

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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KJ PRINTING
AUGUSTA, MAINE

SENATE

Thursday, July 7, 1977

Senate called to Order by the President.
Prayer by Reverend Ernest Sjoberg, United Methodist Church of Richmond.

Rev. SJOBERG: Before we pray, I want to read just three or four verses of scripture on the life of David, one of the greatest military and political men that ever lived.

He says, O how love I Thy law. It is my meditation all the day. Thou, through Thy commandments, have made me wiser than mine enemies, for they are ever with me. I have more understanding than all my teachers, for Thy testimonies are my meditation. I understand more than the ancients, because I keep Thy precepts. I have refrained my feet from every evil way that I might keep Thy word. I have not departed from Thy judgments, for thou hast taught me how sweet are Thy words unto my taste, yea sweeter than honey to my mouth.

Through Thy precepts I get understanding; therefore, I hate every false way.

Let us pray. Our Heavenly Father, we thank you for the example this morning of David, a man who was perhaps as close to God as any man that ever lived. We thank you, Our Father, for the record this morning of the scriptures that give us direction as to how we, too, can be great, not only in the sight of man, but in the sight of God.

And so, Our Father, we pray that you will help us today in this Chamber to recognize our need also of dependence upon you, and to recognize that that is accomplished through our love for the word of God, so give us men and women in this Chamber, Our Father, who fear the Lord, who love the scriptures, and who will find there the direction that is needed for the decisions that need to be made from day to day.

We pray our Father, that in these perilous days that our hearts will be turned to the one who loves us with an ever lasting love, who cares for us, and who wants to lead in all affairs. So lead us and bless us, we pray, to that end, and we ask in the name of Jesus Christ.
Amen.

Reading of the Journal of yesterday.

Senator Collins of Aroostook was granted unanimous consent to address the Senate on the record.

Mr. COLLINS: Mr. President and Members of the Senate, a few hours from now a public hearing will take place at the High School in Limestone, Maine. It will be important, not only to the citizens of central Aroostook County, but to all the people of Maine, because the future of Loring Air Force Base will be determined in part by the testimony presented there.

The Senate may recall that this will be the Second Environmental Impact Statement prepared by the Air Force. This time the Air Force has done its home work well, and there will be little to argue about with respect to the economic and social impact on the local area and on the State of Maine. For example, if the Base to be reduced by the proposed 83 percent, the Caribou-Presque Isle labor area could expect an unemployment rate of 22 percent, and the cost to the State of Maine from lost taxes, unemployment compensation and welfare could total \$25 million.

It follows, of course, that real estate values, property taxes and school systems would all suffer if the programmed action took place. However, it will not be the impact on the area that will be a deciding factor, but the cost and/or savings to the Federal Government, and the military reasons given for reduction.

The Save Loring Committee has engaged private military analysts to present testimony at the hearing. That testimony will point out the strategic importance of Loring because of its

geographical location. It will indicate that fuel costs for B-52's will cost \$15 million a year more because of the necessity of refueling from midwestern and southern locations. It will also indicate that the net cost of closing Loring, after savings have been deducted, will be \$105 Million over the next five years.

I know that you share my concern over the future of Loring, because of the appropriation you supported for the Save Loring Committee, and today I thank you for your support and your concern.

(Off record Remarks)

Communications
Committee on Appropriations
and Financial Affairs

July 6, 1977

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

Dear President Sewall:

The Committee on Appropriations and Financial Affairs is pleased to report that it has completed all business placed before it by the first regular session of the 108th Legislature.

Total number of bills received	58
Unanimous reports	54
Leave to Withdraw	7
Ought Not to Pass	20
Ought to Pass	5
Ought to Pass as Amended	14
Ought to Pass New Draft	5
Referred to Another Committee	3

Divided reports 4
Respectfully submitted,

Signed: DAVID G. HUBER
Senate Chairman
Which was Read and Ordered Placed on File.

