

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**

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AUGUSTA, MAINE

SENATE

Monday, June 27, 1977

Senate called to Order by the President.

Prayer by the Honorable Ronald E. Usher of Westbrook.

Mr. USHER: O Lord, help the Senate to have extra patience as we near the final days of this Session. Guide us through each day with your blessing to enable my colleagues and myself to pass laws helping the people of Maine. Thank you.

Reading of the Journal of yesterday.

(Off Record Remarks)

On Motion of Mr. Speers of Kennebec,
Recessed to Sound of the Bell.

(Recess)

After Recess

Senate called to order by the President.

Papers from the House

Non-concurrent Matter

An Act Relating to Campaign Reports and Finances. (H. P. 1739) (L. D. 1888)

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

In the Senate June 22, 1977 Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-305) in non-concurrence.

Comes from the House, that Body having Adhered.

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

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

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate recede and concur with the House.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate, I am truly disappointed to see this matter return to this Body in the present form in which we find it at the present time.

The Senate several days ago placed a Senate Amendment on this Bill, which was a direct attempt by this Body to apply finance limitations in political campaign evenly across the board, and you will recall that the Amendment which the Senate put on this Bill would limit financial contributions from particular groups to \$1,000.00, just as contributions from individuals are now limited to \$1,000.00. I think there has been the misconception or misportrayal with regard to the purposes of this Amendment in that some are saying that this was an anti-labor Amendment in an attempt to limit the influence of Labor Unions with regard to contributions to political campaign, but I think that it was correctly pointed out in this Body that this Amendment does not apply solely to Labor Unions. This is not an issue of Labor versus big business. The Amendment would apply to all groups, all committees, formed for the purpose of making financial contributions to campaigns. That would include big business as well as Labor. It would include professional groups as well as big business as well as labor. So it is not to be considered an Amendment strictly applied to one particular interest group or another.

This Amendment applies to all interest groups, and the purpose of it was to limit these interest groups' financial contributions to political campaigns, just as we now limit contributions of individuals to political campaigns, and I am very sorry to see it return to this Body in the present form, because we have no choice at this time but to recede and concur if we wish to salvage the rest of the bill. But I am deeply disappointed to see that the financial contribution political campaign reform applies only to individuals and not to specific interest groups as well.

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

Mr. O'LEARY: Mr. President, I move that we adhere.

The PRESIDENT: The pending question before the Senate is the question by the Senator from Kennebec, Senator Katz, that the Senate Recede and Concur.

The Chair will order a Division.

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

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

23 Senators having voted in the affirmative, and 5 Senators in the negative, the Motion to recede and concur does prevail.

Non-concurrent Matter

Bill, An Act to Assist Municipalities in the Acquisition of Land or Interests in Land. (H. P. 1407) (L. D. 1565)

In the Senate June 21, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-675) in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto, in non-concurrence. (h-790)

On Motion of Mr. Conley of Cumberland,
Tabled until later in Today's Session, Pending Consideration.

(See Action Later Today.)

Non-Concurrent Matter

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

In the Senate June 24, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-754) as amended by Senate Amendment "A" (S-322) thereto, in non-concurrence.

Comes from the House, Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" (H-836) and Senate Amendment "A" thereto, in non-concurrence.

On Motion of Mrs. Snowe of Androscoggin,
The Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, An Act Relating to Electric Companies' Fuel Charges. (H. P. 1179) (L. D. 1407)

In the House June 21, 1977 Bill Passed to be Engrossed.

In the Senate June 23, 1977 Bill Passed to be Engrossed as amended by Senate Amendments "A" (S-315) and "B" (S-323) in non-concurrence.

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

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

Mrs. CUMMINGS: Mr. President; I move that we adhere.

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

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

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

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate insist and join in a Committee of Conference.

The Chair recognizes the Senator from Kennebec, Senator Katz.

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

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: 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 Senator 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 Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, this Bill had some considerable debate the other day when it was in here. If you remember correctly, just briefly, we killed off several other Bills dealing with fuel adjustment charges, and we had this left. This is the Bill that we substituted for the Report, the Leave to Withdraw Report.

This is the last Bill we have before us to deal in any substantive matter with the fuel adjustment charge. I felt that it was a reasonable Bill. I think that the Amendment offered by my good friend from Kennebec, Senator Katz, the other day negates a good part of the Bill, and I would hope that we could join in a Committee of Conference with the House. I do understand from talking to some of the Representatives in the utility companies, there is some room for flexibility, and I would like to get into a Conference Committee posture so perhaps we could explore this flexibility somewhat. So I would hope that you would vote with me this afternoon to insist and join in a Committee of Conference. Thank you.

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

Mr. MERRILL: Mr. President, parliamentary inquiry. It is my understanding that an affirmative vote on the Motion to adhere would kill this Bill for this Session?

The PRESIDENT: The Chair would advise in the affirmative.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, a parliamentary inquiry, I understand that the Senate passed this Bill to be Engrossed with Senate Amendments "A" and "B", and that if the Senate should adhere, it would adhere to that position.

The PRESIDENT: The Chair would answer the Senator in the affirmative. The Chair was wrong in its decision to the Senator from Cumberland, Senator Merrill. It would go back in non-concurrence.

Is the Senate ready for the question?

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

A Roll Call has been ordered.

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.

YEAS — Carpenter, Conley, Curtis, Danton, Farley, Hichens, Levine, Merrill, O'Leary, Pierce, Pray, Usher.

NAYS — Chapman, Collins, D.; Collins, S.; Cummings, Greeley, Hewes, Huber, Jackson, Katz, Lovell, Mangan, McNally, Minkowsky, Morrell, Redmond, Snowe, Speers, Trotzky, Wyrman.

ABSENT — Martin.

12 Senators having voted in the affirmative, and 19 Senators in the negative, with 1 Senator being absent, the Motion to insist and join in a

Committee of conference does not prevail.
The Senate voted to Adhere.

Non-concurrent Matter

Bill, An Act to Provide Home Health Care Coverage in all Health Care Policies and Contracts. (S. P. 341) (L. D. 1125)

In the Senate June 22, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-293).

Comes from the House, Bill Passed to be Engrossed as amended by Committee Amendment "B" (S-292) in non-concurrence.

On Motion of Mr. Pierce of Kennebec,
The Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, An Act to Clarify and Correct Laws Relating to Aeronautics. (S. P. 340) (L. D. 1154)

In the Senate June 21, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-278)

Comes from the House, Bill and Papers Indefinitely Postponed, in non-concurrence.

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

Mr. CARPENTER: Mr. President, in response to this Bill, I now reluctantly move that we recede and concur.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate recede and concur.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President I am interested enough in the Sponsor's Bill that I evaluated every blessed section of it, and I think it is a pretty darn good Bill, and I want to compliment him, and if he wishes now to kill the Bill, might he give us the benefit of his thinking?

The PRESIDENT: The Senator from Kennebec, Senator Katz, 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, I sponsored this Bill for the Department of Transportation and some of the representatives of the Maine Pilots Association, and did have a good hearing before the Transportation Committee. Perhaps one of the Senators on that Committee can speak in more detail what happened after that. There was very little opposition at the hearing, none that I remember.

However, it did run into some problems once it got further along in the Legislative process, and now I think the persons behind this Bill have generally agreed that the whole area should be studied, and I believe there is a Study Order coming along that will perhaps accomplish the same thing.

On Motion of Mr. Katz of Kennebec,

Tabled until Later in Today's Session, Pending the Motion of the Senator from Aroostook, Senator Carpenter, to Recede and Concur.

(See Action Later Today.)

Non-Concurrent Matter

Bill, An Act Providing Automatic Cost-of-Living Wage Supplements for State, Maine Maritime Academy and University of Maine Employees. (H. P. 950) (L. D. 1144)

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

In the Senate June 23, 1977 Minority Ought Not to Pass" Report Read and Accepted, in non-concurrence.

Comes from the House, that Body Having Insisted.

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

Mr. COLLINS: Mr. President, I move that the Senate Adhere.

The PRESIDENT: The Senator from

Aroostook, Senator Collins, now moves that the Senate adhere. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like to request that the Committee Report be read.

The PRESIDENT: The Secretary will read the Committee Report.

Committee Report Read.

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

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

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

The Chair will order a Division.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I wonder if some Member of the Committee might explain perhaps the disagreement to this particular Bill. Certainly, I am sure that the Senate would be interested in knowing why two Members of this Branch signed the Ought Not to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate, I think that those of us who signed the Minority Report were concerned by the fact that we were building in automatic increases to the wage scale of State employees, the University of Maine, and the Maritime Academy, based on change in the consumer price index. This would seem to take part of the Legislative responsibility for control of these matters away, and it seems further to negate the future responsibility for these items to be handled at the bargaining table.

The cost on the Bill in the first year was in the neighborhood of \$2.4 million, and the second year could well go over \$4 million.

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

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

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

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

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

The pending question before the Senate, is the Motion by the Senator from Cumberland, Senator Conley, that the Senate recede and concur with the House on L. D. 1144.

A yes vote will be in favor of Receding and Concurring. A nay vote will be opposed.

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

YEAS — Carpenter, Conley, Curtis, Danton, Farley, Mangan, Merrill, Minkowsky, Usher.

NAYS — Chapman, Collins, D.; Collins, S.; Cummings, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, McNally, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Wyman.

ABSENT — Martin.

9 Senators having voted in the affirmative,

and 22 Senators in the negative, with 1 Senator being absent, the Motion to Recede and Concur does not prevail.

The Senate voted to adhere.

Reconsidered Matter

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

Mr. KATZ: Mr. President, I move that the Senate remove from the table

Bill, An Act to Clarify and Correct Laws Relating to Aeronautics. (S. P. 340) (L. D. 1154) which was tabled until later in Today's Session.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate take from the Tabled Later Table L.D. 1154. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, I respectfully request permission to withdraw my Motion to Recede and Concur.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now requests leave of the Senate to withdraw his Motion to Recede and Concur. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, a lot of work has gone onto this Bill. It is the first major piece of Legislation pertaining to aviation to come before the Senate in many Sessions. It deals with such things as definitions, with the responsibilities of the Department of Transportation.

I think that it is a good Bill in its present form, and perhaps is salvageable. Therefore, I move that the Senate insist and request a Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate insist and request a Committee of Conference with the House. Is it the pleasure of the Senate? It is a vote.

Reconsidered Matter

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

Mr. CONLEY: Mr. President, with respect to Bill, An Act to Assist Municipalities in the Acquisition of Land or Interests in Land. (H. P. 1407) (L. D. 1565) I now move that this item be taken from the Table.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate take from the Table later Table, L.D. 1565, which was tabled earlier in Today's Session by the Senator from Cumberland, Senator Conley. Is it the pleasure of the Senate? It is a vote.

The Senator may proceed.

Mr. CONLEY: Mr. President, I pose through the Chair, a question relative to the House Amendment "A" to Committee Amendment "A" and ask if it has to be filed under any signature?

The PRESIDENT: The Chair would advise the Senator that the original Amendment does bear the signature of a certain Representative from Waterville.

Mr. CONLEY: Mr. President, then the same Amendment that I have in my book does not have any signature on it, and I question as to whether or not the germaneness of that Amendment.

The PRESIDENT: The Senate will be at ease.

