes, as it would only expedite the application process.

However, I feel that the legislation provides for one particular interest, natural gas pipeline companies, an exception which, if appropriate, should be studied and considered with respect to every applicant, and not just one that is able to establish an exemption on the ground that it has no real effect. There is a real effect, and that is making the law and procedures easier for one company or one interest, as opposed to all others who must comply with the existing law. If the law should be changed, then the change should be addressed in a comprehensive fashion on the basis of the desirability of establishing a new procedure, or a different procedure for different applicants.

Although this bill does provide that a bond shall be filed with the Department of Environmental Protection in an amount not to exceed \$50,000, I am advised that there are other departments of government involved which would also have to expend time and money considering an application; yet, these departments have no authority to require bonding to cover the costs which they will incur at this same stage.

A proposal of this sort which involves construction of a pipeline across our state is one that must be and will be examined very closely and diligently. We have existing procedures and laws which govern that process. I cannot endorse making exceptions for one specific company or industry. Maine, right now, will receive no benefit from the natural gas which flows through the pipeline. I am told that for Maine to even apply to receive or use natural gas from the pipeline there would have to be extensive procedures before the Federal government. In other words, there is no guarantee that this state will benefit from this project, even though we in Maine will bear the risk of having the pipeline run across the land of our state. In addition, despite repeated requests, I have never been able to secure a straight forward answer as to their support or assistance in helping to make sure that the citizens of Maine receive as much benefit from the natural gas being piped through our state as we are being asked to assume in terms of potential liability. They have never fully responded in writing to these requests. I am not commending on the desirability of this project, nor on the suitability of this project for this state. This is a matter that will be determined by the appropriate State agencies. I cannot, however, lend my support to a bill which carves out a special exception for one company. In addition,

the bonding which supposedly will protect the State in lieu of compliance with existing laws does not cover adequately all of the costs associated with such an involved application.

I respectfully request that you sustain my veto of this measure.

Very truly yours,

Signed:

JAMES B. LONGLEY  
Governor  
(H. P. 1769)

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File, in concurrence.

Bill, "An Act to Expedite the Construction of Natural Gas Pipelines in the State." (H. P. 1247) (L. D. 1477)

Comes from the House with the following endorsement:

In the House June 22, 1977, this Bill, having been returned by the Governor, together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

91 voted in favor and 42 against, and accordingly it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

Signed:

EDWIN R. PERT  
Clerk of the House

On motion of Mr. Speers of Kennebec, Tabled until Monday Next, Pending consideration.

On motion of Mr. Katz of Kennebec,

WHEREAS, the Legislature is called upon to commit significant financial support for the education of Maine's children; and

WHEREAS, in our changing society, the classroom teacher must not only have access to adequate programs of inservice training, but must also have had the benefit of superior undergraduate preparation; and

WHEREAS, questions have been raised as to the adequacy of our present program of practice teaching; and

WHEREAS, the Legislature has a responsibility to insure that those admitted into the teaching profession be well equipped to deal with the complex challenges of the classroom; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Education is directed to review the preparation of Maine's teachers, including such diverse elements as curriculum, faculty qualification, counseling and the duration, placement and format of the practical teaching experience; and be it further

ORDERED, that the committee shall also review criteria for admission to teacher training institutions and levels of admissions in light of declining opportunities; and be it further

ORDERED, that the committee shall complete this study 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, that upon passage of this order in concurrence, the Secretary of the Senate shall forward a suitable copy of this order to each member of the committee. (S. P. 569)

Which was Read.

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

**Committee Reports  
House**

**Divided Report**

The Majority of the Committee on Taxation on, Bill, "An Act to Require State Level Assessment of Industrial Real Property with a Value in Excess of \$1,000,000." (H. P. 1329) (L. D. 1606)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington  
JACKSON of Cumberland  
MARTIN of Aroostook

Representatives:

MAXWELL of Jay  
MACKEL of Wells  
TWITCHELL of Norway  
CARTER of Bangor  
IMMONEN of West Paris

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-777).

Signed:

Representatives:

CHONKO of Topsham  
COX of Brewer  
CAREY of Waterville  
TEAGUE of Fairfield  
POST of Owls Head

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-777).

Which Reports were Read.

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

Mr. WYMAN: Mr. President, I move we accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Knox, Senator Collins.

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

The PRESIDENT: A Division has been requested.

On motion of Mr. Speers of Kennebec, Tabled until later in Today's Session, Pending the Motion of the Senator from Washington, Senator Wyman, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

(See Action Later Today)

**Senate**

**Ought to Pass — As Amended**

Mrs. Snowe for the Committee on Health and Institutional Services on, Bill, "An Act Authorizing an Increase in Payments to Foster Homes and Boarding Homes." (S. P. 444) (L. D. 1536)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-325).

Mrs. Snowe for the Committee on Health and Institutional Services on, Bill, "An Act to Regulate the Dispensing of Prescription Drugs." (S. P. 407) (L. D. 1415)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-324).

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

**Second Readers**

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

**House**

Bill, "An Act Revising the Disqualification Periods for Persons who Voluntarily Quit Work

or are Discharged for Misconduct." (H. P. 113) (L. D. 143)

Which was Read a Second Time.

On motion of Mr. Jackson of Cumberland, Tabled until Later in Today's Session, Pending Passage to be Engrossed.

(See Action Later Today)

**House — As Amended**

Bill, "An Act Concerning Licenses for Camping Areas and Eating Establishments." (H. P. 869) (L. D. 1062)

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)

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

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

Bill, "An Act to Provide for no Smoking Areas in All State Offices." (H. P. 818) (L. D. 991)

Which was Read a Second Time.

On motion of Mrs. Snowe of Androscoggin, Tabled for One Legislative Day, Pending Passage to be Engrossed.

Bill, "An Act Requiring Immunization of Children Prior to Entering Grade School." (H. P. 1072) (L. D. 1264)

Which was Read a Second Time.

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

Mrs. SNOWE: Mr. President, I now move the Senate reconsider its action whereby it adopted Committee Amendment "A".

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

The Chair recognizes the same Senator.

Mrs. SNOWE: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" (S-322) and move its adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Snowe, now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A".

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

Sent down for concurrence.

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

Which was Read a Second Time.

On motion of Mr. Mangan of Androscoggin, Tabled until Later in Today's Session, Pending Passage to be Engrossed.

(See Action Later Today)

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

Bill, "An Act to Establish the Legal Rights of Hospital Patients." (H. P. 755) (L. D. 901)

Bill, "An Act to Revise the Election Laws Concerning Political Activity at Elections and Requirements for Absentee Ballots." (H. P. 1117) (L. D. 1335)

Bill, "An Act to Clarify Election Related Laws." (H. P. 1734) (L. D. 1887)

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

Sent down for concurrence.

**Senate — As Amended**

Bill, "An Act Relating to Residency Requirements of Municipal Employees." (S. P. 192) (L. D. 589)

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

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

Sent down for concurrence.

**Enactors**

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

"An Act Concerning Review of Corporate Certificates and Other Documents." (H. P. 679) (L. D. 941)

"An Act to Eliminate Dissimilar and Inequitable Taxation of Mobile Homes Owned by Maine Homemakers." (H. P. 1401) (L. D. 1656)

"An Act Concerning Standards for the Measurement of Wood." (H. P. 1337) (L. D. 1650)

"An Act to Provide for a Sales Tax Rebate for Machinery and Equipment used in Commercial Fishing." (H. P. 1405) (L. D. 1614)

"An Act Relating to Training, Counseling and Managerial Service Programs in State Government." (H. P. 1547) (L. D. 1772)

"An Act to Terminate Administration of the Industrialized Housing Law." (H. P. 654) (L. D. 797)

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

"An Act to Redefine "Wages" to Include Fringe Benefits." (H. P. 435) (L. D. 542)

On motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, Pending Enactment.

"An Act to Provide Legislative Oversight of Appropriated Fund Transfers." (H. P. 1391) (L. D. 1618)

"An Act Concerning an Exemption from the Real Estate Transfer Tax." (H. P. 390) (L. D. 479)

"An Act to Redefine the Designation of Beneficiaries of Priority Social Services." (H. P. 570) (L. D. 694)

"An Act to Revise and Clarify Portions of the Workmen's Compensation Act." (H. P. 638) (L. D. 820)

"An Act Relating to the Right of Public and Private Residential Care Facilities to Provide Special Education." (H. P. 610) (L. D. 747)

"An Act to Provide a Mandatory Rehabilitation Program for Persons Convicted of Operating a Motor Vehicle under the Influence of Intoxicating Liquor or Drugs." (S. P. 3) (L. D. 6)

"An Act to Transfer the Eminent Domain Power of the Penobscot Indian Housing Authority to the Tribal Governor and Council and to Require Referendum Approval of any action Relating to Eminent Domain." (H. P. 490) (L. D. 609)

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

"An Act to Improve the Effectiveness of the State's Development Financing Mechanisms." (H. P. 1727) (L. D. 1886)

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

Mr. KATZ: Mr. President, I had occasion to look up this Bill in the engrossed final copy, and I asked myself what happens to legislation we pass after we pass it, and my answer is it goes into the law books.

The first paragraph of this law has 104 words in one sentence. Now if you have ever tried to breeze through a 104 word sentence and understand what it means, it is not an easy task. A couple of paragraphs later there is one sentence with 132 words in it.

I would say that we are all occasionally insensitive, but this particular piece of legislation is loaded with sentences that really do not make any sense at all unless you sit and stare and concentrate and read and read again, and it is going to create, I think, some pretty good business for lawyers in years to come.

This is an Enactor, and I have no desire to have any quarrel with the text of the law, but it does not do us proud to put this in our law books.

On motion of Mr. Katz of Kennebec,  
Tabled for One Legislative Day, Pending Enactment.

RESOLVE, to Authorize the Maine Guarantee Authority to Issue a Payment in Lieu of Taxes to the Town of Pittsfield. (H. P. 1476) (L. D. 1709)

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

RESOLVE, to Require the Department of Human Services to Provide the Legislature with Information Relating to the Determination of Need under the Aid to Families with Dependent Children Program. (H. P. 1124) (L. D. 1342)

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

Mr. HICHENS: Mr. President, I move we suspend the rules for purposes of reconsideration.

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

The Chair recognizes the same Senator.

Mr. HICHENS: Mr. President, I now move we reconsider passage to be engrossed.

The PRESIDENT: The Senator from York, Senator Hichens, now moves the Senate reconsider its action whereby L. D. 1342 was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HICHENS: Mr. President, I now move we reconsider adoption of Committee Amendment "A"

The PRESIDENT: The Senator from York, Senator Hichens, now moves the Senate reconsider its action whereby it adopted Committee Amendment "A"

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, would the good Senator explain why he is following these procedures.

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

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, my next motion was to present Senate Amendment "A" to Committee Amendment "A", and move its adoption.

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby it adopted Committee Amendment "A"? It is a vote.

The Chair recognizes the same Senator.

Mr. HICHENS: Mr. President, I now offer Senate Amendment "A" (S-326) and move its adoption.

The PRESIDENT: The Senator from York, Senator Hichens, now offers Senate Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HICHENS: Mr. President and Members of the Senate: You may remember the other day we had this bill before us, An Act to Require Annual Adjustment in the Standards of Need for Families Receiving Aid to Dependent Children, as amended by the Committee. There was a motion to indefinitely postpone the bill, because the Department of Human Services claimed that they had no way to actually determine the needs. The Committee still felt that we should have a handle on this problem, and so

with the consent of the Chairman, whom I approached on the issue, we have asked the Department to give us an estimate so that at least we can get started on it, and maybe later on they will be able to determine the need, but this Amendment changes the word determine to estimate.

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

Mr. CONLEY: Mr. President, I am not going to fault the good Senator for his Amendment, but I consider this to be nothing but mere bureaucratic hogwash.

Senate Amendment "A" Adopted. Committee Amendment "A", as amended, Adopted, and the Bill, as amended, Passed to be Engrossed. Sent down for concurrence.

#### Emergency

"An Act to Protect the State Retirement System from the Cost of Abnormal Disability Claims." (S. P. 428) (L. D. 1486)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Bond Issue

"An Act to Authorize a Bond Issue in the Amount of \$2,100,000 to Establish a Maine Veterans Home." (H. P. 795) (L. D. 939)

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

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

Mr. MANGAN: Mr. President, out of order and under suspension of the rules, I move that we now take up Bill, "An Act to Provide for the Licensing of Mobile Homes and Modular Housing Dealers and Mechanics." (H. P. 1376) (L. D. 1702)

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, now moves that out of order and under suspension of the rules, the Senate remove from the Table Later Today, L. D. 1702, which was tabled earlier in Today's Session by the Senator from Androscoggin, Senator Mangan. Is this the pleasure of the Senate? It is a vote.