Committee on Taxation

July 6, 1977

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

Dear President Sewall:

It is with pleasure that I report to you that the Committee on Taxation has completed all business placed before it by the 108th Legislature.

Total bills received	140
Recommended bills	3
Unanimous reports	99
Leave to withdraw	38
Ought not to pass	19
Ought to pass	16
Ought to pass in new draft	4
Ought to pass as amended	22
Divided reports	41
Total amendments	42
Total new drafts	6

Respectfully submitted,

Signed: HOLLIS WYMAN
Senator Hollis Wyman
Senate Chairman
Which was Read and Ordered Placed on File.

Office of the Governor

July 6, 1977

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

I am returning on this date without my signature and approval H. P. 148, L. D. 178, AN ACT Relating to the Term of Membership on the Board of Visitors for Mental Health and Corrections Institutions and the Baxter School for the Deaf.

I have nothing but admiration and respect for

the dedication and sacrifices which legislators make in order to serve the public. However, it seems that a bill such as this one is an example of unnecessary legislation which directly contradicts recommendations made to the Legislature with respect to priorities and the lack of necessity to legislate the continuation of the various Boards of Visitors.

Originally, I was advised that these Boards should be abolished. The reorganization bill which was submitted to the Legislature as part of the Governor's Program was reported out of Committee as a study order, and I assume that it was the judgment of at least those individuals on the Committee which heard the reorganization bill that additional study and evaluation was desirable. We did not oppose this approach, and expected that a close look would be given to the usefulness and necessity of these Boards. I have no question that the individuals who serve on these Boards are concerned and dedicated citizens, but I have been advised that these Boards are not the best way to aid and assist the management decisions of the involved departments. In spite of all this, L. D. 178 orders that the boards be continued.

This bill also completely deletes the role of the Governor by substituting Legislative officers as the appointing authority. This approach is also troublesome. The Boards of Visitors are charged with the responsibility for making recommendations "relative to management". I question the logic of having the Legislature, which is responsible for setting and establishing policy, appoint members to boards which are statutorily responsible for making recommendations relative to management decisions, which are the function of the Executive. This whole area has recently been addressed by the Attorney General, and I would ask that the Legislature consider this point in light of that opinion.

In addition, I find this bill objectionable because it is an example of legislation that directly contradicts recommendations which I have received from the very people in the departments and who are most familiar with management needs and problems. These people are responsible for the day-to-day management decisions. Their responsibility is a heavy one, and at times a very difficult one. We have been fortunate in this State to attract dedicated and talented people to serve in the high level positions in our departments. However, legislation like this makes it that much more difficult to attract and keep good people.

In summary, it is not the transgression of the Executive authority which personally is most troublesome to me; rather, it is a combination of undermining the confidence and management ability of the leaders in the Executive Branch along with the fact that the bill, in my opinion, cannot be justified in terms of legislative attention and expense to the extent that it is unnecessary legislation which seeks to perpetuate an approach of questionable usefulness and effectiveness in assisting the management of the many State institutions.

For these reasons, I respectfully request that you sustain my veto.

Very truly yours,
Signed: JAMES B. LONGLEY
James B. Longley
Governor
(H. P. 180)

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

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

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

Comes from the House with the following endorsement:

In the House, July 6, 1977, this Bill, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

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

Signed:

EDWIN H. PERT
Clerk of the House

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

Mr. SPEERS: Mr. President, I have read the message of the Governor with care, and I have looked at the Bill again, L. D. 178, in its enactment form.

There is one aspect of the Bill that I would have some concern about, that I believe I would agree with the Governor on, unless it can be cleared by someone who might be more familiar with the Bill and the reasons thereof, and that aspect is the fact that Administrative Boards of Visitors, which probably most certainly is an Executive function, is to be appointed by the Legislative Branch, and I do find some serious concern with that structure, and I wonder if someone more familiar with the Bill might wish to address that particular aspect of it.