(at ease)

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

Mr. CONLEY: Mr. President, I withdraw my inquiry.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now withdraws his inquiry as to the germaneness of House

Amendment "A" to Committee Amendment "A"

On Motion of Mr. Conley of Cumberland,
The Senate voted to Recede and Concur.

Communications
Office of the Governor

June 25, 1977

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

This is to inform you that I am allowing to become law without my signature S. P. 530, L. D. 1859, An Act Making Current Service Appropriations from the General Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979.

When we began preparing our budget for this session of the 108th Legislature, our top priority was to avoid the placing of an additional tax burden on the backs of the working men and women of Maine. While I strongly object to one provision of the current services budget, the Part I Budget before me and a fiscally responsible Part II Budget will accomplish that goal for the people of Maine.

Another top priority in the preparation of our budget and legislative program was to demonstrate that a fiscally responsible government can meet human needs without constantly calling on the people for additional taxes. The people in this administration worked long and hard to save dollars and cut costs so past deficits could be erased and so there could be extra dollars for these direct human needs programs. We feel we kept the store of government opened and have been able to improve services to its customers, the taxpayers and citizens of Maine, even with cost cutting and with fewer State employees.

We were pleased to report to this Legislature when it convened that the State was in sound financial condition and we were happy to report again last week that there definitely would be extra dollars to fund some programs requested by this administration and sought by individual members of the Legislature.

We still do not know at this point what will be included in the Part II Budget but we would respectfully urge the Legislature to give fair and thoughtful consideration to the programs we have presented to meet human needs and to assist in the economic development so our tax base can be broadened for the future.

However, our top priority will remain the sum total of a Part I and Part II Budget without a tax increase and a reasonable unappropriated balance to help avoid a future tax increase, plus the funding of direct human service programs.

I've taken the full time under the law to reach a decision on L. D. 1859 because I was hopeful and had been led to believe that some definite decisions would be made on the Part II Budget by this time. We tried in every way to cooperate with the Appropriations Committee by providing it with updated revenue reports and alternative approaches for our own unfunded programs. However, we recognize the very difficult task faced by the Appropriations Committee as it attempts to assess priorities in the final days of what has been a hectic and busy session. While we are in disagreement with the Appropriations Committee in regard to University funding, we recognize the fact that the Committee, with all its other duties, did not have the time to take the in-depth look that we did into this area. If the Committee had been able to make such a comprehensive examination, I believe it would have agreed with us that Maine taxpayers are being asked to subsidize out-of-state students and that a reasonable and realistic out-of-state tuition could have picked up the additional \$4 million in question, and more.

I am allowing this bill to become law without my signature in an effort to be fair to the in-

dividual members of the Legislature who have expressed themselves on Part I and who, like this Governor, want to make a clear, objective examination of Part II. I chose not to veto L. D. 1859 because I did not want to cause unnecessary hours of debate when the time could be spent considering Part II items and other important issues in the final days of this session.

I still feel it is unfair to the elderly, the retarded and the taxpayers to allocate \$4 million in additional spending for the University when the taxpayers of Maine are having to subsidize out-of-state students so the University can fill up its seven campuses in an attempt to justify the multi-campus concept for a State with only one million population.

I have never said that the \$4 million should not go for higher education in Maine. I would not have objected if that \$4 million had been earmarked for direct scholarship aid to needy students. I would not have objected if that \$4 million had been earmarked for State employees and other adults in Maine whose education was interrupted by marriage or the need to make a living and who wanted to continue that education.

I hope future legislatures and governors will not be placed in this position and that the Legislature at some point will have the courage of its convictions and give the people the right to vote and decide if Maine will join most other states in this nation and give the governor an item veto. The issue of University cries for public debate and an item veto would have provided for this. As it is now, the taxpaying public has very little, if any knowledge, of how the hundreds of millions of dollars were spent in the current services budget which passed the Legislature without debate.

Without an item veto and without legislative debate, the people of Maine are, in effect, asked to come forth with hundreds of millions of hard-earned tax dollars without sufficient knowledge of where or how the money is to be spent without an opportunity through their elected representatives and the Governor to challenge and alter spending priorities.

Very truly yours,

James B. Longley
(S.P. 571)

Which was Read and Ordered Placed on File.
Sent down for concurrence.

House of Representatives

June 24, 1977

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

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Clarify and Limit the Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish" (H. P. 715) (L. D. 851)

Mrs. POST of Owls Head
Mr. JACKSON of Yarmouth
Mr. GREENLAW of Stonington

Respectfully,

Edwin H. Pert
Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports
House

Leave to Withdraw

The Committee on Health and Institutional Services on.

Bill, An Act Appropriating Funds for Pass Along of Social Security Benefit Increases to Families Receiving Aid to Dependent Children. (H. P. 1309) (L. D. 1546)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass — As Amended

The Committee on Taxation on.

Bill, An Act to Improve the Administration of the Maine Tree Growth Tax Law. (H. P. 1509) (L. D. 1734)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-828).

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

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

Divided Report

The Majority of the Committee on Taxation on, Bill, An Act Concerning the Administration of Laws by the Bureau of Taxation. (H. P. 394) (L. D. 498)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-799).

Signed:

Senator:

JACKSON of Cumberland

Representatives:

MAXWELL of Jay
POST of Owl's Head
CHONKO of Topsham
TEAGUE of Fairfield
IMMONEN of West Paris
COX of Brewer
TWITCHELL of Norway

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-800).

Signed:

Senators:

WYMAN of Washington
MARTIN of Arrostook

Representatives:

CAREY of Waterville
MACKEL of Wells
CARTER of Bangor

The Minority Report Read and Accepted and Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "B" and House Amendment "A" (H-826).

Which Reports were Read.
The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I move that the Senate accept the Majority Report, as amended by Committee Amendment "A" (H-799).

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I wonder if the previous speaker or a Member of the Taxation Committee could explain the difference between House Amendment 799 and House Amendment 800.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate, basically the two Amendments are similar all the way through, except the Sec-

tion 6 and 7B, the definition of production. It was my feeling and the majority of the Committee that the definition that is presently on the books is not an adequate one, because of the numerous appeals that the Department of Taxation has relative to production, and we felt that by tightening this up, that we might cut down some of the appeals which have come in from the larger companies on the definition of production, and if you notice in House Amendment "B" that they omitted that Section completely on production. I did not feel that it was the intent of the Legislature when they passed the exemption on sales tax on equipment used in production, new equipment used in production, that they wanted to exempt the entire line from the pulp and paper industry. Not only that, it might be a cement manufacturing plant or something like this. We felt that the definition should be printed so that there will be some sort of guidelines that would be considered and would make the determination of State tax assessor a little more easy.

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

Mr. PRAY: Mr. President, I would like to pose another question through the Chair to clarify my own position on this Bill. Did I understand the previous speaker correct that the present law has no definition of production?

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

Mr. JACKSON: Mr. President, and Members of the Senate, yes, there is a definition of production, but it is not cohesive enough so that the Bureau of Taxation or the people who appeal, that it is not strong enough to deal with really. They do sort of bargain and take care of these problems, but myself personally, and I am sure that I can speak for the majority of the Committee on Taxation, because this is one area that we had a problem in, that we felt that there should be some guidelines which would be adhered to.

On Motion of Mr. Jackson of Cumberland, Majority Ought to Pass as amended Report accepted in non-concurrence.

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Concerning the Administration of Property Tax Laws Administered by the Bureau of Taxation." (H. P. 244) (L. D. 318)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-822).

Signed:

Representatives:

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

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

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland
MARTIN of Aroostook

Representative:

MACKEL of Wells

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

Which Reports were Read.

On motion of Mr. Jackson of Cumberland,

Majority Ought to Pass as amended Report Accepted, in concurrence.

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

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

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Clarifying the One-year Period Between Public Utilities Rate Cases." (H. P. 131) (L. D. 165)

Reported that the same Ought to Pass.

Signed:

Senator:

CARPENTER of Bangor
WOOD of Sanford
McHENRY of Madawaska
BERRY of Buxton
NADEAU of Sanford
PEARSON of Old Town

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

Signed:

Senators:

CUMMINGS of Penobscot
COLLINS of Aroostook

Representatives:

TARR of Bridgton
SMITH of Mars Hill
CUNNINGHAM of New Gloucester
LUNT of Presque Isle

Comes from the House, Bill and Papers, Indefinitely Postponed.

Which Reports were Read.

On motion of Mrs. Cummings of Penobscot, Minority Ought Not to Pass Report Accepted.

Senate

Ought to Pass — As Amended

Mr. Minkowsky for the Committee on Transportation on, Bill, "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (Emergency) (S. P. 66) (L. D. 137)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-338).

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted.

On motion of Mr. Speers, and under suspension of the rules, this Bill read a Second Time. The Bill, as amended, Passed to be Engrossed. Sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Pertaining to Hospitals for the Mentally Ill." (S. P. 385) (L. D. 1330)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-336).

Signed:

Representatives:

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

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

Signed:

Senators:

SNOWE of Androscoggin
GREELEY of Waldo
PRAY of Penobscot

Representatives:

PRESOTT of Hampden
GILL of South Portland
TYNDALE of Kennebunkport

Which Reports were Read.

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

Mrs. SNOWE: Mr. President, I move that the Senate accept the Minority Ought Not 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: I think it appropriate at this time to give a short synopsis of the origins of the original phase down plan and to describe what it intended to accomplish as a preface to my objections to such a phase down and to the redraft before us.

Last year then Commissioner of Mental Health and Corrections, John Rosser, recommended it would not only be economically feasible, but that improved patient care would result if the Bangor Mental Health Institute were to be closed down entirely. However, no final decision on this recommendation was then made and other options were considered and discussed, including a possible phase down of this facility.

Then a change of commissioners took place and the new commissioner, George Zitnay, after giving the subject his study and consideration, reported that the more appropriate action for the Bangor Mental Health Institute would be to phase down the facility by transferring the majority of its patients to the Augusta Mental Health Institute. Some other patients would be transferred to the responsibility of their local communities, and only the gerontology and autistic units at the Bangor campus would be retained. This would take place over a five year period.

In May the Health and Institutions Committee received a 40 page document outlining this phase down proposal from the department. The committee held two days of public hearings in order to insure that all interested parties had ample opportunity to present their testimony on this issue. In addition, we held working sessions with the commissioner, the superintendents of both the Bangor and the Augusta institutes, a representative of the Community Mental Health Centers, and the director of the Aroostook Mental Health Center. A total of 8 separate committee meetings and over 20 committee hours were devoted to this subject. Thus, the committee amassed voluminous testimony and related material on this plan and, in my opinion, developed a good working knowledge of the entire issue.

An increase in the capability and responsibility of the Community Mental Health Centers, of which there are eight, was a necessary corollary to this plan. These eight centers, along with the two major institutes, are designed to service the six mental health delivery areas, known as catchment areas, which make up the state. These catchment areas have not been evaluated in this proposal as to what kinds of services they are capable of providing and what services they are lacking. The plan did not identify which specific community mental health centers would be receiving additional patients, nor how much money would be required for them to carry out their new responsibilities. If the patients were to be transferred to nursing homes and boarding homes, those facilities had not been identified, nor assessed, to determine to what extent they could provide the properly trained personnel and the services to handle these patients. In other states where de-institutionalization has taken place, it has been found that many patients placed in nursing homes were receiving nothing more than custodial care. I wanted information that would assure me this would not occur. The commissioner assured the committee that transfers would not take place unless adequate placement facilities were identified and developed. Nevertheless, even though the abilities and good intentions of the depart-

ment and its commissioner have never been in question, I could not, in good faith, give the green light to such an ambitious goal of de-institutionalization when I could see there were not any stop-gap measures which we could apply as legislators if we were to see that the plan was not being adequately carried out.