On motion of Mr. Mangan of Androscoggin,  
Which was Passed to be Engrossed, as amended, in concurrence.

#### Reconsidered Matter

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

Mr. WYMAN: Mr. President, I would like to move that the Senate reconsider its action whereby Bill, "An Act Concerning Administration of the Judicial Department." (H. P. 635) (L. D. 838) was Passed to be Engrossed.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves that the Senate reconsider its action whereby L. D. 838 was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, this is apparently a very important bill, and I know very little about it, and I suspect there are others, too, and I would hope that somebody would table it and at least give those of us who are not attorneys a chance to know what we are voting on.

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

Mr. COLLINS: Mr. President, I would oppose the motion to reconsider.

I would be happy to explain to the Senate the purport of this bill, which is one of great importance, and I think that most of the Senators are aware of its content.

There has been in the Judicial Department for the past ten months a degree of controversy about the best system of Court Administration. I think most of us have read a great deal about it in the newspapers, and we know that some judges, some lawyers, are unhappy with the system that this legislature provided for in an attempt to increase the efficiency of the administration of our courts two years ago.

The Committee struggled with this Bill over a period of many weeks, and many agonizing sessions, including several evening sessions, and ten members of the committee agreed on a compromise, and the compromise, which is the way that the bill stands in the Senate today, is a compromise which we think addresses the most serious problems of the new system. It addresses the problems by strengthening the roll of the Chief Judge of the District Court by decreasing the authority of the Court Administrator over the administration of the District Court. It does, however, keep to the idea that there is one Judicial Department in the State of Maine, and I think we are all aware of the three branches of Government — Executive, Legislative and Judicial, and it has long been the system that the Judicial Department is headed by one head.

The Bill that was introduced in the other Body to attack the system of administration which this Legislature set up a couple of years ago, is the bill which would divide the Judicial Department into three separated systems. In my judgment, that is not good administration of the Judicial Department. In my judgment, that would cost the state a good deal more to administer its courts over a period of years, and I will not go into that detail, but I have studied it at great length with the Legislative Finance Office, as well as with Representatives of the Court system, and I think that the originally announced objective of saving money just cannot be met by the bill that was introduced and which the other body felt was their choice.

Now this compromise developed by the committee addresses the areas that were pointed out to us by the District Court Judges as those areas in which they were most concerned lest there be interference with their power and authority. First, we have made it clear that the assignment of judges will be done by the Chief Judge of the District Court, and not by the Court Administrator, and there was certainly some doubt about that in the Statutes before we made up this revision. This applies not only to the judges at large, but to judges who occasionally are assigned to a different district than their own when there is illness or vacation, or similar problems when some shuffling is required.

The second thing was that there was fear that the administrator would install forms and procedures which were not what the Judges of the District Court felt were the best forms and procedures to use in their courts, and we have addressed this problem by providing that such forms cannot be instituted into the District Court by the administrator without the advance prior approval of the Chief Judge of the District Court.

We have further provided that with respect to the management of Court dockets, and this was the next area where the District Court Judges were worried, they wanted to have some power to order their own procedures and Court docket. One of the central ideas of Court Administration was to speed up Court dockets, to make them move more rapidly and efficiently, so that the great backlogs would not be created.

The Administrative apparatus has not really yet begun to function here in the District Courts, so that it is not any great upheaval or change to provide that whatever happens with respect to the management of court dockets and cases shall proceed more slowly and only after consultation with all of the District Court

Judges, and the approval of the Chief Judge of the District Court.

I think that we have made it very clear that in the management of personnel in the District Courts, and in the ordering of procedures in the District Court, that there will be no changes unless and until there has been an opportunity for the District Court Judges to participate in working out what those changes may be, if any are needed, and that the final decision on that sort of thing can only be made after consultation with the Chief Judge of the District Court.

We have further provided that what was formerly a voluntary procedure, the annual Judicial Conference, shall now become a mandatory annual conference in which all of the judges from the District Court to the Superior Court to the Supreme Judicial Court shall meet once a year to discuss all of these problems as a unit. There has been in the past too much of just one group of judges, one level of judges meeting, without working with the other level. The Court system is essentially one system, because you appeal from one level to the next level to the next level in the most serious cases, and the operation of one level has a very direct bearing on the operation of each of the other levels, and to bifurcate it, or to trifurcate it, just does not make good administrative sense.

I think we all know that basically at the bottom of the whole problem is a clash of personalities, and I do not stand here to talk about clashes of personalities. This is not the place to discuss that, but I think if we looked into the real problem, we will see that that is the real basis of all the involvement that we have been through. It has been a very painful experience.

In my judgment, it would be a very grave mistake to tear apart and to wreck a structure very carefully conceived and thought out over the period of years, and put into force by this Legislature, and now having about 18 months experience with it, to tear that apart and cast it out, because of a few personality clashes. People come and go. Some people are better diplomats than others. Some people who are very brilliant and capable do not necessarily have the smoothest personality or the greatest diplomacies. I think we know this in our own United Nations today. We see examples of it all over the country from time to time. Does that mean that we should throw out the structure that we created in which these people operate? I think that is really the essential question for us to think about today.

It is getting late in the Session. This matter has been well known in the legislative halls, well considered, well lobbied. I think most of us have had letters and conversations with lawyers and judges, and people who are concerned.

The basic question for all of us is what is best for all of the people of the State of Maine, not just one bruised personality, not just two or three bruising personalities. That is not the question. The question is how do we give the best service to all of the people of this State, and I submit that it is time to move ahead with this, to engross it. We have already voted to engross it, send it back to the other Body, and to move toward completion of our Session.

I hope you will vote no on the Motion to reconsider.

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

Mr. HEWES: Mr. President and Members of the Senate, I respectfully hope that you will vote to reconsider.

The good Senator from Knox, Senator Collins, points out that we have a system that has been working for several months, keep the system going. And I agree with that. The difference is that the District Court, as I understand it, is not now within the system, and the Committee Amendment that the Senate adopted yesterday

does include the District Court within the system.

I feel that the District Courts are presently giving very fine service to the people of Maine. They have a tremendous work load. The Judges and Clerks are competent, and you get a speedy trial and swift justice, fair justice, good justice. I do not think that the District Courts are so entwined with the Superior or the Supreme Judicial Courts that the District Court has to come under the same Administrator as administrators the other two Courts, the Supreme Judicial Court and the Superior Court.

I think I agree with the good Senator from Knox, let us keep the system that has been in operation for a year and a half or up to two years, but let us not include the District Court within the system.

I hope that you will vote to reconsider, and then an Amendment can be made that will take the District Court from the Administration, and then I do not think that we need four Administrators below the Chief Administrator. I think that two could handle the State so that each of them, each of the two would handle two of the Districts in the State.

I hope you vote to reconsider.

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

Mr. COLLINS: Mr. President, one more item, the Committee on Judiciary recommended to the Committee on Appropriations a slashing of the budget of the Court Administrator by approximately \$22,000.00. I think it is a mistake to consider that we here in the Legislature can decide whether you need three or four or two people out in the field working in Court Administration.

The State of Maine spends for its Courts less than one percent of its total budget. Across this country the figure that is most common in the total budget of the States is four percent. We are getting by in Maine very economically in the amount of money that we spend for the administration of justice, and I think that we have to leave some of these decisions to the people that are working in the Judicial Department, a separate and co-equal Branch of our government.

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

Mr. WYMAN: Mr. President, I want to thank the good Senator from Knox for his very excellent explanation. The matter still bothers me. I think we are voting on an important matter, and I do hope that the Senate will vote to reconsider, and then in turn somebody will Table this for One Legislative Day.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Washington, Senator Wyman, that the Senate reconsider its action whereby L. D. 838 was passed to be engrossed.

The Chair 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 opposing the Motion to reconsider, please rise in their places to be counted.

14 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to reconsider does not prevail.

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

Mr. HUBER: Mr. President and Members of the Senate, I would like to bring to the attention of Committee Chairpeople and Members the next to the last Paragraph of Joint Rule 13, which is new this year, and which reads as follows:

"Each Committee to which is referred Bills, Resolves or Orders involving appropriations or

revenues shall within five Legislative Days after reporting out all these Bills, submit to the Committee on Appropriations and Financial Affairs a list indicating the Committee's priority for final passage of these Bills."

I have written a memo to Committee Chairmen pointing out this Rule, and I hope this will be complied with.

I contemplate on Monday the Senate and House will adjourn at 3:00 in the afternoon to let the Appropriations Committee work on the Part II Budget, and also provide time for other Committees to prioritize the Bills, if they have not already done so.

I hope that all Committees will provide input to the appropriations process, which I think can be a valuable improvement in our Legislative process.

#### ORDERS OF THE DAY

The President laid before the Senate:  
HOUSE REPORTS — from the Committee on State Government — Resolve, to Authorize the Conveyance of the National Guard Armory in Auburn to the City of Auburn. (Emergency) (H. P. 1249) (L. D. 1471) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-598)

Tabled — June 22, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report  
The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: Mr. President, I move the acceptance of the Minority Ought to Pass Report, and would speak to my Motion.

The PRESIDENT: The Senator has the floor.

Mrs. SNOWE: Mr. President and Members of the Senate, recent developments have taken place since this Report came out of the Committee on State Government. I am glad to report that the National Guard and the City of Auburn have been able to sit down and resolve the issue and come to a compromise.

I would like to be able to send this Bill to its Second Reading so that I can Amend it to reflect that compromise. In essence, what it would be is that we would maintain a status quo, but that in the event the National Guard did abandon the Armory in the future, that the title of the Armory would revert to the City of Auburn.

I would urge support of the Minority Ought to Pass Report.

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

Mr. COLLINS: Mr. President, this Bill did come out with a very substantial Ought Not to Pass Report from the Committee of 12 to 1. However, because of the new events that are transpiring, at this time we will not oppose the Motion of the good Senator.

Minority Ought to Pass as amended Report accepted, in concurrence.

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

On Motion of Mr. Katz of Kennebec, out of order and under suspension of the rules.

ORDERED, the House concurring, that the Joint Standing Committee on Veterans and Retirement report out a bill mandating the inclusion of adequate funds in the state budget to cover the state's share of retirement costs. (S. P. 570)

Which was Read and Passed.

Sent down forthwith for concurrence.

The President laid before the Senate:  
Bill, "An Act Concerning Displaced Homemakers." (H. P. 700) (L. D. 842)

Tabled — June 22, 1977 by Senator Speers of Kennebec

Pending — Enactment

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

Mr. SPEERS: Mr. President, I move this item be Tabled.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that L.D. 842 be Tabled pending enactment.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would move this item be placed on the Appropriations Table.

The PRESIDENT: The Chair would advise Senator Conley that since he is not a Member of the Appropriations Committee, that motion is not available to him.

Is it the pleasure of the Senate that this item be Tabled? It is a vote.

The President laid before the Senate: Bill, "An Act Concerning Recovery of Damages by the Consumer." (H. P. 1303) (L. D. 1541)

Tabled — June 22, 1977 by Senator Speers of Kennebec

Pending — Enactment

On motion of Mr. Speers of Kennebec, Retabled.

The President laid before the Senate:

House Report — from the Committee on Human Resources — Bill, "An Act to Prohibit the Practice of a Mandatory Retirement Age." (H. P. 1310) (L. D. 1634) Ought to Pass as Amended by Committee Amendment "A" (H-736)

Tabled — June 22, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Report

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

Mr. LOVELL: Mr. President and my friends in the Senate, we have a bill here this morning that regardless of party you can all vote for, because one of these days you are going to be 65 years of age, and if you are working in some certain job, you are going to have to retire, unless this bill is passed.

This is the condensation of L. D. 200 and L. D. 431, which was given to us by the Judiciary Committee, I believe, and we have come out in new draft, which the Committee unanimously voted for, and the new draft is the Committee Amendment "A" (H-736), and in this Amendment we have taken, our Legislative Assistant has taken the various materials and after several work sessions of the Committee, with many people in attendance, we have taken and rewritten the bill, and in the course of rewriting the bill we took care of all these state agencies, from school teachers down through state policemen and what not, and consequently we didn't take in the private sector, feeling that there would be some changes that would be necessary to make in the private sector. So as far as the Maine Retirement System is concerned, this would go into effect July 1, 1978, and as far as the private sector is concerned, January 1, 1980. So this gives all of the private sector in the mandatory age retirement, all of the private sector a chance to change or have the Committee in the next Session change anything that might bother them, but the best part of this bill, the good thing about this bill that you are all going to like, is you are going to save money. Now, for example, we will say a person works for a company, and he is 65, so four out of every five people, they tell me, will retire at age 65. But if he works for a company and he decides he wants to wait until he is 68, the government takes in the Social Security just the same out of his pay, but when he retires he gets the same amount of money as he would if he had retired at 65. So, consequently, the Social Security Fund is being helped.