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

Mrs. SNOWE: Mr. President and Members of the Senate, first of all, in answer to Senator Speers' question, the Committee did not give that entirely enough consideration; however, we know that and I have investigated it since the veto message, that I did not feel it was a transgression of authority from the Executive to the Legislative Branch. It is just merely an Advisory Commission.

Currently in the Statute it does require the Governor to appoint a Board of Visitors for every mental and correctional institution in the State, and the Baxter School for the Deaf. In the past two and one-half years the Governor has not appointed any Member to the Board of Visitors.

The Board of Visitors is merely a citizen participation kind of group. They go in and look at the institutions and make recommendations to the Commissioner and to the Health and Institutional Services Committee as to what kinds of changes should take place. These citizens do not receive any expenses nor per diem reimbursements. I think that citizens do have a right to go in and look at the institutions to see how their money is being spent.

Apparently the Governor does not feel that this is an important Commission, and so, therefore, he has circumvented Legislative intent by merely not appointing anybody to these Boards of Visitors. Since that was the feeling of the Governor, the Committee felt that perhaps we should make a recommendation and have the Speaker of the House and the President of the Senate make appointments to the Board of Visitors, and that is how we dealt with this situation. Since they do not receive any reimbursement, it is not any cost to the State, and it is inviting citizen participation to look at the institutions in our State, and, as a matter of fact, a few years ago the Board of Visitors to the Stevens School initiated an inquiry that led to the discovery that the State was owed \$427,000.00 by other New England States in the care of prisoners.

I think it is a very functional kind of thing. I think it is something that we should perpetuate and encourage people to get involved, and, therefore, I would encourage you to override the Governor's veto.

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

Mr. HICHENS: Mr. President, I rise this morning to ask you to sustain the Governor's veto, not so much on his veto message in changing the set up of the Board of Visitors, but because the Board of Visitors is unnecessary altogether.

Three different Sessions we have had Bills in to eliminate the Board of Visitors because it over-laps what we already have. We have Advisory Committees for the institutions of our State. We have Legislative Committees to look into these problems, and, in my opinion and apparently in the opinion of the Governor, there is no need for Boards of Visitors.

Three years ago we passed a Bill which required the Board of Visitors to report to the Health and Institutional Services Committee as to their activities. In the two years following, I received a report only from the Stevens School Board of Visitors, and I do not know what the present Committee has received, but if they are not reporting any better than they were the other two years, there is no necessity for them at all.

I hope you will vote to sustain the Governor's veto.

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

Mr. SPEERS: Mr. President, I find myself in agreement with both of the two previous speakers. In the first place, I do feel that the Boards of Visitors are important functions and that they should be continued, and, as I understand it, if the statutes remain in their present form, they are continuing as statutorily authorized and demanded by Legislative intent to be in existence.

As I understand the Senator from Androscoggin, Senator Snowe, however, the reason this change is being made from appointment by the Executive to appointment by the Legislature is that the Executive has ignored making these particular appointments, and I would ask the question whether or not this is a permissive statute that is in existence at the present time, or whether it is mandatory that there be these appointments made, that the Executive shall appoint Boards of Visitors.

That may not solve the immediate problem, but I would raise the specter of an Executive who may not be following the statutory mandates in every case, not only in this particular case, but what would happen in other instances where appointments are mandated, are we going to follow the same route and the same solution and take these appointments away from the Executive and bring them back to the Legislative Branch, and are we really then stepping down a road which I fear that we don't want to tread.

I think that the best way to handle the solution to this problem is to request and demand that the Governor make the appointments as are required by law, and to sustain the veto of this particular Bill.

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

Mr. HICHENS: Mr. President, in answer to the Senator from Kennebec, the law says the Governor shall appoint a Board of Visitors: Up until six years ago, it was may and it was changed then to shall.

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

Is the Senate ready for the question?

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

ROLL CALL

YEA — Chapman, Conley, Cummings, Curtis, Minkowsky, Pierce, Pray, Snowe.