As reported in a study to Congress on "returning the mentally disabled to the community", and I quote:

"Individual transitions to community living were not handled well in many instances. Planning for individual transitions were often fragmented and uncoordinated: specific and comprehensive needs were frequently not identified at the time of release; inappropriate community settings were being used; formal referrals were not always made; and follow-up was inadequate in the community."

Some committee members felt that the plan would not have much of an impact on the community mental health system, and that increased reliance on them would be minimal, since at first, only 33 patients would be transferred into the communities. I disagree with that assumption since the Bangor and Augusta Mental Health Institute each handle over 1,000 admissions annually so, according to the plan, Augusta Mental Health Institute conceivably would be handling well over 2,000 patients per year. Further reliance and utilization of community health centers would be inevitable, and the tendency to quickly treat and release the patient would also be a probability. The Augusta Mental Health Institute's present contractual agreements with each of the catchment areas, establishes a quota so that each center is limited as to the number of patients it can send to Augusta Mental Health Institute. This indicates to me that the community mental health centers are heavily relied upon. It is obvious that reliance will increase with only one major mental institution in the state. According to a study done in 1974 of community mental health centers nationwide, called "the madness establishment", and I quote "admissions and re-admission rates to state hospitals have soared above any increase in the country's population. What this means, the study stated, is that more Americans than ever are going to state hospitals though they are going for shorter periods of time. Having one facility in the state with a given number of beds implies that the community mental health centers will be assuming a greater responsibility.

Geographical considerations are also a crucial part of this question. It appears to me that there is an obvious need for two institutions in Maine, given the size of our state. The plan did not demonstrate in any manner that treatment would be as accessible to the people in the northern part of the state as is currently the situation. If the phase down plan were to be implemented, we would be excluding the northern sector of the state from its equal share of dollars for caring for its mentally ill, and from participation in the decisions to improve that quality of care. There are only about four psychiatrists north of Bangor, and under the phased down plan an even greater burden would be placed on them as would be placed on after-care workers checking on their patients. The continuation of an institution in the Bangor area is certainly justified for that reason alone. Remember that Bangor now serves two-thirds of the area of this state. Statistics indicate that the northern part of the state has a high unemployment rate and excessive poverty. These factors are considered by the experts to contribute to the deterioration of mental health.

I think we all recognize that the participation of families in the treatment of a family member is as important as the work of a team of psychiatrists. Geographic proximity will foster family involvement, and if we centralize in-patient care at Augusta, then I truly believe

we would be driving the wedge between the family and the patient. I have received a number of letters from families who have voiced their opposition to phasing down Bangor, because they say it will make it more difficult for them to travel the extra distance to Augusta.

Unique to the Bangor Mental Health network is the coordination of effort between the Eastern Maine Medical Community and the Institute. The Medical Community of Eastern Maine Medical and Bangor Mental Health Institute are well integrated. Combined they offer an array of psychiatric, neurological, and medical services to the patients at Bangor Mental Health. This kind of full scale medical organization is a very important ingredient to the kind of care offered at Bangor for its patients, and its significance can not be disregarded. I do not believe that this same degree of medical treatment would be available in Augusta.

The intent of the plan was for improved utilization of resources for delivery of our mental health services. Although the plan indicated there may be a potential savings of somewhere between \$3 and \$5 million over a five year period, this savings does not, in my opinion, reflect all that would need to be allocated to the Community Mental Health Centers so that they could meet their additional responsibilities. The Community Mental Health Centers have not been evaluated in order to ascertain to what extent they can provide the prescribed services, their cost effectiveness, and the adequacy of their programs. Therefore, we could not be told how much money would be required by them as the phase down progresses. Compounding the problem further is the projected decrease in federal grants to the Community Mental Health Centers which is estimated to be in the vicinity of \$12 million over the next five years. This is precisely the area upon which this phasedown would be placing such a tremendous burden.

The Majority Report calls for the creation of the Maine Mental Health Institute with the consolidation of the administrations of Bangor Mental Health and Augusta Mental Health, and provides for one superintendent and a chief administrative officer for both facilities. In addition, it requires the department of mental health and corrections to submit a plan to the legislature in January, 1978, for approval, and the implementation of that plan in October, 1978. The idea behind this redraft only reinforces my opposition to the original plan; that is, that there was not any substantive plan to begin with. This redraft would be the initial step in the phase down process, and it is, in effect, a statement of public policy by this legislature of acceptance of the Bangor phase down concept. The Committee on Health and Institutional Services rejected the idea of studying the issue, because we believed it would be unfair to everyone involved not to resolve the question here and now. Yet, this partial approach to phasing down as suggested by the majority report will leave the question in a similarly unresolved state, and regardless of what the legislature's action might be to a plan next January, money will still have to be spent now, so that Bangor can maintain its accreditation between now and the time the plan might be implemented. If a plan is approved and implemented next year, then the monies we have allocated this year for accreditation will have been wasted. The issue, therefore, needs to be resolved this session, not delayed as would be the case with the Majority Report.

These were only some of the considerations involved in the decision for those members of the committee who signed the ought not to pass report. Even if the idea of phasing down Bangor Mental Health Institute had been in the works for the last ten years, the documentation of such an effort had not been evident.

In conclusion, I could not support a major alteration in our mental health delivery system without sufficient proof as to its effectiveness. Admittedly, in complex situations such as this, we need to rely on the experts, but that is all the more reason for them to provide a more developed plan of implementation if we are to be convinced as lay people that such a bold approach is warranted.

This is not to say that the status quo of both institutions could not be improved upon. There is always room for improvement. Also, we recognize that the institutions are just one of an array of services provided for the mentally ill, an array which also includes the community mental health centers. These centers are an important component of our mental health delivery system, and it is not the intent of my position here today to underrate the effectiveness of community mental health centers. To the contrary. Community oriented care is extremely important since it has served to prevent unnecessary admissions in institutions and provides a less restrictive environment so that the mentally ill people can lead a normal and independent life as possible. Nevertheless, the issue in its entirety underscores one fact: that there will always be a continuing need for institutions in this state, — at least two, one in Bangor, and one in Augusta.

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

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate, I do not expect to go into such a long debate as the good Senator from Androscoggin, Senator Snowe, did, but I entered this Bill for the Governor, and I feel that I should say a few words on it.

I think back this morning when the good Senator Usher gave the morning prayer, and he hoped that all Senators would look at the Bills in an unbiased and in a fair way today, and I say that this Bill, as amended, is not a good Bill, but it is a start.

Now the good Senator from Androscoggin, went into quite a lengthy discussion on the original Bill, which I do not intend to do, but I would bring to your attention that I have a great deal of respect and I have had a great number of letters in regard to the work of George Zitnay, and that he handled and did a fine job down at Pineland. I am also reminded that two years ago over at the women's reformatory in Hallowell here, we had 25 patients and 89 employees. They cost \$25,000.00 for each patient there per year, and I was on the Committee on Health and Institutional Services so we closed at that time, and saved the State a good deal of money. At the present time in the last ten years, Augusta Mental Health Institute has declined, the population has declined to 79 percent. Bangor Mental Health Institute has declined 73 percent. So from 10 years ago, a total of 2,755 we are down to 658. Now is that good business, I ask you? Not to combine the two and at least make a start on combining the two.

This is just a start. The way this Bill is amended, it practically makes the Bill almost no good, but it is a start, it gives one administrator for the two places, and that is going to save a little money to start. If you look at the Amendment, read the Amendment, and read the Statement of Fact on the Amendment, you will see that it really does, that it has taken the meat of the Bill out. We should pass something here today. Not only for the good of the Governor, but for the good of the State of Maine.

Now to keep Bangor accredited, it is going to cost \$800,000.00. The Appropriation Committee has not got that ear-marked for Bangor. Now why has the population reduced so in the two mental health institutes, why one is enough, — because of modern medication. I can tell you as a pharmacist, modern medication, we people with schizophrenia, dementia praecox, people that will never recognize or never would know

their relatives or their friends. They are just hopeless. Now they could be moved, and that is why there are so many that are in there that did not have such a severe disease, mental disease as this, but they have been gradually moved out by giving tranquilizers. If they were depressed, they were given anti-depressant drugs. So they are moved out near their homes, so they can be near their people. Just the same way, this Bill in original form we can establish a place in Aroostook County so Mike Carpenter and all his friends and the two Senators from Aroostook County, they could be right near their friends in the mental institute, because they would have one right there, and I am not meaning this as a joke, I am serious, and that was the way the good Senator from Bangor, Senator Trotzky, felt. He felt that it would hurt Bangor. But it would not hurt Bangor. Bangor, the way this Bill is now, is going to stay just the same as it is. It is only going to have one administration, and if you look over the Amendment on the Bill by the Majority of the Committee, that Amendment, the Majority of the Committee, is not much of an amendment, but there is just the thing of a simple start, and I do not want to take any more time.

I want you people to think this over with care, trust your Governor and trust George Zitnay, the head of the Department on Health and Institutional Services or Corrections. Thank you very much.

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

Mr. HICHENS: Mr. President and Members of the Senate, about five years ago under the direction of an occurrence, Dr. Schumacher, the Director of Mental Health, Dr. Anderson, the Director of Mental Retardation, there was a mass dumping, and I mean it, dumping of patients from our institutions into homes around the State. This was called deinstitutionalization.

As Chairman of the Health and Institutional Services Committee at that time, and as a Senator from York County, I was beseeched by relatives of these people who were so concerned about their loved ones being put out into the community, the traumatic experience which resulted in hundreds of deaths, because these people just could not adjust, that I raised a great furor over this deinstitutionalization.

Two years ago we passed a Bill, LD 184, which required that any patient dismissed from the institution had to receive the same or better treatment in the facility to which they were moved. As a result, several of the boarding homes were closed, patients were transferred back into the institutions and to this date there has not been room in the community to receive these patients.

Two years ago, as the good Senator from Androscoggin stated, Dr. Rosser, under the pressure of our Governor, said that he wanted to close Bangor because the expense had gone up so much. Why is the expense going up, — because all these patients being dumped out, it still took the same staff, the same managerial expertise to maintain them, which resulted in the much higher cost per patient. But still out in the communities even without mental health centers, these patients are not receiving the attention that they need and that they deserve.

I am very much against closing Bangor, even though Mr. Zitnay came and talked to me last week, and thought that the Amendment might take care of the situation. I do not think that it is going to take care of the situation. This is strictly an economy move presented by the Governor of this State, and I go along with economy, but not at the price of human lives, and so I would very strongly suggest that you go along with the Motion that has been made that this Bill Ought Not to Pass.

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

Mr. CURTIS: Mr. President and Members of the Senate, I was particularly impressed with the historical perspective and the summary of the efforts that have been provided by the Committee as presented by the Senator from Androscoggin, Senator Snowe. I think that the efforts that have gone into reviewing this very important piece of legislation by the Committee are worthy of our respect, and I think we will all note that all three Senators on the Committee representing this Body voted that this Bill Ought Not to Pass. I am impressed by that. I am at least as impressed by that situation as I am by the suggestion that we should trust our Governor.