Now our local funds, our State funds, they are also being helped. If a fellow is found fit and is working for the state, and if he is found fit at 65 and he wants to continue on until he is 69, then consequently his pension starts as it would be at age 65, and he pays in nothing, but the State has the extra five years for investment on that money because he is not drawing his pension.

Now there is 170,000 senior citizens in the State of Maine — 170,000. They will all thank God if you pass this bill. There is another 60,000 that are reaching the age of 65, and as they reach the age of 65 and they have to retire, sometimes it is a very horrible thing. I know I retired at 62, and I have seen people so depressed at 65 when they retired that they have sometimes committed suicide, particularly persons who did not have a hobby that they could go out and plant a garden or something.

This is a bill that could save the lives of older people. The older people live longer now than they used to. The average life-span of man is 68, and woman is 73. Your Social Security is going broke in Washington. This bill such as this, all over the country, even in Congress they are discussing the fact that they ought not retire at age 65, because many people aged 65 are better, more educated, more experienced, and more active than some people at 35.

So I plead with the Senate this morning, I plead with you, this Bill came out of Committee unanimously Ought to Pass. The House Amendment put a little correction on it, but I plead with you, this is going to be a great help for everybody. The private companies will make money because they have got the money to use longer before the person retires. The state is going to make money, and everybody is going to be happier.

Thank you very much for your attentiveness in listening.

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

Mr. MANGAN: Mr. President, being a member of the committee that signed out this Bill unanimously Ought to Pass, I have had several experiences with several fine people who are age 65 or older, and who were just as capable and just as qualified to perform work as anybody under 65 at any time of the day or night.

I would urge the members of the Senate that this prohibits mandating retirement at the age of 65. I have seen many people who are 65 and find themselves turned out of a job because of age. I think this is horrendous.

If we look at some of the pension systems, retirement systems, one of the reasons these are costing us so much money is we are forcing people at 65 to retire and have to pay not only the retirement pension, but also the person who is going to be replacing the person who just retired.

I cite, for example, the fine servants, not only in this Body but also in the other Body, who are over 65 and have done a great service to the people of the State of Maine. I cite, for example, the many Congressmen and United States Senators, even Presidents, who over the age of 65 have done a credible job for this country.

I feel that this is required. It is mandated, and I feel that if we force people to retire, we are just looking toward a system where we will regulate to the point where it is unnecessary for the people to perform functionally and perform properly.

I would urge the Members of the Senate to pass this with flying colors.

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

Mr. CONLEY: Mr. President, I would just urge the Senate to join the two previous speakers that have spoken on this issue, and to accept the Majority Ought to Pass Report.

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

Mr. COLLINS: Mr. President, I am also very sympathetic to the idea that people should be permitted to work longer than the mandatory retirement age. I think our laws do need revision in this respect.

I am fearful, however, of moving too quickly in this direction, because I have had some experience in working with actuaries and pension plan consultants in designing a group plan for small companies in this area. This sort of thing can up-set a great deal of that planning.

I think it is quite possible that there can be adjustments worked out in this area, but I would like to see us take a bit longer to do it, and to get a larger view and a larger input as to what it does to existing plans, what it does to plans just in their genesis, and to work out something that is perhaps not quite as rigid as I believe the posture of this Bill makes for us, and because of this I would urge some further looking at this and further study of it, although I am very sympathetic to the general thrust of it.

For that reason, I would request a Division on the pending Motion.

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

Mr. KATZ: Mr. President, I guess over the past week or two I have shared some of the misgivings of the Senator from Knox, Senator Collins. I have read everything that I could and talked to everybody that I could, and today I feel unbalanced that the evidence is on the side of the fact that this Bill is realistic. Its earliest effective date is in July 1978. The private sector effective date is January 1980.

If, in the event there are changes that may have to be made in the Bill, I think that we will have time to make them before we do any damage. I would suspect that there will be changes, because every time you plow new ground, you learn something in the process.

My Company has a pension trust, and I was curious as to what would happen to the pension trust. I discussed it with my employees and my actuary, and the idea got a very good reception from my people. It is going to cost me money to amend it. It is a one-time charge. The federal requirements for private pension trusts are very complicated and cannot be done except by professionals, and professionals charge you some pretty good dollars. But it can be modified and it can be modified without any huge complications.

This is a fascinating Bill. It represents a reversal of a trend in the United States that has existed for at least a couple of decades — the push to earlier and earlier retirement, the, I think, completely inappropriate pretense that early retirement means a better life, and somehow once you are free of the necessity of going to your job in the morning and coming home at night, life will become increasingly beautiful, and I guess people who have reached that age tell us that that is not necessarily true at all.

We are doing something that no other State has done in the United States. We are dealing with an emerging issue, and we are dealing with it based upon the fact that we are the first in the United States, as I understand it, and I cannot help but think of the State's motto, and it is not too often that we lead, but perhaps there are enough votes in this Chamber to push us in the posture of leading the rest of the country with the firm conviction that if the work we do is good and compassionate and reasonable, the rest of the country will surely follow.

I urge the Senate to vote for this Bill, and to help us plow some new ground.

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

Mr. PRAY: Mr. President and Members of the Senate, I have to concur wholeheartedly with the previous speaker.

To respond to the statements of the good Senator from Knox, Senator Collins, to further



wait, to look at this matter in greater detail, I would just ask one question in return. What about the individuals who have reached the mandatory retirement age, are we going to ask them to further wait?

The average Social Security payment in this country is under \$240.00 per month. It is awfully hard for a lot of these people to live with the daily increase in the cost of living today.

We have had a Bill before the Labor Committee in reference to retirement, and the sponsor of that Bill came down and made a statement that it was his belief and philosophy that perhaps we should allow everybody to retire between the ages of 25 to 35 so that they can enjoy their retirement, and then go back to work until they can no longer work any more. As an individual that is closely leaving that age bracket, I can see my retirement age has gone by. Perhaps I will have to start working pretty soon.

I think we should consider these individuals and their plights, their needs, and they have come before us and they have asked us to assist them, because they need the help now, and each time that we delay any action on this matter, then we just remove those individuals and put a larger percentage of our population into that bracket which needs assistance and which need help.

There is not going to be the increases in Social Security or on the State level with programs to assist them with the rate of increase that we are having in the cost of living. They are being quickly forced into a position where they must take jobs. When we require such Legislation as mandatory retirement age, then we are removing them from that accessibility that they so badly need.

I would hope that the Members of this Body could support the Ought to Pass Report, and proceed on its process.

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

Mr. LOVELL: Mr. President, just one more word. As many of the Senate knows, the Portland paper has placed my age at 70 and the Bangor Paper at 75, but the thing that I want to say is that over the years I have handled in the pharmacy business many, many older people and senior citizens, and, so help me, when they get 65 there are thousands of them that the Social Security money that they get is not sufficient to pay the taxes on their house, food and medication, so, consequently, if either the husband or wife dies, they end up in a nursing home and they die quite soon, too.

So, please, let us vote for this Bill.

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

Mr. MANGAN: Mr. President and Members of the Senate, some comment was made by one of the previous speakers regarding actuaries and the complications this will bring upon. Now I read in the Lewiston Evening Journal last night that a young man aged 34 passed away, and I wonder what this actually will do to the actuarial tables, whether they will be really worried about this.

The only thing that is really guaranteed in this life is death and taxes, and you cannot really guarantee when somebody is going to die. It could be much before the age of 65, much after the age of 65, but be it known that many people who are 65 years of age, who are skilled employees, and I have known many companies that were basically held together by an individual who was 65, and as soon as this individual was forced to be retired, the company fell apart or they had to hire three or four people to replace this one individual.

Now this year in this Legislature we have tried to guarantee equal rights for a variety of people. However, we really did consider those people over the age of 65. Now it would seem to me that the people over the age of 65 should have the right to decide whether or not they will

retire and take the easy road from then on.

I picture, for example, my dearly beloved Mother, who is always tired, because she works from 8:00 to 5:00 faithfully, and I can never get her at night because she is always out with the girls, with the secretarial girls, legal secretaries or off to the movies with one of her girl friends and what not, and I can picture what is going to happen at the age of 65. You are going to cut her off and say, ah, ah, now you have got to retire. You cannot go to work in the morning. You are going to be forced to live on your \$130.00 a month. This is wrong. If somebody wants to work after the age of 65 and they are able and qualified to do it, God Bless them.

I urge the Members of this Senate to really give this Bill a flying vote of support, and I think that this should be a mandatory thing for the entire State of Maine, that all employers will at least give their employees the option of working as long as they want to.

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

Mr. CHAPMAN: Mr. President and Members of the Senate, I think this is an admirable piece of legislation. I am very pleased to support it.

I think the good Senator from Kennebec, Senator Katz, pointed out very well that the effective date on this bill should give plenty of time for the necessary adjustments that need to be made.

I particularly want to address the subject of one of the more commonly discussed concerns, and that is the effect that it might have on pension plans and so on. Having an insurance background, I would have thought that had there been any real objection on the part of industry, that I would have been one of the first ones to have been talked to on this point, and I have not had one industry person speak to me expressing concern over that particular problem. I really do not think that it is a problem. I think that the adjustments can be made.

I think that this is a good Bill and that we can take a step forward.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to simply join the others who have spoken for this bill.

I have spent a great deal of time discussing this bill with people who have concerns on both sides of the question, and have come to the conclusion that there are no major actuarial problems with this sort of legislation, and that really ultimately the question is a simple one that is put to the Senate. It is a question that is not dissimilar to others that we deal with.

I think that there is no feeling on the part of any of us that the majority of people when they reach their mid-60's will not want to leave their work that they have been doing for 20 or 30 years, and that some of those people are probably in a position where they should leave their work at that age for the good of themselves and the good of their employees.

The question really though is the rights of those people who are both willing and able to continue in their work, and want to continue in their work, and whether or not there is any justifiable reason why it should be told to them that simply on the basis of their age, that they cannot continue in their work, and as I look through all of the arguments on both sides of this bill, frankly I do not see any reason that we should allow this to be an exception to our laws which prohibit discrimination on the basis of age, and as an individual who receives a great deal of life satisfaction from the work that I do, I myself would not want to be in a position when I reach the age of 65, were I still in good physical and mental condition, where I would have to leave that work simply on the basis of that fact. And when I think of it in those terms as it would apply to me, and as it would apply to

other individuals who receive a great deal of life satisfaction from the work that they do, the arguments that I hear against enacting this legislation seem minuscule by comparison.

I would hope that we could pass this today, and that those people who have approached the age of 65 will have a choice available to them, and I would hope that we would pass it in recognition of the fact that many people will choose to leave that, only if to pursue some other vocation, maybe in a less vigorous manner.

I think that there is no good reason for continuing with the notion or allowing the private sector to continue with the notion that at 65 everyone should have to retire from the work that they are doing, and I think of all of the benefits that have been mentioned here today, and there have been many for letting these people continue, there is the benefit of being able to continue to take advantage of the skill and the judgments that people develop when they work at a job for a period of time, assuming that they are lucky enough to be among those individuals who manage to keep an open mind and continue to learn as they progress through life, and there are many who fit this description and we should not be denied their services.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the acceptance of the Ought to Pass as Amended Report of the Committee.

A Division has been requested.

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

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

22 Senators having voted in the affirmative, and 5 Senators in the negative, the Committee Report is 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.

The President laid before the Senate:

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)

Tabled — June 23, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

Which was Passed to be Engrossed, in concurrence.

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 23, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

On Motion of Mr. Katz of Kennebec, Retabled until Later in Today's Session. (See Action later today.)

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

Tabled — June 23, 1977 by Senator Speers of Kennebec

Pending — Enactment

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

Mr. JACKSON: Mr. President, I move we suspend the rules for purposes of reconsideration.

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

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

The Chair recognizes the same Senator.

Mr. JACKSON: Mr. President, I move we reconsider adoption of Committee Amendment "A".

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

The Chair recognizes the same Senator.

Mr. JACKSON: Mr. President, I now present Senate Amendment "A" to Committee Amendment "A" (S-313) and move its adoption, and would speak to my Motion.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now offers Senate Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. JACKSON: Mr. President and Members of the Senate, this Amendment is an Amendment which clarifies the language of the Committee Amendment. There was some confusion in the Committee Amendment, and it was brought to my attention that a group of people thought that it allowed mobile homes in all sections of a town or municipality.

The original Bill did do that. The Committee Amendment tried to relieve that problem, and evidently there was a mix-up. In the Statement of Fact it did allude to this. So we felt that in order to get this thing on its way and possibly have it passed and enacted that to clarify the language so that everybody would be supportive of it, it does allow the municipalities to exclude manufactured homes, or require them to locate only in parts, in some parts but not all parts of the municipality, and I hope this does take care of some of the problems that some of the Members had with the Bill, because it does allow the municipality to use the discretionary authority.