NAY — Carpenter, Collins, D.; Collins, S.; Danton, Farley, Greeley, Hewes, Hichens, Huber, Katz, Levine, Lovell, Martin, McNally, Morrell, O'Leary, Redmond, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Jackson, Mangan, Merrill.

8 Senators having voted in the affirmative and 22 Senators in the negative, 8 being less than two-thirds of the membership present, the veto of the Governor is sustained.

Communications

Committee on Education

July 6, 1977

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

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Ellen W. Platz to the position of member of the Board of Trustees of the University of Maine.

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

YEAS:

Senators:

KATZ of Kennebec
USHER of Cumberland
PIERCE of Kennebec

Representatives:

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

NAYS:

Representatives:

CONNOLLY of Portland
WYMAN of Pittsfield

Eleven members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Ellen W. Platz to the position of member of the Board of Trustees of the University of Maine be confirmed.

Sincerely,

Signed:

BENNETT D. KATZ
Bennett D. Katz
Senate Chairman

Signed:

ARTHUR P. LYNCH
Arthur P. Lynch
House Chairman

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

Mr. KATZ: Mr. President, the Senate will find in front of it this morning the action of the Committee on Education with respect to one nominee of the Governor on the Board of Trustees of the Maine Maritime Academy, and two nominees to be on the Board of Trustees of the University of Maine.

It was an interesting experience, because these are the first University appointments that we have dealt with. You might be interested to know that the questioning of the Committee was rather thorough, with such pointed questions as, "If the Governor asked you to resign, would you resign?" such as, "Do you think you are tough enough to stand up to political pressure, whether it came from a future Governor, a member of the Senate or a Presiding Officer of either Body?" "Do you think that you are tough enough to face up to the educational establishment if it attempted to snow you on any issue?" and in the process of questioning such

as "Do you support the concept of a student being on the Board of Trustees of the University of Maine?" naturally the nominees made some friends and they caused some concerns, because these are all controversial questions even within the Committee.

So I ask the Senate, as it notices the fact that the two University nominations were not unanimous, not in any respect to look upon it as a reflection on the character and the quality of the nominee.

On the third proposal, which was for Patricia DiMatteo, there was an abstention. I have been asked to report that Representative Beaulieu of Portland abstained because of a possible conflict of interest, and went to the Speaker of the other Body for such advice.

The nominee to the Board of Trustees of the Maritime Academy, John Sullivan, is head of the Bath Iron Works, and the Relationship between the Bath Iron Works and the Academy would be a very, very interesting one, and there is room for future improved relationships.

The candidates for the Board of Trustees of the University of Maine do not have visible business or professional experience. By and large most of their lives have been spent raising families and running a home. Both ladies came through in good shape in the questioning, and the Committee in confident, as the vote indicates, that they are capable and will perform and do credit to the job.

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

Mr. CONLEY: Mr. President and Members of the Senate, I am just beginning to become aware of what rubber stamps were under the former Executive Council that we had at one time.

We have a report before us with a number of names having voted yea and some having nay, and yet we have to make a decision on nothing more than what the good Senator from Kennebec, Senator Katz, has stated in regards to these various nominees.

I do not like to get up and speak this morning on these particular nominees that have been presented to the Senate, because we have had several nominees of the Governor brought before this Body for confirmation, and each and every one have been overwhelmingly endorsed by this Body.

But it is my understanding that at least on one of these nominees that the question was raised at the Committee hearing as to whether or not they felt the person was competent to hold the position of Trustee of the University, and each Member of the Committee voted that they felt the person was not competent to serve as a Member of the Trustees, and then proceeded to vote in favor. Now this seems just a little bit shocking to me, and if I am wrong in what I have been told, I would certainly like the good Senator from Kennebec, Senator Katz, to clarify it.