To add a little more historical perspective, a few years ago we decided to trust our governor when he proposed that the Department of Commerce and Industry be abolished, and that the efforts to provide for industrial development and recreational efforts for the State of Maine would be run out of the Executive Office. Well, it is the same Governor now, so I understand that he is now supporting some other proposals, but it was a very unwise move for this Legislature to eliminate the Department of Commerce and Industry, and I think that it would be an equally unwise move for this Legislature, based upon the information which has been provided so far, to adopt this LD, even as it is amended.

This Amendment, as a matter of fact, as far as I can tell, provides less for the Legislature to look at than did the original Bill. The Amendment makes the proposal not a plan at all, as far as I can tell, but simply a suggestion for a premature proposal that might be implemented some time in the future by the Legislature. But there are some things provided in the Amendment under Filing S-336 that are significant for us to be aware of. It has been suggested that we ought to look at the Bills today, as I am sure we always should, in an unbiased and fair way. The original piece of Legislation provided this language, "on the effective date of this Act, all personnel employed within the organizational unit formerly known as the Bangor Mental Health Institute shall be considered to be in lay-off status, as if such lay-off had been effected in accordance with the personnel laws and rules. The Amendment provides some slightly different language. It reads in Section 15, "on the effective date of this act," which, as I understand, would be 90 days after the Legislature adjourns, "all personnel employed at the organizational units formerly known as the Augusta Mental Health Institute and the Bangor Mental Health Institute, shall be considered employees of the Maine Mental Health Institute." Good so far as it goes, but now we add the next sentence, "for purposes of lay-off, the two campuses of the Maine Mental Health Institute shall be considered as separate organizational units." Now is this, I would ask, a fair and unbiased way to right legislation?

We are concerned here today, first of all, with the health care being provided for the patients and the potential patients who are in need of assistance at mental health institutes, but, secondly, I think we should also be concerned with the treatment of our dedicated State employees who work at those institutes, and I would suggest that the very way that this Amendment is drafted indicates that there was not fair and unbiased effort to review the needs, the background of the employees who are working at the institutes, and indeed there is no effort to provide for the best possible employees to be available if there were only one institute.

Now, it seems to me this is anything but a fair and unbiased piece of Legislation, and indeed it is highly discriminatory against the Bangor Mental Health Institute and its dedicated employees. Before we provide any more general Legislation for the Executive of this State to implement or to come back for ad-

ditional ramifications before the Legislature finally has a veto power or final implementation. I think we ought to know exactly what is going to happen, how many patients are going to be moved, and, as far as possible, how many personnel are going to be laid off, and we should indeed be sure that the piece of legislation we enact is fair and unbiased, and this piece of Legislation is not.

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

Mr. O'LEARY: Mr. President and Members of the Senate, I find this Bill to be cruel, inhumane and unjust, and I move the indefinite postponement of this Bill and all its accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that this Bill, and all accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate, I can see the doom of this Bill, but I do wonder how the good Senator from Oxford, Senator O'Leary, wanted to co-sign the Bill with me, but I have signed it first and turned it in, but he seems to have turned against the Bill. But actually if you will look at the Amendment, it does very little. It is not going to change anybody from Bangor to Augusta or Augusta to Bangor. It just simply is going, as the Amendment says, that it is not going to fire people unless the Commissioner thinks there are too many working there or they are not doing their job. George Zitnay has experience, and he is not going to be unfair. He is not going to be unbiased. He is going to do a good job, but this Bill actually does not accomplish much of anything, I will admit. It just simply gives a start, and just as sure as you ladies and gentlemen are sitting here, two, four, or six years from now, you are going to see this Bill passed and implemented without any question. So I say let us give it its first reading now, and I would request a Division on the Motion.

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

Mr. MERRILL: Mr. President and Members of the Senate, this Bill actually had two hearings, I suppose, because the Governor when he presented the budget to the Legislature, which the Legislature referred, of course, to the Appropriations Committee, presented a budget which had no money allocated for Bangor Mental Health, and the money that would have gone to Bangor Mental Health was put as unallocated money under the Augusta account, and so whether we wanted to or not, even though we had made the decision earlier that we would leave the decision on this matter to the Health and Institutional Services Committee which, of course, was scheduled to hear this Bill, the people from the Bangor area, at least many of them who testified before the Health and Institutional Services Committee came and testified before the Appropriations Committee, and it was in that way and a chance to visit the facility that I have come to have several concerns and take the position now in support of the position that all three Senators of this Body have taken in favor of defeating this Bill and will vote for the Motion to indefinitely postpone.

I would like to make several small points in an area which I think has been covered generally very well by the Chairman of the Health and Institutional Services Committee in her debate here. First of all, to the question of the number of patients which was alluded to by the Senator from York, Senator Lovell, who sponsored this Legislation — while it is accurate to say that the bed count at both Augusta and Bangor are reflected in the figures given, it is not accurate to say that the patients serviced by those institutions in the course of a year has decreased by anything like the percentages suggested. In

fact, I think a close analysis would suggest they have gone up very slightly. What has changed is not the number of people who depend on Bangor, or the number of people who depend on Augusta in the course of the year for treatment, but the length of time which they stayed there. So we will be affecting as many people by closing the Bangor Mental Health Institute this year as we would have affected by closing it ten years ago in terms of the number of people who would flow through there as patients. It is well in excess of 1,000 people in the case of Bangor, and I think that that is at least important to keep in mind, because I think that it is a difference which does affect, to some extent, the decision.

Secondly, I would like to say that it is my understanding in looking at all of the figures that the net cost to treat people at Bangor Mental Health is considerably below the net cost at Augusta. The per dollar cost runs just about exactly the same, and if you look at the contribution to the Mental Health Improvement Fund from the money that comes from the Federal Government because of the people that are housed at Bangor and compare that to the money that comes from the Federal money because of the people that are housed at Augusta, you will see that there is a difference of several hundred thousand dollars, and when you recognize that there are slightly less patients at Bangor, you recognize that there is a net cost which is considerably lower at Bangor, which raises a question which I think the Legislature should ask and have answered convincingly before it makes any decision, and that decision is if we are going to close one of the two institutions, and let us assume just for the sake of discussion that we are, then we certainly should consider why Bangor and not Augusta, and we should make a decision that is fair and relates to the facts as presented. Well, if the costs are at least equal from Bangor and Augusta standpoint, and I suggest that net costs are slightly in favor of Bangor, what is the reason, and when I asked the Commissioner of Mental Health that question, before the hearing and during the hearing, that the real answer to the question was that Augusta was in the central part of the State population-wise, and it was closer to Pineland and it was closer to the population center, and the trouble with that being the basis on making the decision is that the thrust of it is, I suppose eventually, that all the major delivery systems for our services in the State will be located in the Augusta to Portland area, and it seems to me to be better State policy if we are going to ask all the taxpayers of the State to contribute money, that we spread the facilities out around the State with some sense of equal handedness. So my feeling is that the argument that the Commissioner presents is not satisfactory as to why one over the other.

Finally, before I make a decision to consolidate something of this kind, of this importance, I would like for once to see an itemization, an accounting, item by item in the budget, which can show us the economies of scale. There is nothing that public decision makers have been any more willing to believe as a matter of fact over the last 20 years than that anything that you do larger, you can do more economically, and that is the base assumption of the Bill before us in regard to Bangor Mental Health. I very seldom hear it questioned. It is taken almost as a matter of fact, and yet I suggest to the Members of this Legislature that if we look back at past attempts to consolidate delivery of services, it is hard to demonstrate savings in all instances.

So I would like to see an accounting done by the department which shows us where the savings will be, and when the Department presented its arguments before the Appropriations Committee, they did not have it, and subsequent efforts to get it have not seen them forthcoming. I honestly would like to see them.

I am not suggesting that they are necessarily not there, but I am not ready to believe as a matter of fact that they are. I do not think that it is the Department's position that we want to have less attendants per patient. I do not think it is the Department's position that we want to have less space per patient, and so I want to see where the economies of scale will develop, and I want a chance to measure those against the obvious economies to the people who are served by having the institution be closer by, to say nothing of all the other arguments that have been presented here.

So I think that the Department is in a position where, with all due respect to them, and I know this has been a high priority on the part of the Governor, and I think probably he has pushed the Department to make a decision on this to put this before the Legislature as quickly as possible, before this Legislature takes such a major step, I think we ought to have that information, and, finally, I would suggest that before we make a step that commits us one more step of the way down the road to more reliance on Community Mental Health Centers, we better wait and see what the Federal Government is going to do in regard to funding those. Originally those were set up like an LEAA program in the sense that federal monies were designed to eliminate themselves to dry up over a period of years. If they are going to continue that policy, and they are reviewing it now on the face of information of how expensive that is going to be, I think there is a serious question as to whether the State can afford to take that path, because we are going to be looking at an expenditure, if we have to foot the Bill completely, ten years from now, my best guess based on the Federal studies that I have read, would cost the State three to four times as much to deal with our mental health patients with the community base system, then the system we had in the past, and I think if we are going to make that decision, we ought to make it knowing what we are doing when we do it.

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

Mr. PRAY: Mr. President and Members of the Senate I apologize for belaboring this debate, and to quote a very good friend of mine, the Senator from York, Senator Lovell, if the President was a little faster with the gavel, perhaps we would not be doing this right now, but since he was not — In all seriousness, the Committee has wrestled with this problem for the better part of the Session, and perhaps longer than any other Bill that I can think of that has ever been debated or discussed through the Committee process. We had three hearings on this Bill, two days and one evening. We have had a number of work sessions on it.

We had a Committee plan from the Commissioner which was given to the Committee on the morning of the hearing. I received mine at 10:30 in the morning. We had the hearing at 1:00 that afternoon. That was a 50 some page report, which the Committee really did not have a chance to go over before the Committee hearing, and which we have been going over and constantly seeing it changed since that time. The Amendment that we now have before us is basically what is left.

I would just like to read Section 19 on the policy to you. "It is the intent of the Legislature that this Act by consolidating the administrative framework of the two former mental health institutes should be the first step in the deliberate development of a comprehensive and fully integrated mental health service system." It sounds very good, except that through all of these work session that we have had, through all the material that has been placed before us in that Committee, it has not yet been proven to my satisfaction, and I do not believe to many members of the Committee's satisfaction, even those that signed out this

compromise, that we know, that we are aware of what that plan or that system is going to be. My signature on the Ought Not to Pass Report is basically the belief and philosophy that before we decide or we make any steps in any direction in relation to this matter, that we, the Legislators who are making the decision, should know exactly where we are going, because the information that has been given to us is not favorable towards a community health system plan. That has been documented by Federal studies, by individuals who have been in correspondence with a number of Members of the Committee, and I think that the good Senator from Androscoggin, Senator Snowe, and I have got to applaud her in her presentation, because I think that she clearly put before the Members of this Body the hard work that the Committee has gone through and the decision that she reached I must share.

Many times many issues come before us in Augusta, in the Legislature, which we really do not have the full time due to our other commitments of our other Committees to fully understand the issue, so at that time we look toward guidance from the Members of that Committee, particularly the Chairman, who usually puts in many more long hours than the Members of the Committee, and I think the Chairman of that Committee has done so on this issue, and I would just advise the Members of this Body to fully support her position on this Bill.