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

Mr. SPEERS: Mr. President, I have some questions as to the way the Amendment has been drafted. I believe that manufactured homes in the Bill itself, or in the Committee Amendment, would include modular homes as well as mobile homes, and the Amendment that is being offered, the Senate Amendment, would exclude manufactured homes which would include modular homes, as well as mobile homes, and would allow municipalities to require them to be located in certain areas around the municipality.

I wonder if this may not be tabled until later in Today's Session and perhaps we could work that out.

On Motion of Mr. Jackson of Cumberland, Tabled until later in Today's Session, Pending adoption of Senate Amendment "A".

(See Action later Today.)

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 23, 1977 by Senator Trotzky of Penobscot

Pending — Passage to be Engrossed.

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

The President laid before the Senate: Bill, "An Act to Establish Regional Marine Resources Centers." (H. P. 1564) (L. D. 1778)

Tabled — June 23, 1977 by Senator Speers of Kennebec.

Pending — Consideration.

On Motion of Mr. Chapman of Sagadahoc,

The Senate voted to recede and concur.

The President laid before the Senate: Bill, "An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas." (H. P. 1385) (L. D. 1573)

Tabled — June 23, 1977 by Senator Merrill of Cumberland

Pending — Adoption of House Amendment "B" (H-781)

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

Mr. O'LEARY: Mr. President, I have an Amendment being prepared to House Amendment "B", and I wish someone would table this until later in Today's Session.

On Motion of Mr. Minkowsky of Androscoggin,

Retabled until later in Today's Session.

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 23, 1977 by Senator Conley of Cumberland

Pending — Passage to be Engrossed

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

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

Mr. WYMAN: Mr. President, in reference to Bill, "An Act Recognizing County Charters and Establishing County Charter Commissions." (S. P. 437) (L. D. 1648) this was held at my request. It is another one of these Bills that I was not as familiar with as I should have been. I am perfectly satisfied with the Bill now.

The PRESIDENT: There is no further Senate action required on this matter.

The Senate will be at ease and the Floor Leaders will approach the Rostrum.

(At Ease)

The Senate will come to order.

(Off Record Remarks)

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

On Motion of Mr. Huber of Cumberland,

Recessed until 2:00 this afternoon.

(Recess)

After Recess

The Senate called to order by the President.

(Off Record Remarks)

Out of order and under suspension of the rules, the Senate voted to consider the following additional Papers from the House:

Enactors

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

An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index. (S. P. 317) (L. D. 1075)

An Act to Provide for the Prevention of Alcohol Abuse. (S. P. 306) (L. D. 976)

An Act to Improve Public Access to State Agency Rules by Providing for their Publication and for a Rule Review Program. (S. P. 415) (L. D. 1411)

An Act to Provide for Tourism Promotion and Information Services. (H. P. 740) (L. D. 945)

An Act to Create the Maine Administrative Procedure Act. (S. P. 493) (L. D. 1768)

On Motion of Mr. Huber of Cumberland,

Placed on Special Appropriation Table.

An Act Relating to the Term of Membership on the Board of Visitors for Mental Health and Corrections' Institutions and the Baxter School for the Deaf. (H. P. 148) (L. D. 178)

An Act Concerning Transient Sales of Consumer Merchandise (H. P. 218) (L. D. 282)

An Act to Establish a Bill of Rights for Mentally Retarded Persons. (H. P. 1473) (L. D. 1735)

An Act Concerning Debtor's Property Exemptions from Attachment and Bankruptcy Proceedings. (H. P. 1361) (L. D. 1677)

An Act to Repeal Certain Laws Relating to Domestic Relations. (H. P. 1627) (L. D. 1830)

An Act to Clarify and Modify Causes for 7-Day Notice of Termination of Tenancy at Will. (H. P. 988) (L. D. 1199)

An Act to Establish a Licensing Fee for Bow and Arrow Hunting in Combination with a Fishing License. (H. P. 1031) (L. D. 1278)

(See Action Later Today.)

An Act to Clarify the Authority of the Board of Registration in Medicine to Conduct Programs of Medical Education. (H. P. 1349) (L. D. 1621)

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

"An Act Relating to Mental Illness as an Impediment to Divorce." (H. P. 1367) (L. D. 1596)

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

Mr. HICHENS: Mr. President, I now move that this bill and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that L. D. 1596 be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

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

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

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

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

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

The pending question before the Senate is the motion by the Senator from York, Senator Hichens, that L. D. 1596, be indefinitely postponed.

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

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Conley, Danton, Farley, Greeley, Hewes, Hichens, McNally, Minkowsky, O'Leary, Redmond.

NAY — Chapman, Collins, D., Cummings, Curtis, Huber, Jackson, Katz, Levine, Lovell, Mangan, Morrell, Pierce, Pray, Snowe, Speers, Trotzky, Usher, Wyman.

**ABSENT** — Collins, S.; Martin, Merrill.  
 11 Senators having voted in the affirmative, and 18 Senators in the negative, with 3 Senators being absent, the motion to indefinitely postpone does not prevail.  
 Which was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

(See Action Later Today)

"An Act to Clarify Certain Statutory Provisions for the Licensing of Camps, Eating and Lodging Places." (H. P. 1260) (L. D. 1489)

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

Mr. PRAY: Mr. President, I move that the Senate suspend the rules for the purpose of reconsideration whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate suspend the rules and reconsider its action whereby L. D. 1489 was passed to be engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. PRAY: Mr. President, I now 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". Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. PRAY: Mr. President, I now 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" to L. D. 1489. Is it the pleasure of the Senate? It is a vote.

Which was Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

"An Act to Prevent the Display of Adult Magazines to Minors." (H. P. 1661) (L. D. 1857)

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

Mr. HEWES: Mr. President, I move final enactment of this Bill.

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

**RESOLVE**, to Permit Limited Testing of Automobiles under the Supervision of the Department of Marine Resources. (H. P. 527) (L. D. 657)

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

**Emergency**

"An Act Concerning the Fees for Filing Municipal Tax Liens." (H. P. 1724) (L. D. 1884)

This being an emergency measure, and having received the affirmative vote of 28 Members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

**Joint Orders**

Expressions of Legislative Sentiment recognizing that: Mrs. Isabel (Belle) Hunter of South China celebrated the 100th Anniversary of her birth on June 22, 1977. (H. P. 1766)

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

**Joint Resolution**

Joint Resolution in Memory of: Mark Lincoln Clifford of Hermon. (H. P. 1767)  
 David Wayne Gray, of Old Town, who served

the State faithfully for 26 years as an employee of the Department of Transportation. (H. P. 1768)

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

**Communications**

House of Representatives

June 24, 1977

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

House Paper 440, Legislative Document 547, An Act to Prohibit State Officials from Appearing on Media Advertising Funded by the State, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objection of the Governor?'

Twenty six voted in favor and ninety eight against, and accordingly it was the vote of the House that the bill not become a law and the veto was sustained.

Respectfully,

Signed:

EDWIN H. PERT  
 Clerk of the House

Which was Read and Ordered Placed on File.

**Communications**

House of Representatives

June 24, 1977

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

House Paper 1647, Legislative Document 1848, An Act Providing for Establishment of a State Tax Mix, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this bill become a law notwithstanding the objections of the Governor?'

Four voted in favor and One Hundred Eleven against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,

Signed:

EDWIN H. PERT  
 Clerk of the House

Which was Read and Ordered Placed on File.

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

Bill, "An Act to Establish the 1977 State Valuation Omnibus Reform Act." (S. P. 465) (L. D. 1608)

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

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-300) in non-concurrence.

On motion of Mr. Speers of Kennebec, Tabled until Monday next, Pending Consideration.

**Communication  
 Committee on Labor**

June 17, 1977

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

The Committee on Labor is pleased to report that it has completed all business placed before

it by the 108th Session of the Maine Legislature.  
 Total Bills Received 72  
 Unanimous Report 55  
 Leave to Withdraw 25  
 Ought Not to Pass 7  
 Ought to Pass 11  
 Ought to Pass as Amended 11  
 Refer to Other Committee 1  
 Divided Reports 17

Sincerely,

Signed:

CECIL H. McNALLY  
 Chairman

Which was Read and Ordered Placed on File.

**Committee Reports  
 House**

**Ought to Pass — As Amended**

The Committee on Health and Institutional Services on, Bill, "An Act to Appropriate Funds for Foster Care of Abused and Neglected Children." (H. P. 1358) (L. D. 1602)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-805).

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

Ought to Pass as amended Report Read and Accepted.

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

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

The Committee on Health and Institutional Services on, Bill, "An Act to Require that Persons or Agencies Placing Unrelated Children for Adoption be Licensed." (H. P. 416) (L. D. 523)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-703).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" (H-783) thereto.

Which Report was Read.

On motion of Mrs. Snowe of Androscoggin, Tabled One Legislative Day, Pending acceptance of the Committee Report.

The Committee on Local and County Government on, Bill, "An Act to Define Duties and Set Salaries for Special and Part-time Deputy Sheriffs." (H. P. 992) (L. D. 1191)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-388).

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Report was Read.

On motion of Mr. Jackson of Cumberland, This Bill and accompanying papers indefinitely postponed, in concurrence.

**Divided Report**

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Add Dental Hygienists to the Board of Dental Examiners." (H. P. 1168) (L. D. 1398)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-785).

Signed:

Senators:

SNOWE of Androscoggin  
 GREELEY of Waldo

Representatives:

NELSON of Portland  
 TRAFTON of Auburn  
 GILL of South Portland  
 TYNDALE of Kennebunkport  
 FOWLIE of Rockland

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-786).

Signed:

Senator:

PRAY of Penobscot

Representatives:

GOODWIN of South Berwick

KANE of Augusta

KERRY of Old Orchard Beach

PRESCOTT of Hampden

BRENERMAN of Portland

Comes from the House, Bill Passed to be Engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" (H-831) thereto.

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 and would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mrs. SNOWE: Mr. President and Members of the Senate: Just to explain briefly the difference between the two reports. All of the members on the Committee on Health and Institutional Services wanted to see some representation on the Board of Dental Examiners by the Dental Hygienists. The question was we could not reach a consensus on having one or two. The Majority Report will allow one member of the Dental Hygienists to serve on the Board of Dental Examiners, and the Minority Report favors two.

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

Mr. PRAY: Mr. President and Members of the Senate: I am opposed to the present motion. As you can see by the Committee Report, I signed Committee Amendment "B" which calls for two hygienists to be placed on the Dental Board. Presently on the Maine Dental Board, there are two hygienists who are serving in a capacity of being there for the purpose of counsel. It is the belief of some of us that served on the Committee that since the Board of Dentistry had accepted the number of two for those purposes, that it would also be to the best interest of all concerned, both the consumers and the general public as well as dentistry itself, that two individuals be placed upon the board to serve in that interest.

Presently we have around 700 and some dentists in the State of Maine, and we have 460 some registered Dental Hygienists. Presently there are five dentists on the Dentistry Board, and there is one consumer who has yet not been named by the Governor, and it would be our hope that two Dental Hygienists could be placed on the Board for a little equity on that Board, thus, I would oppose the pending motion and ask for a Division.

The PRESIDENT: A Division has been requested.

The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Snowe, that the Senate accept the Ought to Pass as amended Report of the Committee, amended by Committee Amendment "A".

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

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

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

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

The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Snowe, that the Senate accept the Majority Ought to Pass as amended by Committee Amendment "A" Report of the Committee.

A yes vote will be in favor of that motion. A nay vote will be opposed.

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

YEA — Chapman, Collins, D.; Cummings, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Lovell, Mangan, McNally, Morrell, Pierce, Redmond, Snowe, Speers, Trotzky, Wyman.

NAY — Carpenter, Conley, Curtis, Danton, Levine, Merrill, Minkowsky, O'Leary, Pray, Usher.

ABSENT — Collins, S.; Martin.

20 Senators having voted in the affirmative, and 10 Senators in the negative, with 2 Senators being absent, the Motion to accept the Majority Ought to Pass as amended by Committee Amendment "A" Report does prevail.

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

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

Mr. PRAY: Mr. President, would it be proper at this time to move the indefinite postponement of Committee Amendment "A"?

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

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

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate indefinitely postpone Committee Amendment "A".

The Chair recognizes the Senator from Penobscot, Senator Snowe.

Mrs. SNOWE: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

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

Will all those Senators opposed to the Motion to indefinitely postpone Committee Amendment "A", please rise in their places to be counted.

9 Senators having voted in the affirmative, and 20 Senators in the negative, the Motion to indefinitely postpone Committee Amendment "A" does not prevail.

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

#### Reconsidered Matter

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

Mr. PRAY: Mr. President, in reference to An Act to Establish a Licensing Fee for Bow and Arrow Hunting in Combination with a Fishing License. (H. P. 1031) (L. D. 1278) I now move that the Senate reconsider its action whereby L. D. 1278 was Enacted.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate reconsider its action whereby the Senate Enacted L. D. 1278.