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

Mr. KATZ: Mr. President, the Senator from Cumberland, Senator Conley, is in error. The Committee was dissatisfied with our preparation for the hearing, and we were probably about as critical of ourselves and how we prepared for the Committee hearing. We identified the fact that the candidates should be contacted ahead of time to give some notion as to the form of the hearing, the nature of the type of questions that may be asked, and perhaps encourage the candidate to have a prepared statement ahead of time. Subsequent to the formal part of the hearing, we had an executive discussion among ourselves as to the kinds of candidates we would like to see come along in the future, and I think perhaps that is what the gentleman refers to.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the

nomination of Ellen W. Platz be confirmed

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

A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, the first nominee that we are considering here today is Mrs. Platz of Auburn. I had not met Mrs. Platz before the opportunity for the public hearing, but did attend the entire public hearing which was held, and I think it might be worthwhile for the rest of the Senate to hear the observations of somebody who is concerned about the future of the University, but is not a Member of the Education Committee.

The Education Committee spent a great deal of effort, and I thought considerable thought in posing its questions for more than an hour and a half to Mrs. Platz as to what her ideas were regarding the University. I was particularly impressed with some of her observations. First of all, she very clearly indicated that she had not become an expert on the University or its problems, but that she was open-minded, and it seemed to me that, although she was not fully cognizant of all of the problems that presently exist at the University, that what we need most of all in this State right now is somebody who does have an open mind as they address the serious problems.

In response to the question about what should happen to some of the smaller campuses, and in particular the campus at Machias and the campus at Fort Kent, Mrs. Platz indicated very firmly that she felt that these campuses were important to the areas where they were located and to the people who lived in those areas, and it was my understanding that she indicated those two campuses should not be changed in their structure, and should continue to be four year colleges. I think that is particularly important, because last year, about November, a Subcommittee of the Performance Audit Committee visited the University of Maine at Fort Kent, and one of the observations that we heard from the people who were gathered at the University at Fort Kent, and it would be worthwhile, I think, for the Senate to understand that the largest available structure was packed to capacity and standing room only with personnel who were at the University of Maine at Fort Kent and citizens of the area. One of their great concerns was the fact that a Trustee who had resided in the St. John Valley had recently left the Board of Trustees, and they were concerned about the fact that there was nobody any more from northern Aroostook County who was a Member of the Board of Trustees of the University of Maine. I thought it might be helpful, particularly for the people who are concerned about the future of some of the smaller campuses, as I am, to know that this nominee at least to the Board of Trustees had particular views regarding the continuation of the four year institution status, and the importance to the areas representative of those smaller campuses in the system.

The other thing that really impressed me and for which I guess I made up my mind to vote for her confirmation, was the fact that she stressed over and over again the importance of quality as we consider what should happen to the University, and the importance in trying to retain and improve the quality of the University, of the danger of good faculty leaving the University, and particularly leaving the University because of the low salaries. She

stressed that the faculty was the key-stone of the University, and I think that that is a good attitude and one that should be encouraged on the Board of Trustees.

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

Mr. MERRILL: Mr. President and Members of the Senate: Quite by accident I had the opportunity to sit in on the end of a work session yesterday of the Education Committee dealing with the subject of confirmation of Members of the Board of Trustees, and they dealt with the question in a general way, and then they dealt with it in a specific way in regards to another person whose name is before this Body, and the general discussion took place about what the roll of the Committees in the Senate are, the confirmation process, and I would like to make one statement on that subject, and, of course, there are many of us here who have different ideas, but as one who took a particular interest in the replacement of the Executive Council with the Senate and the Committees, it is my feeling that the Legislature's roll in appointing people to serve essentially at the pleasure of the Governor, and in most cases now serve terms either coterminous with him or who serve at his pleasure, the Legislative role in that ought to be minimal, and the Legislature ought to simply ask itself the question as to whether or not the people have the basic level of competence, and whether they have the degree of integrity we want to see in all State officials, and if the answer to both questions is yes, then the confirmation process, I think, ought to be almost automatic.