I do not think that we should give this Bill a First Reading. I think the Committee has wrestled with it long enough, that there is nothing left that can be done with it. Let us eliminate this Legislation at this time. If there is a need to study the health system, which I strongly and firmly believe there is so that we, the Members of the Legislature, can be aware of exactly what is available to those individuals who we are concerned about, the mentally ill, then we can make an intelligent decision. We must have all the facts before us first. Before we can make that decision, and I think it has truly have demonstrated that the facts have not been presented before this Legislature nor that Committee.

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

Mr. KATZ: Mr. President, it occurs to me that there has been a very impressive array of those against this Legislation, and the voice of the Senator from York, Senator Lovell, in support of the amended version has been a very lonely voice. I would like to tell you why I am going to vote with him.

I think that the basic question here is not whether we are going to take the first step. I think that the hidden agenda here is whether or not the State of Maine needs two mental health institutes or one, and in her absolutely excellent presentation the Chairman of the Committee said there will always be a need for two mental health institutions, one in Bangor and one in Augusta, and I basically disagree with that.

I remember my experience here perhaps ten years ago when this Senate on the Appropriations Table or approaching the Appropriations Table, was trying to close the smallest of all State institutions. Overwhelming evidence, overwhelming support for closing an institution and yet in the last analysis when the vote came, the vote to close the institution was not present, and that institution is still alive and doing well in the Part I Budget today. You have heard me say that I think that the basic misconception on which Maine people establish policy is the notion that geographically we are a large State, and because we are a large State, we have to have seven campuses of the University of Maine, we have to have duplicative services all over. The fact is that Maine is a small State geographically. We have a New England syndrome, when you get outside of New England where are the big states? All of them are big,

with an exception of a few in the northeast, and perhaps the State of West Virginia. We are smaller than all the States.

I find it interesting that we have one Veterans Administration Hospital in the State, and we have one Veterans cemetery in the State, but when it comes down to main determinations, you see the proliferation of enormously expensive hardware in all our hospitals, because we have got to have it close to home, and that is perfectly alright as far as I am concerned. Proliferate the expense of hardware, but be prepared to pay the enormous increased cost of health care if you do support that proliferation.

I guess I would feel an awful lot better about this debate today if it were apparent to me that there is an openness on the part of the Senate to actually and in good faith pursue the question as to whether or not we need one mental health institute or two, and I can be accused of parochialism because I come from Augusta, but, believe me, the citizens of Augusta are not that enthused about having a mental health institute in the middle of a residential area.

I am going to support the Legislation today, and vote against the Motion to indefinitely postpone, because I feel that it is the first step in causing us to come to that confrontation. Do we need one, or do we need two institutions, and I think that indefinite postponement of this at least first step is going to move us further and further away from confronting the basic question.

The Chairman of Appropriations has been talking about low priority programs. What is a low priority program? Something that has nothing to do with your own constituents, I will tell you that right off the bat, but if you ask yourself why government proliferates, and we add programs on top of programs and we add taxes on top of taxes, it is because psychologically we are not attuned to facing up to the enormity of the decision of closing an institution, and I agree with the Chairman of the Committee, it is too soon to move in that direction in a firm purposeful manner, but it is not too soon to take a small step into that kind of a confrontation.

I request a Roll Call.

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

Mr. TROTZKY: Mr. President and Members of the Senate, I agree with one statement that the Senator from Kennebec, Senator Katz, has made, and that is if this Bill is indefinitely postponed, it is the obligation of this Legislature to up-grade the facilities and medical care of both institutions in this State. Our obligation has to be to patient care, and we have to also put in the funds to maintain the accreditation of BMHI.

However, I disagree with the Senator from Kennebec, in terms of taking action on this Bill in terms of not indefinitely postponing this Bill today. The Bangor Mental Health Institution, by the way, is not a Bangor facility. It is a State facility, but it happens to be located right across the street from one of the two finest medical facilities in the State of Maine, the Eastern Maine Medical Center, and health care, I believe, involves the coordination of more than just one facility, but of the Eastern Maine Medical Center, BMHI, and the University of Maine, main campus in Orono. I feel that in the long run, it may be in the best interest of the State of Maine to up-grade the facility of the Bangor Mental Health Institute.

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

Mr. PRAY: Mr. President and Members of the Senate, I would just like to respond to the good Senator from Kennebec, Senator Katz's statement, and how I visualize this issue as it was before us in the Committee. He made the statement that it is a question of one institute or two institutions, and made reference to that. I view it as a question of whether or not we are

going to have two or perhaps ten or nine institutions, because basically what we are going to do by de-centralizing is take the community mental health centers make them many institutions.

I think that the Senator from Cumberland, Senator Merrill, referred to the cost factor in his statement, and the presentations that we have had at the Committee Hearing and the facts that have been presented to us, it is my firm belief that it is going to cost the State of Maine more money, more dollars, more taxpayers dollars if we go to the community mental health centers, which throughout the country presently have failed. Many States that have de-centralized and formulated the community mental health centers, are now in the state of going back to institutionalization. This page over here, some material that we have had that we studied this issue with, and I have gone through all of it time and time again. It has shown that this really has not worked.

We have a report from Congress, which explains the community mental health centers, returning the mentally disabled to the community. Government needs to do more. It shows thus far that the Government has not put enough dollars into a program to take the place of institutions. If they are to do so, they are going to have to spend more than they are presently spending. So, if we are going to talk about cost, then let us face the fact. That the plan that was presented to us, not the amended version that we have at this time, but the amended version takes a step in that direction for the long-range plan of going down that road to spending more dollars, and if we are going to vote for that, as he has suggested that we do, then we best make the commitment at this time that we are going to spend more dollars. Under his theory, it would be my belief then we should pass Legislation which would close the Augusta General Hospital so that the individuals of the State could perhaps go to one of the finer institutions either in Bangor or Portland, being Eastern Maine or perhaps the Maine Medical Center.

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

Mrs. SNOWE: Mr. President and Members of the Senate, I would like to review some of the remarks made by the Senator from Kennebec, Senator Katz.

In reference to my remark in supporting two institutions, I think that if he would talk to the Commissioner, he would agree with me, that ideally, it would be fine to have two institutions in this State, yet they would be smaller and more modern facilities. If you take a look at the Bangor facility, it does not look great. It is not an attractive facility, but it certainly is functioning quite well.

We have confronted the basic question and the facts were not there, and that is just the problem. We can either make a decision to go on and accept this Amendment as is, and hope for the best, or we can say no.

As far as costs are concerned, I think you will find that there are not any assurances that this will cost less. In fact, it will probably cost more, because when you are talking about proliferation, you are talking about also a tendency to spread out all over this State, and we are a large geographical State.

If you talk about consolidation within the institution, you can monitor the patients, and you can monitor the care, and you can monitor the kind of things that should be provided, otherwise, it is always that unknown. We have no idea about those patients who are out in the communities at this point. We do not know how they are faring.

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

Mr. CURTIS: Mr. President, I listened with a great deal of interest to the remarks that were made by the Senator from Kennebec, Senator

Katz, and I think that I would like to perhaps chide my seatmate a little bit at this point, and remind him that as he was talking about whether or not the State can afford one institution or two institutions in the matter of mental health, I would like to remember a few years back when the good Senator who is well known as the father of the University of Maine of Augusta was suggesting that we needed more branches of the University of Maine. I think that the same type of policy ought to be provided.

The idea is to bring the services as close as reasonably possible to the people who are going to benefit from them, and I think that the key, as was presented by the Chairman of the Committee, and other people that have spoken on this matter, is what type of services will be provided to the patients and to their families and to their mental health, and, secondly, as I tried to point out in my remarks, a sense of fairness to the personnel and the good employees who work for the State of Maine.

Finally, I would like to say that if we adopt this type of Legislation, which at very best is half developed, which is a partial plan, a part of a proposal, then I think maybe we would end up in a situation which we deserve to be, but yet that which is thrown at us some times, as being the only institution in State Government which is being run by its inmates.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, just a couple of words more. Ladies and Gentlemen of the Senate, the debate seems to be on the original Bill and not the Amendment. Everybody that is debating is debating the original Bill.

Now, if you look at the Amendment, it states that there be no lay-offs. The two campuses will continue to be considered as separate organizational units, and they prohibit any transfer of mental health programs between the two campuses and so forth. This is only having one general management in all this other part of the debate just is not there. It is only having one general management, and Mr. Zitnay is well qualified to take care of the two institutions, and you are talking about the original Bill, not the Amendment.

I hope that you will vote against the original Bill.

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

Mr. MERRILL: Mr. President and Members of the Senate, I think the reason people are talking about the original Bill is because in this instance sponsors paraded the camel around before sticking his nose under the tent, and in this case I think it is pretty apparent what the nose brings behind it, and I would think that most people would agree that really the purpose of the amended Bill is to move us in the direction of the original Bill, which is to close, or to phase down, I should say, Bangor Mental Health Institute.

There have been several people that have, or at least two that have engaged in the debate today that have suggested somehow that there has to be some sort of impure motives on the part of the people who are voting one way or the other on this Bill, and I know that as I have listened to people debate this Bill, and as I have listened to my friends from Penobscot County around the halls of this Legislature, and making the case for Bangor Mental Health, they have always had to get past an assumption on the part of the people who are on the other side of the question that somehow their arguments were not worthy to be listened to because their motives were impure or their motives were obviously self-interested, and it has always been my feeling that it is a lot easier, unless we are psychiatrists and experts in mental health, that

what we should do is listen to the arguments, and make a judgment on the merit of the arguments and to leave the question of peoples motivation to others. Witness the fact that we are so seldom convinced of the badness of our own motive is proof of the fact that in that area we are not very good at making judgments, and I think if anyone has listened to the merits of the arguments here today as put forth by the people who looked at this Bill, and as put forth by the spokesman on the other side, it cannot be concluded that we are prepared to make a decision, a policy decision whether it takes us a whole step or whether it brings us down the road of closing Bangor Mental Health. If those arguments are forthcoming, I did not hear them at the hearing, and I certainly have not heard them here in the Senate today, and to suggest that the people who have made excellent arguments on the other side have done it because they are incapable of facing up with the problems or because there is some political weakness on the part of the Members of the Senate who have signed this Report, I do not think goes to the merit of this question.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate, I have managed to scratch out a good deal of my 100 page statement because everybody has said it far better than I, but there are a few points I would like to comment upon.

I would direct the Senate's attention to the basic premise upon which the phasedown is based; that is the move towards more community based residential care. Community based residential care has been experimented with in most of the wealthy industrial states, and has proved to be of questionable benefit, also to be expensive and in many cases to be synonymous with the "dumping" of the mentally ill.

The hypothesis that community residential care is superior to mental health institute care has not yet been proven. As a matter of fact, the lack of various specialists and the special equipment which is so very expensive, the lack of these things in small centers is a real drawback in effective treatment in some cases. The departmental budget statement for Augusta Mental Health Institute indicates the growing inability of community centers to prevent institute admissions from climbing.

I oppose the phasedown of Bangor due to the lack of a solid plan for the care and treatment of displaced patients and the future clients in Bangor. The governor, in his opening statement in this session, indicated that patients from Aroostook County would go to the Aroostook Counseling Center. If the Aroostook facility is capable of treating these patients, then why are they still being referred to Bangor.