The Chair recognizes the same Senator.

Mr. PRAY: Mr. President, to explain my purpose for making this request is as I understand it that this Bill would be in direct violation, or in direct conflict with the Bill which we have already passed, and I am not sure if it has been enacted yet, or is still on the Governor's desk,

and I would like to reconsider the action, then table it until later in the day until I have had an opportunity to see if the other Bill has been signed by the Governor, and if that is so, then this Bill would not be necessary.

The PRESIDENT: Is it the pleasure of the Senate to reconsider its action whereby L. D. 1278 was passed to be enacted? It is a vote.

On Motion of Mr. Pray of Penobscot, Tabled until later in Today's Session, Pending Enactment.

#### Reconsidered Matter

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

Mr. CURTIS: Mr. President, in reference to L. D. 1596 Bill, "An Act Relating to Mental Illness as an Impediment to Divorce." (H. P. 1367) (L. D. 1596) having voted on the Majority side, I move reconsideration, and ask you to vote against me.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that the Senate reconsider its action whereby it enacted L. D. 1596.

A viva voce vote being had,

The Motion to reconsider does not prevail.

#### Communication

Office of the Governor

June 22, 1977

TO: The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning without my signature and approval H. P. 1619, L. D. 1820, Resolve, Directing Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor to the Northeastern Research Foundation, Inc.

I feel that this legislation is unneeded and unnecessary use of legislative time and involvement to the extent that it assumes and takes over Executive Department responsibility.

This bill would order the Commissioner of Marine Resources to lease for one year certain property to a private organization commonly referred to as Bigelow Lab. In addition, it would order the Commission to continue that lease for an additional one year period subject to the review and approval of the Joint Standing Committee on Marine Resources. I understand that the Commissioner of the Department of Marine Resources appeared at the public hearing on this bill and expressed his intentions to continue the leasing arrangement with Bigelow Lab. If his commitment was not clear then, it is now, for he has again repeated this with my office in the course of our researching this bill. This will do nothing more than order the Commissioner to do something that he has already expressed his intention to do within the proper exercise of his responsibility. Again, the legislation is not needed, and the Commissioner has clearly testified to that effect.

I feel that this legislation also represents an undesirable precedent. This bill would have the Legislature and the Joint Standing Committee on Marine Resources deciding under what circumstances certain property should be leased; how much of that property should be leased; what should be the terms of that lease; and what should be the length of the lease.

First, Bigelow Lab is a private operation which is partially funded by the State and uses State money to attract or match grants from other sources and to conduct additional business totally divorced from State work. In addition, Bigelow Lab uses State money to provide staff, which has grown over a course of three year from approximately fifteen to fifty-five. I am not being critical in any way whatsoever of Bigelow Lab. I do, however, want to emphasize that it is a private operation, not controlled by the State, and that only a portion of its work is done for the State.

Secondly, the Department only has this land

under lease until September. Although the Department hopes to get title to the land eventually, there are no absolute assurances that it will be able to do so. Even under these circumstances, however, the Department has indicated that it intends to try and continue the leasing arrangement with Bigelow Lab.

Thirdly, the details of the lease, such as the actual area and space needs of Bigelow Lab, are matters most properly determined by the department. For example, if there are other competing State needs for this land, and if sufficient land is available for Bigelow to function, then the Department must have the authority and flexibility to make adjustments. This bill would deprive the Department of authority and flexibility.

I recognize and commend those committee members, as well as other legislators, who are concerned with addressing the problem created by the unusual status at Bigelow Lab. However, to the extent that this legislation takes away the management capability of the Department, I question whether Bigelow Lab is directly or indirectly in conflict if they have endorsed this legislation, similar to their resisting our efforts to provide more funding and involvement for the University and a training and development capability for marine and/or oceanography studies for University of Maine students through the grant approach to the University despite Bigelow's competition to secure these dollars directly for themselves.

In summary, this legislation is unnecessary and in my opinion inconsistent with the separate functions of the Legislative and Executive Branches. The Executive Branch has a responsibility for day to day management. The job is difficult now and this kind of legislation would only make it that much more difficult. I believe that the goal that both the Legislature and the Governor are working toward is to bring better management to government. This bill has just the opposite effect. It interferes with and handcuffs the Executive Branch of Government.

I respectfully request that you sustain my veto of this bill.

Very Truly yours,  
(Signed) JAMES B. LONGLEY  
Governor  
(H. P. 1772)

Comes from the House, Read and Ordered Placed on File.

Which was Read, and Ordered Placed on File, in Concurrence.

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

Comes from the House with the following endorsement: In the House, June 24, 1977, this Resolve, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Resolve become a law notwithstanding the objections of the Governor?'

111 voted in favor and 12 against, and accordingly it was the vote of the House that the Resolve become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

(Signed) EDWIN H. PERT  
Clerk of the House

On Motion of Mr. Speers of Kennebec, Tabled until Monday next, pending Consideration.

#### ORDERS OF THE DAY

The President laid before the Senate:  
HOUSE REPORTS — from the Committee on Taxation — Bill, "An Act to Require State Level Assessment of Industrial Real Property with a Value in Excess of \$1,000,000. (H. P.

1329) (L. D. 1606) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass with Committee Amendment "A" (H-777)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Motion of Senator Wyman of Washington to Accept Majority Report On Motion of Mr. Speers of Kennebec, Retabled until Monday next.

The President laid before the Senate:  
Bill, "An Act Revising the Disqualification Periods for Persons who Voluntarily Quit Work or are Discharged for Misconduct." (H. P. 113) (L. D. 143)

Tabled — Earlier in the Day by Senator Jackson of Cumberland

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

Mr. JACKSON: Mr. President and Members of the Senate, I present Senate Amendment "A" (S-329) and move its adoption.

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

Senate Amendment "A" Read.  
The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I realize the lateness of the day, and I, as much as anybody else, would like to get out of here, but I would like to pose a question through the Chair to the good Senator from Cumberland, Senator Jackson, if he would briefly explain his Amendment.

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

Mr. JACKSON: Mr. President and Members of the Senate, this Amendment is quite a change from the original Bill. I am hoping that it will be a compromise which can be worked out, and that we can put something in the statutes that will tighten up the unemployment laws substantially, and I will not say substantially, but somewhat.

The Amendment reduces the requirement in the original Bill of eight times the rate of the weekly benefit to four, and four times the weekly benefit, and this is designed more or less after the Massachusetts law. This was enacted in Massachusetts two years ago.

It also provides for two exemptions in the Amendment and one of them is that if the person would be qualified, if this person had to leave work because of personal illness or illness in the immediate family, and the second one was that if they must quit work to join his or her spouse in another locality, a new place of residence.

I do think that it is a substantial step forward, and I do hope that the Senate accepts this today, and I am hoping that it will be enacted as part of this Bill by both Bodies and become law.

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

Sent down for concurrence.

The President laid before the Senate:  
RESOLVE, Authorizing and Directing the Commissioner of Marine Resources, the Commissioner of Inland Fisheries and Wildlife and the Atlantic Sa 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 — 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 present Senate

Amendment "A", (S-237), and move its adoption.

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

Senate Amendment "A" Read.  
The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, this is a matter of purely local concern, and somewhere else in the Legislature is a sponsor who felt that it would be good to have a fishway in the dam at the City of Augusta, and because of the fact that Augusta has one of the very few textile mills left in the state, and because employment is of basic concern to my constituents, this Amendment takes away any question of any doubt that this mill will not be required to construct or maintain a fishway.

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

Mr. SPEERS: Mr. President, I do not oppose the adoption of this Amendment, but I would quarrel slightly with one of the statements made by my good colleague from Kennebec, Senator Katz, when he states that this is a matter of purely local concern.

I do not believe that it is a matter of purely local concern, because the fishway all along the Kennebec, various fishways at the various dams obviously are going to open up the head waters of the Kennebec to a good many types of fish, not only anadromous fish, that might take advantage of it, and there has been considerable controversy in the past, and I see no evidence that it is fading at the present time, as to the question of whether there might be some more undesirable fish getting into the headwaters of the Kennebec, if fishways are constructed along the dams, and thereby destroying some of the fishing in the headwaters that exist at the present time.

So I think that this is a matter to be thought of at some point, and it is not simply a matter of local concern.

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

Sent down for concurrence.

The President laid before the Senate: Bill, "An Act to Increase the Exemption on Estates of Veterans." (H. P. 70) (L. D. 94)

Tabled — Earlier in the Day by Senator Conley of Cumberland

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: We had considerable discussion here yesterday on this whole matter of property tax exemptions for veterans, and whether they should or should not be, and if they should be how they should be funded, etc. etc. I think we have all pretty well firmed up our own opinions as to exactly what we should do in this area.

I am very concerned that the Bill in its present posture, will simply go to the Appropriations Table and die there, and we will all be able to go home and tell our veterans we did the best we could.

I understand from talking to some of the veterans' representatives in the area, and some of the other Legislators, that there is legislation that is going to be introduced, I believe in the next Session of the Legislature, to completely revamp this entire area, and I do agree that it is something we are going to have to come to grips with.

I have prepared an amendment that I hope the Senate will adopt this afternoon after I go through some parliamentary Motions here, and what my Amendment would do, what the ultimate result of the Bill would be after all of my

Motions, if they all succeed, would be that we would be continuing the property tax exemption on veterans, all veterans' property, at the level of \$4,000.00 of just value as enacted by the 107th Legislature. We would be increasing to \$5,000.00 in 1978, and \$6,000.00 in subsequent years for World War I veterans only, and that is what will be happening if the various Amendments and Motions are accepted by this Body.

Mr. President, I would move that the Senate reconsider its action whereby House Amendment "A" (H-747) was adopted.

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

Mr. MERRILL: Mr. President, just an inquiry through the Chair. Before we go through this process, is this Bill as it would be finally amended, if the Senator from Aroostook had his way, include any change in the reimbursement provisions that presently exist in the law?

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

Mr. CARPENTER: Mr. President, the answer to that question is no.

The PRESIDENT: Is it the pleasure of the Senate to suspend its rules? It is a vote.

Is it now the pleasure of the Senate to reconsider its action whereby Committee Amendment "A", as amended, was adopted? It is a vote.

Is it now the pleasure of the Senate to reconsider its action whereby it adopted House Amendment "A"? It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

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

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

Mr. CARPENTER: Mr. President, I now present Senate Amendment "B" to Committee Amendment "A" (S-331), and move its adoption.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now offers Senate Amendment "B" to Committee Amendment "A", and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" Read.

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

Mr. CONLEY: Mr. President and Members of the Senate: Senate Amendment "B" does correct the inequities, I believe, that previous Legislatures in allegedly giving some tax exemption to veterans, particularly those veterans who served in World War I, this Amendment addresses that, and it also does take care of the problems that the good Senator from Cumberland, Senator Hewes, and perhaps other members of this Body mentioned yesterday.

I concur very strongly with the remarks made by the Senator from Aroostook, Senator Carpenter, that this entire subject matter should be addressed, and should be studied, and I look upon this Amendment as being a very, I would say a tentative one to take care of the problem for the immediate future, but would hope that the Committee on Veterans and Retirement or the Committee on Taxation in the next Session, or the beginning of the next Session, would look into this whole thing.

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

Mr. MANGAN: Mr. President, a question through the Chair to anyone who could answer this. Apparently this Amendment would exclude those veterans after the first World War who have reached the age of 62. Is my understanding of that correct?

The PRESIDENT: The Senator from

Androscoggin, Senator Mangan, has posed a question through the Chair.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: It is my understanding, and I do beg to be proven wrong, that any veteran reaching the age of 62 who has presently been qualified to receive the \$4,000.00 exemption will continue, and the only thing this Amendment does is it boosts it to five and six in the next two years for World War I veterans only.

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

Mr. MANGAN: Mr. President and Members of the Senate: I am a bit concerned about this. The Amendment does not really go into, it says clearly, and I think I can read this, veterans who served in the Armed Forces of the United States during any Federally recognized war, period, during or before World War I, when they have reached the age of 62. Well, as I mentioned yesterday, I think the intent is to cover the Civil War veterans and the Spanish American War veterans, and now increase that to World War I veterans, all of whom are about 80 now, and I think that we may be excluding prior year veterans from my reading of this Amendment, Veterans who fought in World War II and have already received an exemption, those Vietnam War Veterans who are 62 or over, and I am not really sure if I am reading this correctly, I would like to have that clarified.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I believe that the portion of the law dealing with the \$4,000.00 exemption for all veterans is a different portion of law than the one I am enacting in this particular Amendment. This will be a separate portion dealing with World War I. We will not be touching the present law which does not distinguish between World War I and World War II, 65 year old Vietnam Veterans or anything else. It just says the age and the fact that they are a veteran. This is a new section or a different section of the law altogether.