With people who we have created to exercise independent judgment, independent of us and independent of the Executive, I think we ought to set a different standard, and I think the Education Committee was grappling with that question yesterday, and I am afraid that if we do not deal with the problem a little bit as these confirmations come out, we will fall into the habit of doing the easiest thing, which is to always confirm people for every nomination. None of us like to make decisions that involve people that are negative, and that is a concern of mine with people like Judges and with people like Members of the Board of Trustees of the University of Maine. Those of us who have sat in this Body and discussed University matters over the passage of time, have often heard the argument made that we ought to defer to the Trustees because we do not want political involvement, and that argument has always been a very compelling one to me, but I think it is one that underscores the necessity of setting a standard that when we choose these people that it is different than what we might set if we were confirming an appointment of the Governor to serve at his pleasure, and I am not sure that the Education Committee applied that standard in these cases without certainly venturing to be an expert on the qualifications of either of these people.

As I listened to the Education Committee grapple with the problems, I did not hear that distinction made, and I think that that was an uneasiness of the Committee, and, frankly, I would like as a Member of this Body to make that statement to the Education Committee and to the Judiciary Committee who will be considering appointments to the Judiciary later on. I think there is a good argument for a different standard, and that is the general feeling that has prevailed in the United States Senate that confirms appointments of the President, and which has been discussed many times there, and I hope that the Committees will consider having that different sort of a standard when they make these confirmations, and I would feel a little bit better if I were certain that the Education Committee applied that more rigorous standard in making its recom-

mendations on this appointment today.

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

Mr. KATZ: Mr. President, I think that the Senator accurately reflected the concerns of the Education Committee. This was a nomination to the University of Maine Trustees, and although this is a seven year term and the nominee would certainly serve with at least one other Governor, there was a gnawing awareness of some of the statements the incumbent Governor has made about the University, and our Committee is very supportive of the University of Maine.

Let me give you an idea of some specific questions we asked of this candidate. Question — this job requires a dedication and a significant commitment of personal time and thought. Are you willing to make the commitment? Answer — definitely. I have the time and I want to put my mind and effort to this. I am not going into this with my eyes shut, and I am aware of the great deal of time that it is going to take.

Question — Because of your husband's relationship to Maine Maritime Academy, do you see a potential conflict between your roll with the University and the Maine Maritime Academy? Answer — These are two different kinds of institution. Both need funds and I do not see a conflict.

Question — Do you support increased funding, if necessary, to maintain a good faculty? Answer — Yes, very definitely I would.

The question of the controversy between the Governor and the Legislature and the level of funding was raised. Answer — We need enough money to keep the proper level of the institution, but at this time I cannot say specifically what it is.

Question — Can you divorce yourself from the Governor's thinking? Answer — Yes, we never discuss politics.

Question — Are you interested in affirmative action in the involvement of women? What would you do to strengthen this? Answer — I am all for affirmative action. I want to see anyone who is qualified and wants a job, get it, and I am particularly interested in women.

We spent something around an hour questioning the candidate alone, and when we finished I had the image of an extremely intelligent, capable candidate who really had no background of experience in higher education, but indicated the desire and opportunity to really put her heart into it. She has a history of involvement with the Pine Tree Society, and the Executive Director, whom I know, took me aside and subsequently sent me a letter, and said that Mrs. Platz is always at the meeting on time, she always does her homework, and she makes quite a contribution.

I have sat on enough Boards to know that it is a lot easier to sit down with a bunch of professionals, people who know the issues, know the policy alternatives and can make decisions liek that. The only trouble is that you get one point of view. When you bring in a woman who has not been deeply involved in this kind of thing, she starts out at a different level of expertise, but if past experience is any yard-stick, and a seven year term, that kind of a person has a very, very important role to play on the Board of Trustees of a great University. The present University has a black physician, it has a distinguished Legislator, it has a retired or semi-retired businessman, and I think that this nominee brings a certain balance, and I am not at all vaguely apologetic of the action of the Committee, and I would suggest that seven years from now I will be able to look back with a clear conscience and have some kind of personal satisfaction that the contribution that this nominee will make, and I am absolutely confident of it.