All these questions remain unanswered. Other patients are slated for boarding and nursing homes, and yet these very facilities continue to refer patients to Bangor. I have to question the hypothesis that the boarding and nursing home are willing or capable of accepting and treating Bangor's patients. The majority of the psychiatric patients at Bangor are to be transferred to Augusta, but Augusta is not presently capable of increasing its census and admission rate without endangering its accreditation. The proposed phasedown of Bangor puts Maine in the unenviable position of possibly going from two fully accredited mental health facilities to no accredited facility.

On the issue of cost-effectiveness, Bangor rivals any State agency. Bangor received national accreditation without State capital expenditure or increased budgeting. While Augusta has received over \$1,500.00 per patient per year more than Bangor on the excuse that it needed the money to provide for accreditation.

All this Bill does is transfer the problems in mental health to one institute.

It will create disruption of patients, families, staff, professionals and the general citizen.

It will create a large central institution in an era of decentralization.

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

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 Oxford, Senator O'Leary, that L. D. 1330 and all its accompanying papers be indefinitely postponed.

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

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

ROLL CALL

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

NAY — Huber, Katz, Lovell, Mangan, Morrell, Redmond.

ABSENT — Martin.

26 Senators having voted in the affirmative, and 5 Senators in the negative, with 1 Senator being absent, the Motion to indefinitely postpone does prevail.

Sent down for concurrence.

Second Readers

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

House — As Amended

Bill, An Act to Appropriate Funds for Foster Care of Abused and Neglected Children. (H. P. 1358) (L. D. 1602)

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

Resolve, to Authorize the Conveyance of the National Guard Armory in Auburn to the City of Auburn. (Emergency) (H. P. 1249) (L. D. 1471) Which was Read a Second Time.

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

Mrs. SNOWE: Mr. President, I move we reconsider our action, whereby we adopted Committee Amendment "A".

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

The Chair recognizes the same Senator.

Mrs. SNOWE: Mr. President, I now move the indefinite postponement of Committee Amendment "A".

The PRESIDENT: The Senator from Androscoggin, Senator Snowe, now moves the indefinite postponement of Committee Amendment "A" to L. D. 1471. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mrs. SNOWE: Mr. President, I move that we reconsider our action whereby we adopted House Amendment "A".

The PRESIDENT: The Senator from Androscoggin, Senator Snowe, 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.

Mrs. SNOWE: Mr. President, I now move indefinite postponement House Amendment "A".

The PRESIDENT: The Senator from Androscoggin, Senator Snowe, now moves that the Senate indefinitely postpone House Amendment "A". Is it 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 L. D. 1471 (S-330), and move its adoption, and I would like to speak to my Motion.

The PRESIDENT: The Senator from Androscoggin, Senator Snowe, now offers Senate Amendment "A" to L. D. 1471, and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A". Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mrs. SNOWE: Mr. President and Members of the Senate, I would like to explain what I have done. The Amendment I have now offered reflects the compromise that developed between the National Guard and the City of Auburn the other night. So all the Amendment will do is automatically transfer the title of the armory to the City of Auburn in the event any time in the future that the National Guard abandons that armory.

I think the intention of the Legislation is to protect the interests of the City in its investment in the City of Auburn, which tends to be great.

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

Bill, An Act to Prohibit the Practice of a Mandatory Retirement Age. (H. P. 1310) (L. D. 1634)

Which was Read a Second Time.

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

Mr. CURTIS: Mr. President, I asked this be set aside so that I could explain something that I am doing, and that is an Amendment which I am having prepared.

A few years ago I worked very hard, along with many other Members of the Legislature, to finally impose the Maine mandatory retirement age for State Police Officers. Up until that time, they were a group of State Police Officers who were not subjected to the ordinary and normal provision in State law requiring for mandatory retirement age. As a result, we had some elderly folks in the State Police Force, a situation which I thought was particularly unwise.

If you remember a few years back, we have had situations in which the high ranking State Police Officers have died at their desks because of health reasons, and I think that in the area of public safety, that both the morale of the organizations which are involved and particularly the State Police, and also the necessity for providing upward mobility at some point for people who are working in those Departments so that they would be able to have some likelihood in being promoted in the near future, as well as the safety of the public, which ought to be protected in areas, as I said, like State Police with people who are young enough and healthy enough to be able to do the job, should require that we at least have an opportunity to look at an Amendment which would provide for some specific areas of exemptions, and I would like to be able to present that Amendment, and if it is possible, Mr. President, I would like if somebody could Table this for a Day.

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

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate: Friday we went over this Bill in its entirety and it was 26 to 5 ought to pass, and, consequently, I think that the State

Police, if they do not want their State Policemen, and he is not qualified, make him retire whether he wants to or not. He has to pass certain physical tests, so, consequently, I can see no reason to Table this Bill. This Bill does not take effect on the public sector of State Police, and so forth, does not take effect until next January, and not until 1980 for the private sector, and we have got plenty of time to clear up the private sector, any fault that they may have, and I would like to ask for a Roll Call on passage to be engrossed of this Bill.

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

Mr. MORRELL: Mr. President, I move this be Tabled for One Legislative Day.

The PRESIDENT: The Senator from Cumberland, Senator Morrell, now moves this item be tabled for One Legislative Day.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

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

The PRESIDENT: A Division has been requested on the Motion to Table for One Legislative Day.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

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

The pending question before the Senate, is the Motion by the Senator from Cumberland, Senator Morrell, that L. D. 1634 be tabled for One Legislative Day.

A yes vote will be in favor of tabling for One Legislative Day. A nay vote will be opposed.

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

YEA — Carpenter, Collins, D.; Collins, S.; Cummings, Curtis, Farley, Greeley, Hewes, Hichens, Jackson, Katz, Levine, McNally, Morrell, O'Leary, Pierce, Redmond, Speers, Troitzky, Usher, Wyman.

NAY — Chapman, Conley, Danton, Lovell, Mangan, Merrill, Minkowsky, Pray, Snowe.

ABSENT — Huber, Martin.

21 Senators having voted in the affirmative, and 9 Senators in the negative, with 2 Senators being absent, the Motion to table for One Legislative Day does prevail.

Bill, An Act to Add Dental Hygienists to the Board of Dental Examiners. (H. P. 1168) (L. D. 1398)

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

Senate — As Amended

Bill, An Act to Regulate the Dispensing of Prescription Drugs. (S. P. 407) (L. D. 1415)

Bill, An Act Authorizing an Increase in Payments to Foster Homes and Boarding Homes. (S. P. 444) (L. D. 1536)

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

Sent down for concurrence.

Enactors

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

An Act to Establish the Maine Nonprofit Corporation Act. (S. P. 547) (L. D. 1885)

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

An Act Relating to the Plans and Specifica-

tions Governing School Construction. (H. P. 143) (L. D. 173)

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

An Act to Extend Collective Bargaining Rights to County Employees. (H. P. 1275) (L. D. 1509)

Comes from the House, failed of Enactment.

Which was Passed to be Enacted, and will be signed by the President.

Sent down for concurrence.

Orders of the Day

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

Tabled — June 23, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

On Motion of Mr. Speers of Kennebec,

Retabled One Legislative Day,

The President laid before the Senate:

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

Tabled — June 23, 1977 by Senator Collins of Knox

Pending — Consideration

On Motion of Mr. Collins of Knox,

The Senate voted to recede

On further Motion of Mr. Collins of Knox,

House Amendment "A" (H-809) Read and Adopted, in Concurrence.

On Motion of Mr. Speers of Kennebec,

Tabled for One Legislative Day, Pending Passage to be Engrossed.

The President laid before the Senate:

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

Tabled — June 23, 1977 by Senator Speers of Kennebec

Pending — Final Passage

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

The President laid before the Senate:

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

Tabled — June 23, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

This Bill, Passed to Be Engrossed, in concurrence.

The President laid before the Senate:

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)

Tabled — June 24, 1977 by Senator Speers of Kennebec

Pending — Consideration

On Motion of Mr. Speers of Kennebec, Retabled.

The PRESIDENT: The Chair at this time would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Hewes, to the Rostrum to act as President Pro Tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Hewes of Cumberland, to the Rostrum where he assumed the duties of President Pro Tem, and the President retired from the Senate Chamber.

The President Pro Tem laid before the Senate:

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

Tabled — June 24, 1977 by Senator Speers of Kennebec

Pending — Consideration

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Penobscot, Senator Troitzky.

Mr. TROITZKY: Mr. President and Members of the Senate I am rising today requesting your support to override the governor's veto of L.D. 1477, "An Act to Expedite Construction of a Natural Gas Pipeline in This State." The bill was referred to the Natural Resources Committee and was reported out by the committee as unanimously ought to pass. Subsequently, this Senate enacted the bill as an emergency measure.

The bill only accomplishes one thing. That is, it allows a natural gas pipeline company to apply and process applications for necessary government approvals before purchasing an ownership interest in the land on which the pipeline is to be located.

As the result of the case of Walsh V. Brewer, it is necessary for any person that makes application to the Department of Environmental Protection for site location approval to have right, title and interest in the land upon which the project is to be located. This requirement was not something that the legislature enacted when it passed the site location law. This is a so-called rule of standing created by the Supreme Judicial Court, which applies not only to the Department of Environmental Protection but to local municipal planning boards and other land use regulatory agencies. The purpose behind the right, title and interest requirement is to make sure that governmental agencies are not forced to review and act upon frivolous applications. As a general rule of law, I believe that the right, title and interest standard set forth by the court is a good one and I am sure that most members of this Senate would agree also. However, like any general rule of law there are occasions when certain factual situations justify an exception. The issue presented by this Bill is whether or not this rule of law should be applied to a natural gas pipeline. Obviously, when the supreme court announced the rule of law, it could not have contemplated every factual situation which might arise in the administration of our land use regulation statutes.

As you know, the Tennaco Atlantic Pipeline Company has proposed and intends to make an application for permission to construct a natural gas pipeline from the Maine-Canadian border to the Maine-New Hampshire border for the purpose of transporting natural gas in interstate commerce. This pipeline will be approximately 230 miles long and will cost an estimated \$220 million for construction in Maine.

Under the present law, Tapco has to have sufficient right, title and interest in the right of way where it proposes to locate the pipeline before it can file an application with the DEP for such location approval. In other words, the company will have to go out and purchase the right of way, or purchase options to purchase the right of way, before filing an application. This substantial effort is obviously expensive and time consuming and would be done without any assurance to Tennaco that it will receive any of the over 450 licenses required on the state and local level. It also places the DEP in the uncomfortable position of being forced to say yes or no to a specific route, the property of which has already been acquired.

I think any reasonable proposal which eliminates unnecessary and unreasonable obstacles in the administrative process should be enacted by the Legislature. One of the most frequent criticisms of our environmental laws is the unnecessary road blocks and delays which the administration of the laws impose upon applicants. This bill represents one small but important step to one type of applicant to

eliminate this type of unnecessary road block.

Before the Committee reported out the Bill, it had been reviewed by the Department of Environmental protection and the department indicated that the bill, as presented and enacted, was a reasonable one to which it had no objection. It was at the Department's suggestion that the bill included a provision for a bond in an amount not to exceed \$50,000.00. The purpose of the requirement of a bond was to make sure that no frivolous application was filed and that if a natural gas pipeline company applied for permission but did not follow through, because of its failure to gain authority to construct a pipeline from the federal power commission the Department's costs would be covered. The reason that the bond goes to the benefit of the Department of Environmental Protection is the major application in both terms of expense to the applicant and the state and length of time to process the site location application.