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

Mr. KATZ: Mr. President, I am having a little difficulty in dealing with the equity of this approach. We are establishing three different classes of citizens, the ordinary citizen, the World War II Veteran, and the World War I Veteran. The World War II Veteran and the World War I Veteran may be just as destitute, and they could be exactly the same age, and I am confused as to the equity of saying one of you is going to get an extra exemption.

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

Mr. MANGAN: Mr. President and Members of the Senate: This strikes me as a great bill to pass. There is no appropriation on there. I doubt if there are too many veterans living in World War I who already have much in property anyway, in the first place, and I do not think it carries much of an appropriation, and, secondly, I still cannot see why somebody who is 62 or 72 or 75 who fought the Second World War might not be just as destitute as the World War I veteran who is 80 years old who does not own a piece of property.

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

Mr. HEWES: Mr. President and Members of the Senate, in response to the Senator's question, as I read this Senate Amendment sponsored by the Senator from Aroostook, Senator Carpenter, which is S-331, it adds a new section called C/1; There presently is in the statutes 36-MRSA, Section 653-1-c and that provides estates of just value of \$4,000.00 having a taxable situs in the place of residence of veterans who served

in the Armed Forces of the United States during any Federally recognized war period, including the Korean campaign, and the Vietnam war, when they shall have reached the age of 62 years, etc., and it goes on. So I submit that this Amendment sponsored by the Senator from Aroostook, Senator Carpenter, which provides for C/1 and D/2 adds something to this law and does not delete anything from the present statute.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I am not standing here before you this afternoon proposing or purporting that we are doing any wonderful thing for our veterans, and I want to make sure that that is on the record. I am not trying to pull the wool over any veterans' eyes that we are doing any great thing for them.

However, the Bill in its original posture and in its posture yesterday was a very nice Bill, as I mentioned before, but was very unrealistic, and was not going to pass, was not going to become law. As I said, I hope that we do something to get into this whole area in the very near future. I think we are going to have to. The Minority Floor Leader mentioned that we are going to have 45,000 or so veterans added to the rolls in the very near future, and I do agree with my good colleague, the Senator from Kennebec, Senator Katz, that there is a possibility that these people might be the same age and on the same income level. However, I think that if we are going to do anything this Session, we are going to have to do something very small, if we are going to be realistic about getting anything passed in this Session of the legislature. This is a token or a small help, if you will, to the people that probably are, and not necessarily, but probably our oldest veterans, and I would disagree, I would think there might be quite a few that still own property or are still trying to hold onto property, and I would hope that the Senate would pass this Bill as amended.

(Off Record Remarks)

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

Mr. McNALLY: Mr. President, I would like to ask a question through the Chair. I have heard so much about this \$4,000.00 one. Doesn't the law say that you only get a \$4,000.00 exemption if you have a 100 percent evaluation on your property, and is this new proposal written on the same idea that you do not get \$5,000.00 unless it is 100 percent evaluation.

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

Mr. CARPENTER: Mr. President, I request permission of the Senate to speak a fifth time.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, requests permission to address the Senate for a fifth time. The Chair hears no objection. The Senator may proceed.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, the Senator from Hancock, Senator McNally, is correct.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "B".

The Chair will order a Division.

Will all those Senators in favor of adopting Senate Amendment "B" to Committee Amendment "A", please rise in their places to be counted.

Will all those Senators opposed to adopting Senate Amendment "B" to Committee Amendment "A", please rise in their places to be counted.

13 Senators having voted in the affirmative, and 5 Senators in the negative, the Motion to adopt Senate Amendment "B" does prevail.

Committee Amendment "A" adopted, as amended, in non-concurrence.

The Bill, as amended, Passed to be Engrossed. Sent down for concurrence.

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 — Earlier in the Day by Senator Jackson of Cumberland

Pending — Adoption of Senate Amendment "A" (S-313) to Committee Amendment "A" (H-551)

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

Mr. JACKSON: Mr. President, I move the indefinite postponement of Senate Amendment "A" (S-313).

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves that the Senate indefinitely postpone Senate Amendment "A" to Committee Amendment "A" Is it the pleasure of the Senate? It is a vote.

Mr. JACKSON: Mr. President, I present Senate Amendment "B" (S-334) to Committee Amendment "A" and would like to speak to my Motion.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now offers Senate Amendment "B" to Committee Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. JACKSON: Mr. President and Members of the Senate, this little piece of Legislation has turned into being major policy change among some of the Members of the Legislature. As it has been in the past, a few municipalities in this State which exclude mobile homes from being free standing units, they require them to be only in mobile home courts. This seems to me to be a discriminatory practice, and this is a result of this piece of Legislation. It had a public hearing and Local and County Government Committee.

We worked diligently on that thing, I believe, on three work sessions, trying to come up with something that would please the municipalities, and also assist with the mobile home manufacturers of this State, and the mobile home dealers in this State, and I thought we had a piece of Legislation that was worked out and suitable to everybody. Well, we found out that after it had its two readings in this Body and finally enacted in the other one, that it came back here and we had a few problems with it.

I have prepared three different Amendments for this Bill, and I finally hope that I have one which will be acceptable here. You know, ladies and Gentlemen, there are five mobile home manufacturing plants in this State, and there are over 50 dealerships in this State. They contribute an enormous amount of money to the State's economy. They provide between 60 and 80 percent of the single family units, dwellings. I sort of think that these municipalities which have been placing these and requiring that there be only mobile homes have been too restrictive, and I also feel that even though I do appreciate the feeling of other Members of the Legislature and the general policy change changing from the general policy where the municipality does not have 100 percent of the say, that the State is adopting a mini-regulation where these communities can exclude them from certain parcels but not all parcels of the municipalities, and, you know, as time progresses, in the State and with the tax picture that we have all been discussing throughout the Session, there are many elderly people that need places to live. They have to get rid of their dwellings they presently own. They may be too large. They may not be able to afford the taxes on them. They may have the opportunity to buy a piece of property which has sewage and water on it for \$3,000.00 or \$4,000.00 on it, and they might also have enough money after they sell their

place to buy a unit which cost between \$14,000.00 and \$22,000.00, which is economical to maintain to heat, and might put a little in their nest egg for them, but you cannot blame these people for not trying to purchase these and utilize these homes when you restrict them from mobile home parks, and I would think that it would be a good idea to remove this discretionary practice, and I would hope that the Senate would adopt this Amendment and send it on its way.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: In the explanation we just received from Senator Jackson of Cumberland, am I to understand that this will now supersede any of our municipal ordinances and possibly change the zoning that we actually have in our community.

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

Mr. JACKSON: Mr. President, the Senator from Androscoggin is correct in his assumption. There is, I believe, a section of the original Amendment, I did think that we provided for lead time to allow municipalities to make these changes.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I believe many of the municipalities in the State of Maine have made these adjustments. I cannot say this with the smaller municipalities, but I feel this is a very, very dangerous area with which we are moving in at the present time. I think more consideration should be given to this, and as far as I am concerned, I move the indefinite postponement of this Amendment.

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

Mr. MORRELL: Mr. President and Members of the Senate: I do not feel violently about this, but I guess I do share somewhat of the qualms that the Senator from Androscoggin, Senator Minkowsky, has. This is in effect a form of municipal zoning from the State level, and if we feel in most instances wherever possible except as might pertain to health and safety of the public generally, that we ought to leave zoning at the local level. We have not, of course, done this in the area of shoreland zoning, on the philosophy that waterways of the State, both sea and inland, belong in effect, to the entire State community. But I just wonder if moving in this area on this kind of an item, and this is not a problem in my own community, they are permitted in certain areas, so I am not speaking from a parochial interest, but I think that we ought to give some pause here to whether or not we want to involve the State in matters of this sort, purely local, at this time, and I guess I have to have some qualms about it.

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

Mr. SPEERS: Mr. President, as I understand the Bill without any Amendment, it prohibits a municipality from making some zoning ordinances in zoning in particular areas. Now, perhaps I am misreading the particular bill without the Amendment, but that was the concern that gave rise to the Amendment in the first place.

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

Mr. CONLEY: Mr. President and Members of the Senate: I share the same concerns as the good Senator from Androscoggin, Senator Minkowsky, dealing with this particular measure. Now in the large communities we do have Zoning Boards, and we do have Zoning Boards of Appeals. In my particular community, I know that this was at least, until a

short time ago, a case pending before the Cumberland County Superior Court whereby a case was taken to Court, and the Court rejected it and sent it back to the Board of Appeals.

Now I would assume that this legislation is in here to in one sense address itself to that problem, but I always wonder in my own mind, why we continue to pass legislation such as home rule, or why we set up Zoning Boards of Appeal, or why we set up Zoning Boards and then to allow someone to come in with a statute which clearly contradicts anything that has been done on the local level, and then starts to mandate from on high in Augusta as to how you are going to set up your community once that has already been addressed, and I have very serious problems with this Bill myself, and although I do not want to make the motion to indefinitely postpone it, because I know there is a sincere attempt to try to address the problem here. I do find in my community it is a very very difficult one. Personally, I cannot even think of where there is enough land available to set aside for the purpose of mobile homes, but this mandates in a sense that if somebody purchased the land, that there would be no way in the world that we could stop them from putting it there, that the Zoning Board of Appeals or the Planning Board itself may just as well do away with itself because there is no policy making, there is no authority for them left in that area.

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

Mr. JACKSON: Mr. President, the comments by the good Senator from Androscoggin are well taken, I can understand his problem. I can also understand the good Senator from Cumberland, Senator Conley's problem, but this way here probably is the most economical way to accomplish something. What I am saying is 1973 the town of Windham versus LaPointe, the Supreme Court ruling was that a municipality cannot exclude mobile homes, and it cannot require that they be in mobile home parks. Now we could go down through every municipality and have this tested. It is an expensive procedure.

I just think this is the way to go, and we may be mandating, as the good Senator from Cumberland, Senator Morrell, stated, zoning from Augusta, but we have done this in other areas, and I do not see that this is going to cause any problem in this area.

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

Mr. MANGAN: Mr. President and Members of the Senate, if we look at the first line of this Amendment, "No municipality shall exclude by police power," which is your implied powers of the municipality, and the constitution says that anything that is not denied the municipality shall be allowed, "by police power or zoning any mobile home from the municipality that are or when these homes that are to be fixed to the reality." In other words, what you do is you pick the nicest part of town, where they have the \$35,000.00-\$45,000.00 homes — \$60-\$70-\$80,000.00 homes, and you find a vacant lot that you can purchase, and find a 25 year old mobile home and want to plunk it down there, they cannot deny you, either by implication or by zoning law. I can see what the value of the real estate in the area, what is going to happen to it.

Now a municipality may exclude mobile homes or require them only to be located only in parks in some but not all parts of municipalities. This, I assume, is those mobile homes that are on wheels, and are not affixed to the land in some way, shape, form or manner. These would have to be trailer park areas.

Now I think that you have some very inconsistent limitations on municipalities. I think you have some very confusing Legislation here. I feel that it is a pure, sweet violation of the municipal home rule rights as guaranteed by

the constitution, and I would have to support the Honorable Senator from Androscoggin, Senator Minkowsky, in indefinitely postponing this, and I would urge all Members of the Senate to do so.

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

Mr. JACKSON: Mr. President, I request permission to speak a fourth time.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, requests permission to address the Senate for a fourth time. The Chair hears no objection. The Senator may proceed.

Mr. JACKSON: Mr. President, in reflecting on what the good Senator from Androscoggin just stated that the possibility of moving a 25 year old mobile home into a area where you are selling houses for \$85,000.00, I think that economics are going to tell you that that is not going to happen very often.

What I might say, too, is that if these municipalities have adopted zonings, I am sure that they have probably got a building code also, and they also require a certain amount of floor space, and I would assume that a mobile home 25 years old would not quite meet that standard.

One thing I think that we should remember Gentlemen when we are discussing this we will start talking about \$25-\$35,000.00 homes, stick built homes versus your mobile home, you know a mobile home that cost about \$22,000.00 is fully equipped. It has its furniture and all the things that are needed. That mobile home also has approximately a thousand square feet of floor space, and I am sure we have some builders in here and I could stand corrected, but I would be willing to bet you that most of the FHA homes in the State do not have a thousand square feet of floor space. Another thing is that mobile homes are recognized by the Federal Housing Authority. They are authorized. The VA authorizes them, HUD, and in some case FMH also. Many of the banks go into a 20 year mortgage on these units. In the past, it has been the prerogative of the banks from 7 years to 10 years with the quality of the mobile homes since 1976 when the Federal standards were enacted. These people have to manufacture, these plants have to manufacture these units, have very rigid standards, and I would be willing to bet you that the standards are more rigid than on stick built homes, because of the transportation on these homes are 1,000 to 1,200 mile and stresses put on these units is substantial. Again I am sure that the individuals can take it to Court and they can probably beat it. I understand in the case of Portland, it was brought up in the testimony at the hearing, was the reason that they sent it back was that they had not exercised all of these options prior to going to the Courts with it, and I am sure that you will probably see it back in court.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, the City of Lewiston has got a very, very stringent building code, an excellent Zoning Board, but limited land area, and this is one reason why we have zoned ourselves the way we have, and I find that if this particular Bill was enacted into law, we would find ourselves in a very precarious bind insofar as the exclusions we have made over the years by not permitting mobile homes to be moved into residential areas, either class one or class two.