The most disturbing portion of the Governor's veto message in my mind is that portion where he states that there is no guarantee that this state will benefit from the Tennaco Project, even though Maine will bear the risk of having the pipeline run across the land of our state. First, I would like to note that the Governor does not state what risks there are in having the pipeline in Maine. It is my understanding that pipeline transportation is the safest form of transportation there is. We certainly are aware of the fact that the Portland pipeline has operated for many years and, as far as I know, without incident. We also know, that natural gas, being a gas, is colorless and odorless and represents no pollution danger. In addition, it seems to me that it is up to the agencies which review this project when an application is filed to determine what risk, if any, is involved. Pipelines are constructed and exist all over the country, and there are many federal and state agencies which will regulate the pipeline. In my view, it is premature for the Governor to decide whether the risks outweigh the benefits of the proposed pipeline.

When the Governor says that there is no guarantee that this state will benefit from the project, I must respectfully disagree with him. These are just a few of the benefits which I see in the proposed project: 1. Investment in Maine of \$220,000,000 in a construction which will provide substantial economic activity to the benefit of the citizens of this state during the proposed project. 2. The potential to receive natural gas, subject to the approval of the federal power commission. As you know, this issue was subject to confusion for some period of time, but in my mind it was fully clarified by representatives of Tennaco, both in writing and orally. The situation is simply this: Tennaco is an interstate carrier of natural gas and cannot sell gas to new customers without the approval of the Federal Power Commission under the Natural Gas Act. Tennaco has consistently stated that they are not now in a position to solicit new customers, however they would not object to any proposed customer in Maine who makes application for natural gas, if that customer's application is approved by the Federal Power Commission and will serve the customer. The fact is that natural gas is not now available, and with the construction of the pipeline it will be available if approval is obtained from the Federal Power Commission, using the normal procedures outlined by the United States Congress. The third benefit I see to Maine, though not a substantial one is the approximately 20 to 30 jobs which will be created by the pipeline operation. The fourth benefit I think is a real one to Maine is the taxes which Tennaco will be required to pay to our local and state government. Tennaco has estimated, based upon present tax rates, that by 1986 when the pipeline is completed and operational its total property taxes and the

state income taxes will be \$8.4 million per year.

In my view this is a reasonable piece of legislation which only allows someone to file an application and have it processed earlier than it might otherwise be able to do. I do not think the bill justifies a veto and I am somewhat surprised to see the Governor, in effect, prejudice this project.

The PRESIDENT Pro Tem: Is the Senate ready for the question? According to the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAY — Conley, Danton.

ABSENT — Martin, Sewall.

28 Senators having voted in the affirmative, and 2 Senators in the negative, with 2 Senators being absent, and 28 being more than two-thirds of the Membership present, it is the vote of the Senate that the Bill become a law notwithstanding the objections of the Governor, and the Secretary will present the Bill to the Secretary of State.

The PRESIDENT Pro Tem: The Chair at this time would ask the Sergeant-at-Arms to escort the President to the Rostrum.

Thereupon, the Sergeant-at-Arms escorted the President to the Rostrum, and the Senator from Cumberland, Senator Hewes, to his seat on the floor of the Senate.

The PRESIDENT: The Chair will thank the Senator from Cumberland, Senator Hewes, for his usual fine job.

(applause)

The President laid before the Senate:
Bill, "An Act to Provide for no Smoking Areas in All State Offices." (H. P. 818) (L. D. 991)

Tabled — June 24, 1977 by Senator Snowe of Androscoggin

Pending — Passage to be Engrossed
This Bill Passed to be Engrossed, as amended, in concurrence.
(See Action Later Today.)

The President laid before the Senate:
Bill, "An Act to Redefine "Wages" to Include Fringe Benefits." (H. P. 435) (L. D. 542)

Tabled — June 24, 1977 by Senator Speers of Kennebec

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

The President laid before the Senate:
Bill, "An Act to Improve the Effectiveness of the State's Development Financing Mechanisms." (H. P. 1727) (L. D. 1886)

Tabled — June 24, 1977 by Senator Katz of Kennebec

Pending — Enactment
On Motion of Mr. Katz of Kennebec,
Retabled for One Legislative Day.

The President laid before the Senate:
Bill, "An Act to Establish the 1977 State Valuation Omnibus Reform Act." (S. P. 465) (L. D. 1608)

Tabled — June 24, 1977 by Senator Speers of Kennebec

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

Mr. CONLEY: Mr. President, I move the Senate accept the Minority Ought to Pass Report.

The PRESIDENT: The Chair will advise the Senator that the Motions available are to Recede, Concur, Insist, or Adhere.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I move we adhere to our previous action.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate, this Bill, LD 1608, was debated briefly, I believe, on last Thursday, and I imagine it will probably be debated again briefly today.

It was my opinion that by signing out the Majority Ought Not to Pass Report that we have passed on to the assessors throughout the State a considerable job which they have to have accomplished by 1979 to meet the 20 percent ratio, the 20 ratio factor, — and to put additional burdens onto these assessors in the 495 plus municipalities we have, I think that it would be unjust. We have demanded of these assessors in these municipalities to get their house in order, and to conform to State regulations by 1979. You will note that the Senate Amendment S-300 is the entire Bill now, and there have been a lot of provisions removed from 1608 which the Committee objected to also.

But that is the biggest concern I have, and I think if these fellows and these ladies are going to meet these standards by 1979, we should not put additional burden onto these people. Also in S-300 the implementation of this Amendment is 1979. Now this means that the first section of S-300 would have to be implemented and they shall classify each parcel of real estate in accordance with the property classification system required by the State Tax Assessor. I do not have any argument with that. It is probably a good idea, but the time date for the implementation, 1979, when they have got these other standards they have got to meet, I think it is just a little too hasty.

When the vote is taken, Mr. President, I request a Division.

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

Mr. SPEERS: Mr. President and Members of the Senate, I think we all recognize that with the Uniform Property Tax in effect in the State of Maine, particularly we have had some real problems in the administration of the Uniform Property Tax, and the administration of that tax has been identified, the problems that have existed with that have been identified most strongly with the problems in the assessment of evaluation of property.

I think we are all familiar with the very real problem that exists, particularly along the coastal areas of this State, wherein the property in the coastal area would be assessed or valued along the lines of the property that is actually on the coast, regardless of whether the property in that town were one mile, two miles, or three miles inland, it would still be valued along the same lines as property along the coast itself.

I would like to direct the Senate's attention to the Amendment to this L. D. (S-300), because that is the entire Bill at the present time, and the purpose of this Amendment, one of the major purposes is to require the State Tax Assessor to Establish no more than eight classifications of property in the various municipalities, and these classifications might be used such as

urban residential, rural residential, seasonal etc., etc.. These recommendations came out of the Select Committee on State Property Tax Valuation, and I think that there are several recommendations that this Committee has made. Some of them being contained in this Bill, and others being contained in a Bill which we will hopefully get to later on this afternoon, and I would hope that this Senate would not turn its back on the recommendations made by this Select Committee, because the problems of evaluation of property in this State are very real ones. I think that the municipalities have made great strides. I think that the State has helped the municipalities make great strides in solving some of these problems, but I would hope that we would not out of hand reject continuing helping the municipalities to come to the proper evaluations and to place some classifications on the various properties which we all recognize are being valued under some very real problems today.

So I would hope that the Senate would go along with the Motion to Recede and Concur on this Bill, and that it would be passed to be engrossed.

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

Mr. WYMAN: Mr. President, I want to support the good Senator from Cumberland, Senator Jackson. I can agree up to a certain extent with the good Senator from Kennebec, Senator Speers, but I just think we are moving too fast, and, as I recall it, he said he would have the municipalities zoned into eight different zones. I have that problem in my town, the sea shore property, and the inland property, but I just think that we are moving too fast. We do not know what kind of a law we will pass in November when it goes to the voters, and I think that this matter could well rest, because I think the Department of Taxation has all that they can do at this time, and I certainly hope that we will sustain our previous vote on this, which was Ought Not to Pass.

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

Mr. MERRILL: Mr. President and Members of the Senate, I did not serve on the Special Legislative Committee that dealt with the problems of tax assessment in trying to improve the job that the State does in making its judgments about the levels of taxation in different communities, and, frankly, I had some skepticism about whether or not that study would ever come up with anything, and the Senator from Kennebec, Senator Katz, was optimistic about it, thought that it was a road that we should pursue, and due to his urging, really, I think that the Legislature undertook this project, and I have to admit that I am wrong, and I was wrong, at least to the extent that I think that the recommendations that they have provided this Legislature with are very helpful. Now whether or not it becomes useful to the State beyond that, is up to us in the Legislature, but I do think the study was a good one, and I think that they have provided us with some valuable suggestions, and some of those suggestions are in this Bill, the most important of which, I think, is to address this problem of these different types of property in these towns.

Now for many years now we have heard about the problems of the sunny side of the hill, or the property that turns over regularly, say the coastal property, and the problems that that makes for the people who live inland, who have a ratio established on the basis of the sales that take place along the coast. This Bill is an attempt to deal with that problem, and is to be applauded. Now some will say that this whole problem has come about because of the Uniform Property Tax, and the suggestion then is obvious that if we could get rid of the Uniform Property Tax, there would be no more need for this. Well, first let me point out, that

there are many other programs that we conduct based on this ratio, and we have discussed some of them recently. The veterans exemption program now is based on this ratio. This affects the County taxes that are paid, and I might also suggest that if we read the Supreme Court decisions in the area of educational funding, that whether or not we have the Uniform Property Tax a year or two years from now, we will have some system of school finance that if it involves any property tax dollars at all, we will at least have those dollars that are allocated by the State, allocated on the basis of the evaluation of the towns versus the number of students. In other words, whether we have a Uniform Property Tax or not, there is going to be a burden on this Legislature to fund education in a way which reflects the different abilities of different towns to raise money through property tax. So whether we have a Uniform Property system that really turns the State into one tax assessment area from the standpoint of raising money for education, or whether we go to some sort of power equalization system, it is going to be important for us to have the accurate evaluation of what each town is worth. We are not doing as good a job at that as we can right now. The passage of this Bill will give a tool, which I think will result in giving some tax benefits to some of these towns that have a great deal of property that is along the coast and then other property that is being lumped in with it at the present time.

The other aspect of this Amendment that I find interesting, and certainly not onerous for the local communities, is simply when the tax bill is sent out, it will state on the bill what ratio the town uses in determining the assessment. In other words, if the tax assessors of the town try to figure what the property is worth and then apply a ratio of 50 percent, that information will be on the bill. That just seems to me to be good consumer protection so that the person can at least understand the basis on which the assessment was made.

So I recognize the fact that this is putting one more burden on the local towns, but I think that it is something that is going to accrue to the benefit of the people that live in a lot of these towns, and it is one step further towards doing a better job with the assessing than we do, and when you take into consideration that we raise such a high percentage of our State and local monies from property taxation, and it is such an important part in so many of these formulas, I think that it is incumbent upon the Legislature to continue this steady, if not continuous steps that we are taking towards improving taxation, and I would hope that we would reverse our position and recede and concur here today.