It may be advisable for the good Senator from Oxford to analyze this thing a little more closely, and take into consideration the areas in State of Maine that are properly zoned and direct his Amendment to the areas of the State of Maine that do not have any zoning laws at all, but under the present situation to mandate all the

communities in the State of Maine who have spent a great deal of time, effort and money in setting up the proper code to protect the interest of our citizen, I think this particular amendment or Bill does not address that particular situation at all.

I still, Mr. President, would move for the indefinite postponement of this particular Amendment, not the entire bill itself, to give the Senator from Oxford, a chance an opportunity to redraft another Amendment and maybe take into consideration the feelings that I have outlined insofar as the large municipalities are concerned here in the State of Maine.

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

Mr. LEVINE: Mr. President and Members of the Senate: I commiserate very much with the Senator from Cumberland, Senator Jackson. I understand his problem, and I understand some of the problems of the mobile home manufacturers in the State. I agree that these units are very well constructed, very rigid codes, that they do a fine job of manufacturing, and that a great many of the people can afford these units whereas they cannot afford a stick built home.

However, the true problem I foresee here just is not in this Bill. I am afraid that if we should pass this Amendment, we will be setting a very dangerous precedent, and as one who has spoken many times in favor of local control with local responsibility, I rise today to speak again, and I would go along with the motion of the Senator from Androscoggin, Senator Minkowsky, to indefinitely postpone this Senate Amendment.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to sort of draw a comparison as to what this bill does or what this Amendment does. Coming from a community that does have, as I say, a Planning Board and a Zoning Board of Appeals, and how many times in the numbers of years that I have been here in Augusta in Legislative Sessions and I just think that the capitol city, here, to drive out Western Avenue and see what a disgrace it is because of the fact that the City of Augusta has no Zoning Board, and it has no zoning laws, no zoning ordinances, and I am sure that just about everyone that has served in the Legislature at least the thought has penetrated his mind at least on one occasion that it would be nice if we here in Augusta might set the standards for the City of Augusta as to what zoning ordinance should do or should be in their communities just, because the fact that this is the State capitol; secondly, that certainly a lot of money comes from the fact of the capitol being here and everything, an awful lot of money is poured into the economy within this community; but on the other hand, we are wise enough to know to allow local community local control, and I think that this Amendment that the good Senator from Cumberland, Senator Jackson, his Amendment address just the opposite. That is mandating down the communities exactly what they must do, and what they must have relative to trailers or to mobile homes.

The other thing is that in a community such as mine where we have roughly 22 schools, and I am not sure exactly the availability or the acreage of land that is available right now. I know we have certain land tracts set out for industrial parks, but just say that some person owned the property, decided that it would be a good place to establish a trailer park for mobile homes, and we have the closest a school, nearest elementary school to take care of the children has over-crowded conditions. We have over-crowded conditions now in many of our areas dealing with school children whereby there is a shift almost any time of the year, and

I know that the good Senator from Sagadahoc, Senator Chapman, would like to listen in to what is going on in Portland tonight, generally tunes in on some of these meetings to hear the problems that are there. But what happens, or would happen in the event this Amendment was adopted, and all of a sudden we found ourselves with 50 or 60 or whatever the number of the trailers may be or mobile homes, and we all of a sudden find ourselves with an influx in the number of school children that we cannot cope with. It just again brings on further problems that we are not able to deal with, and I do not think anybody, whether it is the City of Portland, or Bangor, or Augusta or Plantation Five likes to see the Legislature dictating and mandating back there what they feel they have the right answers to.

So that would be the only reason that I am supporting the motion of my colleague from Androscoggin, Senator Minkowsky, and I would hope that this Amendment would be indefinitely postponed.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Androscoggin, Senator Minkowsky, that Senate Amendment "B" be indefinitely postponed.

The Chair will order a Division.

On Motion of Mr. Jackson of Cumberland, Tabled for One Legislative Day, Pending the Motion of the Senator from Androscoggin, Senator Minkowsky, that the Senate indefinitely postpone Senate Amendment "B".

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

Mr. MERRILL: Mr. President and Members of the Senate, we have all received on our desks today a communication from the Chief Executive of the State in which he restates his desire to fully cooperate with this Legislature, and which he asks that his right to disagree with us on questions or actions be respected, and I certainly thank him for his cooperation and his statement that he will continue to cooperate, and welcome his rightful activity in questioning what we are doing, and seeing that he put the question to us in regards to a very tentative action on the part of the Appropriations Committee, which I hope everyone here will recognize as simply that, and as a person on the Appropriation Committee who seconded the Motion which the action of which he objected to, I would just like to very briefly answer his questions on behalf of myself, at least, that he poses in this letter.

Now the letter really raises one objection to the work of the Appropriations Committee on the Part II budget, and the objection is to the fact that at least tentatively we have voted for a \$10.00 across the board pay increase for people who work for the State, and he raises several questions and I would like to respond briefly point by point.

The first question he asks is will this action make collective bargaining, which, of course, we face next year, meaningless. It seems to me that the answer to that is clearly in the negative, that we were faced in the legislature and really the question is, when we approach collective bargaining, should that somehow change our obligations to pay our State employees as much as we can toward a living wage and towards fair pay, or should we somehow let the fact that collective bargaining was approaching change what we would have otherwise done and I think tentatively that we have decided that we would not act any differently because collective bargaining was approaching, and for that reason we gave what really is a minimal cost of pay increase.

Points two and three are exactly the same question as one restated.

The fourth question, it seems to me, is as to



whether or not in the future the taxpayers will be hit with two Bills, one worked out in collective bargaining and one that the Legislature grant. The answer to that seems to me to be obvious, that this sets no precedent as to what the Legislature will do when we have collective bargaining, and he seems to restate the same questions over and over again as to the effect of this on collective bargaining, and, as I said, I think it has practically none.

But there is one statement that he makes in the letter that has really prompted me to respond to it the most, and he asks in his seventh point of the letter as to whether or not our action, or our tentative action, if we follow through on it, will make true collective bargaining meaningless, and would we not be reverting to "a welfare system" at a time when there is still over staffing and too many State employees. First of all, I think anyone who reviews the pay that we pay to our State employees at the present time, which starts at a \$100.00 a week, would have to say that on the basis of what we pay our people it is not a welfare system. Secondly, let me say that the Appropriations Committee under the Chairmanship of the Senator from Cumberland, Senator Huber, has made significant cuts in some areas in the amount of people that are employed, particularly at the administrative level of many of these Departments, and it was those cuts that made it possible for us to come in with a Part I budget, \$1 million below the budget of the Chief Executive.

Let me also say, so that no one in the State may be confused, that the Part II budget recommendations which we are now considering includes recommendations of the Chief Executive of the State to add many employees to State government. I am not faulting the Governor because he is making these recommendations, but let no one misunderstand, since he has become Governor and in the present budget, there are increases to the number of employees in certain Departments. I assume because there has been an honest recognition on the part of the Governor that it takes extra people to provide these services. But that being the case, I think that he should be more complete when he suggests that somewhere, somehow there are too many State employees, and that somehow the Legislature is locking that into place. In fact, we have in many instances gone farther than he to recognize that reality, and I know of no instance where the Governor has brought the problem to us that there are too many employees doing the job that we have not given that very careful consideration.

Let me suggest finally that there is no connection in my mind between the question of how many employees are doing the job, and what they deserved to be paid. If there are too many employees doing a particular job, let them come to us and tell us, and I can assure the Members of the Legislature on my part and for making a judgment watching the others work, that he will receive a friendly ear. But the question that we were faced with in deciding whether or not to tentatively grant the money for pay increase was a different question, and that question was given the people we have working for us, what can we do for them that is fair and equitable and provides as much compensation as they deserve, or as close to that as we can afford to do. Certainly I think that most people would see \$10.00 as a relatively minimal effort, looking at the inflation we face.

Let me make one final point, because I think that the Governor has one fairly good question. He asks whether or not by granting a flat across the board pay increase, we did not do some injustice to the graduated steps between the pay increase, and to a very small extent, of course, that is true, and I suppose if we had unlimited funds, we would have done a percentage pay increase maybe with some top dollar ceiling. But

faced with the limited amount of money we had and the realities of the Hay plant increase, which was that many of the people at the higher end did get much bigger increases than the people at the lower end, we took the approach that we took, and so I would concede that the Governor raises a point there, but with the amount of money we are talking about, I think that it is a small one, and should not be a major consideration.

I hope that this will not be seen by the Governor or by anyone else as a confrontation, but simply a recognition of what I think our obligation to respond, you, the Members of the Legislature, to the questions of the Governor, which I am sure in a very sincere fashion.

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

Mr. FARLEY: Mr. President, in reference to Bill, "An Act to Increase the Exemption on Estates of Veterans." (H. P. 70) (L. D. 94) under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was passed to be engrossed.

The PRESIDENT: The Senator from York, Senator Farley, now moves that the Senate reconsider its action whereby L. D. 94 was passed to be engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

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

The PRESIDENT: The Senator from York, Senator Farley, now moves that the Senate reconsider its action whereby it adopted Committee Amendment "A".

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, I would ask for a Division.

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

On Motion of Mr. Speers of Kennebec, Tabled one Legislative Day, pending the Motion of the Senator from York, Senator Farley, that the Senate reconsider its action whereby it adopted Committee Amendment "A".

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

Mr. PRAY: Mr. President, in reference to An Act to Establish a Licensing Fee for Bow and Arrow Hunting in Combination with a Fishing License. (H. P. 1031) (L. D. 1278) I now move that this Bill be removed from the Table and that this Bill be enacted.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate take from the Table L. D. 1278. Is it the pleasure of the Senate? It is a vote.

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: Bill, "An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas." (H. P. 1385) (L. D. 1573)

Tabled — Earlier in the Day by Senator Minkowsky of Androscoggin

Pending — Adoption of House Amendment "B" (H-781)

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

Mr. O'LEARY: Mr. President, I present Senate Amendment "A" to House Amendment "B" (S-328), and move its adoption.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now offers Senate Amendment "A" to House Amendment "B" and moves it adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "A".

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, I move that Senate Amendment "A" (S-328) be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves the indefinite postponement of Senate Amendment "A".

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

Mr. O'LEARY: Mr. President, House Amendment "B" is not a piece of Legislation that was designed by the Committee on Natural Resources and was not prepared by them, and there was no input from me or other Members of the Committee. However, I will accept it, because I do not believe that I have the strength in this Senate to kill this Amendment, although I find it reprehensible. I think that it goes against everything that I believe that is right in the Declaration of Rights under the Constitution of the State of Maine, where we have the right to own and possess property, and the pursuing and obtaining of safety and happiness.

I think the people who submitted this Amendment are people who do not either know, understand or care what they will do to the segment of our population, and I would submit to you that it is very restrictive, and I have prepared an Amendment that does three things, — One is the sale of lots for seasonal dwellings. In the future the sale of any lot that a dwelling is supposed to be constructed on that is within the shoreland zoning will first of all have to have a soils analysis, and be found suitable for construction, and this is a consumer protection, because I can cite you the examples, the proponents of this House Amendment "B" and the reasoning given. One reason for it was a woman down in another State purchased for the price of \$5,000.00 a piece of land at Crooked River with a water surface four inches below the surface, and, therefore, unable to put her trailer on it. So this Section 5 of my proposed Amendment will assure the consumer that they will not be purchasing property and putting a seasonal or regular home on it in the flood plains or shoreland zoning.

Under Section 6 of my Amendment, it provides further consumer protection in the fact that a home can only be used as a seasonal dwelling because the soils will not accept anything other than a limited amount of sewage, then that is all they can advertise for, and if it is suitable for year-round use, then it will be so advertised.

But Section 7 of my Amendment does another thing. It grandfathers each and every home, seasonal home or whatever you want to call it at the present time.

Now I chaired the Committee the day this Bill was heard. Our Senate Chairman and our House Chairman both were absent, so I had to chair the Committee, and I can tell you now that the good Senator from Penobscot, Senator Trotzky, if he will listen good to his tapes, he would have heard as well as I that there are other things being done.

However, I would call the Senate's attention to a Bill that was passed earlier. It is now Public Law 293, and I was in a Minority of one Ought Not to Pass on this piece of Legislation. This had to do with domestic sewage systems that were not functioning as they were supposed to, and if you will recall under the present law, if there was a mal-functioning system, the towns could go in and repair that system and bill that person in their tax bill. It was a one payment thing. However, what this Bill did was to allow the towns to pay the cost of doing it, and the person would pay the town back over for the period of ten years, an the reason given for the passage of this Bill, was that the Local

Plumbing Inspectors were hesitant to go into these places and make these people repair these mal-functioning sewage systems because it would place a severe burden on the people. Now, this was brought out in the Committee that this is presently in the law and the municipalities have this right, and they can do this.

However, there was another bill that went through here just not too long ago, and it was sponsored by the good Senator from Penobscot, Senator Troitzky, and I would like to bring it to his attention, and it was an Act to Revise the Water Quality Program. Now this is a pretty comprehensive program, and we have six or seven pages to this document, and it up-grades all the drinking waters in the State of Maine. Now your water quality under the Section 363 of Title 38, and this is in 1967, and it had not been changed until just this year. The water quality in all of your lakes, and I am talking now about Sebago or Harrison, Long Pond, and the rest of them, you have upgraded the waters in these areas by 80 percent. You have upgraded your waters by 80 percent, upgraded your waters in all your streams. You name the County. They are in here. You name your lakes. They are in here. They have all been upgraded. So, there was other testimony that came before our Committee. Now when we are not talking about the 80 percent. We are talking about the coliform bacteria for 100 millimeters.

There were three proponents of this piece of legislation, and one of them was Mr. Wheaton of the Congress of Lakes Association. His statement was that these people who are affluent enough to own shoreland property can be responsible enough to maintain good septic systems. However, he is concerned, and that concern was that they knew that the municipalities had the powers to do it, but they wanted the municipalities to do even more than what was required by law, and in my mind, I did not think that this was right. However, there were a number of opponents, and you heard here yesterday, that one of them was a proponent, and I will tell you right now, he was an opponent, his name was Don Hoxie, who is with Water Quality. There was a Roger Timmons, Licensed Plumbing Inspector from Windham, and this was the area that was really concerned. He was opposed to it, and Arthur McDermott, Soil Evaluator in Windham, and a Member of the Planning Board in Windham, he was opposed to it. In his statement he said, "this is like overkill, a sledgehammer to kill a fly."

Now there are other statements that I think should be put in here, and this is from a Richard Rod, who presented his testimony to the Committee, and I would like to read a few sections of it to you. It says "In many instances, the only way to determine whether an existing system complies with the Plumbing Code is to dig it up. In addition to the expenses of doing this, in ensuing mess may create more of a problem than if the system had remained unmolested." Now you want to think about this when you are thinking about digging it up, if someone wants to convert into a permanent home instead of just having it seasonal.

Something else that always amazes me is the good Senator from Penobscot, Senator Troitzky, being the Chairman on Energy, and this is in the statement by the Planning Commission, "This Bill may discourage people from insulating their homes. This is not a responsible action in an age of energy shortages," and it goes on "instead of amending the mandatory shoreland and zoning act, it may be more workable to amend a plumbing code and enabling legislation to require the Department of Human Services to address the issue of converting seasonal-to-year-round dwellings with specific regulations in the code." Then he goes on to ask how you can determine whether a person has a right to

put insulation in this one room and not in the other two or three rooms, whether he just by putting a furnace in, has he really converted it into a year-round residence? If he has put in a water system, has he really made it a year-round residence? These are all things that must be taken into consideration, and they are not addressing House Amendment "B", and consideration should be given to having the determination made at the local level, and this is by your State Planning Board. These are your responsible people, people you are paying, when a conversion from a seasonal to a year-round use has occurred. This determination made by one of the following groups, the assessors, the Planning Board, the Selectmen, the Board of Appeals or the Local Plumbing Inspector. Once that determination is made, the property owner should be informed of this in writing, and there should be a specific time period in which either an inspection of and/or charges to the system must be made. If such a procedure is established, there should also be a procedure for repealing the determination of whether a conversion has occurred and for waiving and modifying the inspection or replacement requirements where extenuating circumstances exist. If an appeal procedure is established at the local level, the Board of Appeals would be the logical entity to hear these appeals, so the Board of Appeals should probably not be the entity making the initial determination of when a conversion has occurred. Rather than specify the converted dwelling unit must meet the requirements of the Plumbing Code, it makes more sense to have a limited inspection.

Mr. President, I think that what I have done with my Amendment is to add more consumer protection to this. I have grandfathered those that are already in existence, and the fact that over the past ten years, we have up-graded the waters 80 percent, and the Department of Environmental Protection, the Department of Human Services, Water Quality and such have done a wonderful job. I do not see any reason for not adopting this Amendment. Thank you.

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

Mr. DANTON: Mr. President, I move that this Bill and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Chair will reluctantly advise the Senator that his Motion is out of order, since there is a pending indefinite postponement on an Amendment.

The Chair recognizes the Senator from Penobscot, Senator Troitzky.

Mr. TROTZKY: Mr. President and Members of the Senate: I feel I have to answer many of the questions put forth by the Senator from Oxford, Senator O'Leary.

First of all, I was not present at the hearing, but at all hearings that I am not present at, they are completely tape recorded, and then I listen to the tapes and have all the notes from the hearing here. So I do have the knowledge of this Bill, of everyone who attended that hearing.

Secondly, Senator O'Leary referred to a previous Bill that was passed. It was enacted by this Legislature which talks about revising water quality standards in the State, and all that Bill did basically was it just classified the waters as they are today. In other words, if a water was classified C years ago, and it is B today, it classified it as B, and, consequently, all that Bill does is prevent the degradation of the waters of the State.

Now I would like to refer to the Amendment that Senator O'Leary presented here, S-328. The first section of it number 5, states that you cannot sell a lot in a shoreland zoning area unless there is a site evaluation done, and all that does is prevents a person from selling a lot in which someone wants to build a camp on it, and have a outhouse on it. So I cannot see any sense in a section like that.

Secondly, Section 6 says that if you are advertising a dwelling for sale in the shoreland zoning areas of the State, you have to state that the sewage system complies with the standards of the Maine Plumbing Code. One of the problems is, as with many of the older camps in the State, is unknown to the owner and to the broker whether that septic system meets the standards of State Plumbing Codes. So what the Senator is stating here in his Amendment, he is stating that before that camp lot has to be sold, the person has to go in and dig up the entire septic system. So I do not think that the Senate should adopt that concept.

Then Section 7 grandfathers every seasonal dwelling constructed prior to July 1, 1977, which grandfathers every camp on every lake in the State of Maine.

So I would move that the Senate would indefinitely postpone this Amendment.

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

Mr. DANTON: Mr. President, I move that this item be tabled for One Legislative Day.

The PRESIDENT: The Senator from York, Senator Danton, now moves that this item be tabled for One Legislative Day, pending the Motion of the Senator from Penobscot, Senator Troitzky, to indefinitely postpone Senate Amendment "A". Is it the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Troitzky.

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of tabling this item for One Legislative Day, please rise in their places to be counted.

Will all those Senators opposed to the motion to Table this item for One Legislative Day, please rise in their places to be counted.

5 Senators having voted in the affirmative, and 14 Senators in the negative, the motion to table does not prevail.

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

Mr. O'LEARY: Mr. President, I do not intend to deceive anyone or lie to anyone. There is only one way you know what the water quality is, and you test it, and when these water quality standards were set up in 1967, that was the test that was on the water. In 1977, 80 percent improvement is the result of test, and that is the water qualification as of this date. It is 80 percent better already.

The plumbing inspections in the towns are doing their jobs. What a certain few people are saying is that your licensed plumbing inspections are not doing. Now the plumbing inspector of the Town of Winthrop is an expert in this field, and he says that 90 percent of pollution right now is phosphorus sources that pollute and they come from the gray water, not the septic system, and that the rest of the Departments are beginning to notice the same thing now. It is not the septic system that is doing the polluting. Only two to three percent of the polluting being done right now is from the septic system. So I think that the Senator is trying to mislead you there.

Now on this buying of lots or selling of lots. — Tue, they will not be able to sell a lot in the shoreland zoning area without first doing a soil test. So if anyone wants to buy that lot, and put an outhouse on it, like the good Senator says that is one thing, but they will know that they can never, never put in a septic system. It will not meet the requirements.

Now then, lets get it to the point of selling seasonal homes. A seasonal home, if you know for a fact that it has a septic system, fine. You advertise it as just that, as a seasonal home. You will not advertise it as a home that will be for year round use. If it is already converted to

year-round use and you know that the septic system will take it, then you can sell it and advertise it as such; otherwise, if you want to sell it as a home that can be converted, then you will have to do a soil analysis, so the person buying that piece of property will know and understand that it is just a seasonal home.

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

Mr. MERRILL: Mr. President and Members of the Senate, I am not particularly anxious to get in this Bill in order to make any friends, but I do think that this is a subject matter that involves a fairly technical area. It is trying to correct what is in my opinion a real problem and something that is becoming a greater problem. I am not sure that Legislation can be written that will satisfy everyone, or that will be fair to everyone, but I think that it is an area that probably deserves more light than heat.

Let me say, first of all, that in trying to deal with something that is complicated we often times work in cross purposes of what we want to do. It is my opinion that the Amendment offered by the Senator from Oxford, Senator O'Leary, falls into that problem. The Amendment does state that the lot, in order to be sold, a lot on which a dwelling place may be built, has to be able to pass inspection. The problem with that approach is that many lots are not even large enough. Many lots on the water are not large enough to be able to pass inspection, because there is not enough depth for a set back.

So the effect of passing the Bill as amended by this Amendment would be to tell a lot of people that they cannot sell their lots if they have not built a camp on it forever. This is a restraint of sale that I do not think is desirable, even if it is constitutional.

I think that a far better approach, if we have to choose between the two as they are exactly written, is the approach that is taken in the House Amendment, and I mean far better from the standpoint of freedom of people to do with their land what they want to up to the point that it hurts other people. So from that standpoint alone, without taking into consideration any of the arguments in favor of cleaning up our waters, if we are going to pass the Bill, the House Amendment in its present form or as amended, from that standpoint alone we should indefinitely postpone this Amendment in my opinion.

Now if we deal with the House Amendment in its present form, I think that it is a fairly well written Amendment, given the fact that we are trying to deal with a very difficult area where people have done these things in the past, all these people in the situation, and we are trying to do something that will give us a good sound step in the right direction, without being too restrictive, and there is one question left in my mind that is posed by the House Amendment, should we get to it, and it is a question that I think should be posed in the Senate's mind if we can get to it concerning the House Amendment, which is when a person converts his summer dwellings so that it may be used for a year-round dwelling, but he had no intention to use it on a year-round contiguous basis, maybe he just wants to spend a week there during hunting season, should that person at that time have to go through the procedures that are involved here? Now, the procedures allow for variance, and it would be possible under the wording of this Bill for him to get a variance on the basis of the fact that he was not going to use it year-round. But we may want to make some change in that. I hope that an Amendment would be offered to pose that question before the Senate. But it seems to me that as we get emotional about property rights as they are certainly something that one could get emotional about, we should take a look at the wording of the Amendment, and this Amendment would make

a great many of the lots that are on our lakes, particularly the ones set aside a long time ago, unsaleable for any purpose, including somebody that just wanted to put a tent on it, or I suppose somebody just wanted to use it as a site to go and maybe to keep his boat anchored, and that to me does not further the philosophical desires of the Senator from Oxford, Senator O'Leary, and I recognize that that is not his intent, but it is a very difficult area to legislate.

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

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

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that this item be tabled for One Legislative Day pending the Motion of the Senator from Penobscot, Senator Trotzky, to indefinitely postpone Senate Amendment "A".

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Table this for One Legislative Day pending the Motion of the Senator from Penobscot, please rise in their places to be counted.

Will all those Senators opposed to the motion to Table for One Legislative Day pending the motion of the Senator from Penobscot, please rise in their places to be counted.

18 Senators having voted in the affirmative, and 3 Senators in the negative, the motion to table does prevail.

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

Mr. SPEERS: Mr. President, I move that the Senate remove from the Table Bill, "An Act Relating to Judicial Review of Public Utilities Commission Decisions." (L. D. 290)

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the table L. D. 290. Is it the pleasure of the Senate? It is a vote.

On motion of Mr. Curtis of Penobscot, The Senate voted to Recede and Concur.

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

Mr. COLLINS: Mr. President, in reference to Bill, "An Act to Provide Legislative Oversight of Appropriated Fund Transfers" (L. D. 1618) I now move that we reconsider our action whereby we enacted this Bill.

The PRESIDENT: The Senator from Aroostook, Senator Collins, now moves that the Senate reconsider its action whereby it enacted L. D. 1618. Is it the pleasure of the Senate? It is a vote.

On motion of Mr. Collins of Aroostook, Tabled for One Legislative Day, pending Enactment.

(Off Record Remarks)

On motion of Mr. Huber of Cumberland, Adjourned until June 27 at 10:00.