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

Mr. JACKSON: Mr. President and Members of the Senate: As I listen to the debate from the good Senator from Kennebec and the good Senator from Cumberland, it almost stirs the heart, but I think there are some real issues with this Amendment. No. 1. We are requiring the municipalities to classify each parcel of land. Now this has to be done, as I read the Amendment, by January of 1979. We also require they be classified in the municipalities, I ratio of 20 by 1979. We also realize that the Uniform Property Tax has not been in existence that long, and to me if we try to expedite this in the manner that some people would like to have it expedited, I think we might run into problems somewhere down the road.

Now when you look at the Amendment (S-300), another thing that stirs me a little bit is that if you classify these pieces of property, required they be classified in the municipalities, I almost wonder if you could not use this as a tool to zone a town, and that is what you are requiring. Basically you are zoning for tax purposes every municipality in the State. That is a great

concern, and I am sort of an advocate of home rule, although I have been told that I am far straying from that. But these are some of the concerns that I have, and it could be very costly to these small municipalities. Now we have municipalities out there that have got 250-300 people. We have cities that have up to 65,000. Granted the tax base might be better in those large cities than it would be in the smaller communities, but some other people think differently here in Augusta, and these small communities are paying their fair share.

I think that something like this, it has been studied, but to implement it at the present time and require that it be implemented by 1979 before we have seen that these communities can reach that ratio, I think that we better take a hard look at it, gentlemen, and I think this is one of the biggest concerns I have. I would like to see, if we are going to retain the Uniform Property Tax, we have a good method and a good system, and I think that there is going to be a proper time for a piece of Legislation like this, but I do not think that the time is now.

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

Mr. KATZ: Mr. President, Just in a narrative account, not as a protest, I guess I have received as much personal abuse on the accuracy or the inaccuracy of State evaluation as any of us present, and after I listen to the constituents of some of the speakers here complaining about the fact that you might have valuable property in the front, but the property in the back is being penalized because it is not worth a nickel, I got together a Joint Order, and as a result of the Joint Order the Ford Foundation came with some money. We were lucky enough to recruit some extraordinary people like John O'Donnell as Chairman. He is the former Chief of Audit of Internal Revenue, who has just retired and was a complete neutral in this, and he threw himself into the project and did, I think, an extraordinary job. This is the report that came out of that Select Committee, that addressed itself to questions that the Legislature had been wrestling with time after time after time, is State valuation equitable? And we wanted an impartial group to look at State valuation, and they did, and they said that there is some cause for concern, that maybe certain types of property because they are so valuable are affecting the State valuation of the whole community, and this is not equitable.

The Bill went in and the Committee Report is the result. It is effective in January 1979. I think that it has a better promise of bringing equity to those communities who feel that they are burdened than anything else that I have seen this Session. Not only does the community have a better shot at establishing a fair evaluation, but also the individual people within the community have an alternative way of appealing. I think, if you will excuse the expression, it is a people's Bill.

If the prime concern of the Senator from Cumberland, Senator Jackson, is the fact we are doing some things too quickly, in order to get a unanimous voice out of this Senate, I would be very glad to amend it so it does not become effective for another year down the road, but I consider it enormously important Legislation, and I want to reiterate what the Senator from Cumberland, Senator Merrill, said that this really has nothing to do with the Uniform Property Tax decision facing us in November. The equity or the inequity of State valuation goes far back, far beyond LD 1994, and it is going to extend far beyond from the repeal or non-repeal in November. It is absolutely essential that when we put a State valuation on the communities, that we are able to back it up with some facts, and this is a tool to let us arrive at those facts.

The PRESIDENT: Is the Senate ready for the question? The pending question before the

Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate Recede and Concur with the House.

A Division has been requested.

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

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

21 Senators having voted in the affirmative, and 6 Senators in the negative, the Motion to Recede and Concur does prevail.

(See Action later Today.)

The President laid before the Senate:

HOUSE REPORT — from the Committee on Health and Institutional Services — Bill, "An Act to Require that Persons or Agencies Placing Unrelated Children for Adoption be Licensed." (H. P. 416) (L. D. 523) Ought to Pass as Amended by Committee Amendment "A" (H-703)

Tabled — June 24, 1977 by Senator Snowe of Androscoggin

Pending — Acceptance of Report
On Motion of Mrs. Snowe of Androscoggin, Retabled for One Legislative Day.

Reconsidered Matter

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

Mr. CONLEY: Mr. President, in reference to Bill, "An Act to Establish the 1977 State Valuation Omnibus Reform Act." (S. P. 465) (L. D. 1608) having voted on the prevailing side, I now move that the Senate reconsider its action whereby it Receded and Concurred with the House, and hope that you vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, Now moves that the Senate reconsider its action whereby it voted to recede and concur on LD 1608.

A viva voce vote being had,

The Motion to reconsider does not prevail.

Reconsidered Matter

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

Mr. PRAY: Mr. President, in reference to Bill, "An Act to Provide for no Smoking Areas in All State Offices." (H. P. 818) (L. D. 991) I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate reconsider its action whereby L. D. 991, was Passed to be Engrossed.

The Chair recognizes the Senator from York, Senator Hichens.

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

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

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

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

10 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to reconsider does not prevail.

The President laid before the Senate:

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

Tabled — June 24, 1977 by Senator Speers of Kennebec

Pending — Consideration

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

Mr. CHAPMAN: Mr. President and Ladies

and Gentlemen of the Senate, it is with a sense of exasperation that I urge the Senate to vote yes and override this veto.

This Bill is a Committee Bill, and I am in the posture of feeling like the proverbial fellow out on the end of a limb. Bigelow Lab is the laboratory referred to in the Bill, the Northeast Research Foundation Incorporated. It is more commonly known as Bigelow Lab. It is located in Boothbay Harbor. It is a research lab of excellent reputation, performing primarily basic marine research. It is currently leasing buildings at McCowan Point property that has been in the Federal Government's ownership, and hopefully will soon be transferred to the State. It is adjacent to the Marine Resource Department's facilities in Boothbay Harbor.

Up until the present time, this lab has been operating under the Department of Marine Resources. It has received approximately \$150,000.00 from the State, which has been used largely as seed money, and this money has garnered untold thousands of additional dollars to perform the important research. The present lease expires July 1, 1977. There apparently have been some difficult relations between the Bigelow Laboratory and the Department of Marine Resources. When we arrived here in January, this became apparent to the Committee, and the Department of Marine Resources did not include funds in its budget to carry on the operation of Bigelow Lab. It was the Governor's suggestion that this type of basic research might well be more properly carried on under the auspices of the University of Maine. Bigelow Laboratory resisted being transferred to the University of Maine.

The problem that would seem to be unresolvable by all of the different parties was thrown into the Marine Resources Committee lap. It really, in my view, is an executive matter, but nevertheless, it was given to our Committee to attempt to resolve. Parties in this situation were the Marine Resources Committee, the Department of Marine Resources, the Governor's staff, the University of Maine, and Bigelow Lab. We have had untold meetings. We met in the Governor's Conference Room one night. We met another day. We met as a Committee at the Bigelow Lab two different times in Boothbay Harbor. We met in Rockland at the Samoset one time. We met and discussed the matter at the Department of Marine Resources. The Committee has met several times in the Committee, in the Committee Room, and we have had a public hearing on this bill.

It is very interesting at this public hearing, no one wished to speak either for nor against, and it was with some difficulty that we prompted statements from people who were there. It is interesting, there was no one from the Governor's staff there.

To make a long story short, the committee actually has been in the posture of playing the role of an arbitrator, a middleman, trying to get Bigelow to agree to an association with the University of Maine, which they have now done, and we tried to get Bigelow two years in the past to make the decision as to whether they wished to permanently join as a part of the University of Maine or toward the end of that time to become an independent laboratory on their own, with the facility and funding which they would develop for their own use.

There was one hang-up in trying to get the University of Maine to agree to a commitment that was acceptable to Bigelow, and that hang-up was that they needed a commitment and assurance of a site. The University of Maine had no place to put this laboratory. They needed a physical facility, and particularly desired the one that Bigelow Lab was in now to house this lab. The Department of Marine Resources was unwilling to make a commitment to make available this site. Hence L. D. 1820 was

directed that this site be leased for one year, and that it be renewed for an additional year subject to the approval of the Department of Marine Resources and the Marine Resources Committee. April 1 this year, the Committee received a memo from Commissioner Looke, the department, which I would like to quote from. This was in request of a question from the Committee concerning the McCowan Point property and their need for that property. "We believe that the Department of Marine Resources has a definite need for the facility, including the 11,500 square feet now rented to the private group. If we are to fulfill our Legislatively mandated responsibilities to the State of Maine." Another excerpt, "The DMR will need to expand its occupation of the Boothbay Harbor complex, and I can see within the next few years, very little, if any space available for other research institutions or agencies."

I would like to refer to the veto message. "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." Well, that was not so, and unless I have heard incorrectly, I verified my feelings with the other members of the committee, and they concur. There were only three people at that hearing, a member representing the Department of Marine Resources, one from Bigelow Lab, and one from the University of Maine, and, as I mentioned earlier, we had to draw out statements from them. No one wished to make any voluntary statements. "This bill would do nothing more than order the commissioner to do something that he has already expressed his intentions to do, which is lease this property." Well, the Commissioner has expressed his intentions to do that in a memo I received dated June 21, which happened to be the day after one of the Governor's staff indicated to me that he thought that the Governor might veto. This message indicated that they would be willing to lease the property, but the bill was prepared prior to that.

We got into this because the parties concern turned to the Committee to try to resolve the matter.

There are some other aspects of the veto message which might need some comment, but basically it is not the feeling of the committee that this would deprive the department of any authority or flexibility, but rather that it carries out the desires of all parties really to make this facility available and to enable the University of Maine to know they have the facility and to make the commitment that it was necessary to carry on this important operation. It was also the understanding that this particular operation, either in two years time, would become more closely affiliated with the University, or would be on its own.

It gives you a little background and another point that I might make that a draft copy of this bill was presented to the Governor's office prior to its being put into the bill, and after going back in a couple of days, it was my clear indication that at least there was no objection addressed on this draft.

I would urge that we override the veto of this matter.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is shall this Bill become a law notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by the yeas and nays.

A vote of yeas will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor.

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

ROLL CALL

YEA — Carpenter, Chapman, Collins, D.;

Collins, S.; Conley, Cummings, Curtis, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

NAY — Danton.

ABSENT — Martin.

31 Senators having voted in the affirmative, and 1 Senator in the negative, with 1 Senator being absent, and 31 being more than two-thirds of the membership present, it is the vote of the Senate that this Bill become a law notwithstanding the objections of the Governor. The Secretary will present the Bill to the Secretary of the State.

(Off Record Remarks)

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

Mr. CONLEY: Mr. President, I have a parliamentary inquiry in respect to the remaining items still on the calendar as unfinished business, and my question through the Chair would be as whether or not it would be considered tomorrow, and would we have to reconsider, suspend the rules if we wanted to make Amendments.

The PRESIDENT: The Chair would advise the Senator that all items that are still on the Table that are assigned for Today would be on and taken up at the very beginning of Tomorrow's Orders of the Day, and it would not be necessary to suspend the rules in order to consider these matters.

Mr. CONLEY: They would be considered as items still on Today's Calendar.

The PRESIDENT: The Chair would answer in the affirmative.

On motion of Mr. Huber of Cumberland,
Adjourned until 9:00 tomorrow.