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

Mrs. SNOWE: Mr. President and Members of

the Senate: Although I did not attend the confirmation hearing of Mrs. Platz, I am acquainted with her, and have dealt with her on a number of occasions, and I have found her to be a very intelligent, capable woman. I have no doubt in my mind that she will make a fine addition to the Board of Trustees of the University of Maine.

The PRESIDENT: Is the Senate ready for the question?

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

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

ROLL CALL

YEA — Conley, Pray.
NAY — Carpenter, Chapman, Collins D.; Collins S.; Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Katz, Levine, Lovell, Martin, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Redmond, Snowe, Speers, Trozky, Usher, Sewall.

ABSENT — Huber, Jackson, Mangan, Wyman.

2 Senators having voted in the affirmative and 27 Senators in the negative, with 2 Senators being absent, 2 being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Ellen W. Platz is confirmed.

Committee on Education

July 6, 1977

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

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the Joint Standing Committee on education has had under consideration the nomination of John F. Sullivan to the position of member of the Board of Trustees of the Maine Maritime Academy.

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

YEAS — Senators — 3. Representatives — 10.
NAYS — Senators — 0. Representatives — 0.

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John F. Sullivan to the position of member of the Board of Trustees of the Maine Maritime Academy be confirmed.

Sincerely,

Signed: Bennett D. Katz
Senate Chairman

Signed: Arthur P. Lynch
House Chairman

Which was Read and Ordered Placed on File.
The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, in this particular case the Governor has nominated an extremely successful businessman who has taken a major industry in Maine that was in rather shaky financial condition and turned it around. He is a manager. He is oriented towards maritime concerns, and the only concern of the Committee was a possible conflict between the head of a major shipbuilding industry and the Marine Maritime Academy.

By the time the Committee got done questioning him and discussing him amongst ourselves; we by and large came to the conclusion that

rather than a conflict, it was an asset, and the unanimous vote in his favor recorded that confidence.

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

Mr. CHAPMAN: Mr. President and Members of the Senate, as one who counts John Sullivan among his acquaintances, I would like to just make a few remarks. I did appear at the hearing. I was impressed with the thoroughness and the penetrativeness of the questioning of the Committee.

As President of Bath Iron Works, he has brought the present status of that operation around to a profitable situation, as the Senator from Kennebec, Senator Katz, mentioned. The Bath Iron Works employs, I believe, some 25 or so graduates of the Maine Maritime Academy, and Mr. Sullivan could not speak higher of their abilities and his desire to continue to see that kind of caliber of individuals graduated from that educational institution.

He has a strong sense of community involvement, not only in the local area, but the entire State of Maine. He brings some excellent corporate management expertise. He brings outside experience which can be helpful, and I think he holds the unique position in his activities, and specifically in relationship to maritime people at the Federal level, and I was very pleased to see the unanimous support of the Committee, and I certainly strongly personally endorse this gentleman as being able to do an excellent job.

Mr. PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of John F. Sullivan be confirmed.

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

A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

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

ROLL CALL

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

ABSENT — Jackson, Mangan.

One Senator having voted in the affirmative and 30 Senators in the negative, with 2 Senators being absent, One being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of John F. Sullivan is confirmed.

Committee On Education

July 6, 1977

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

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Patricia H. DiMatteo to the position of member of the Board of Trustees of the University of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the

yeas and nays. The Committee Assistant called the roll with the following results:

YEAS:

Senators:

KATZ of Kennebec
USHER of Cumberland
PIERCE of Kennebec

Representatives:

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

NAYS:

Representative:

WYMAN of Pittsfield

ABSTENTION:

Representative:

BEAULIEU of Portland

Eleven members of the Committee having voted in the affirmative, one in the negative and one having abstained, it was the vote of the Committee that the nomination of Patricia H. DiMatteo to the position of member of the Board of Trustees of the University of Maine be confirmed.

Sincerely,

Signed:

BENNETT D. KATZ
Bennett D. Katz
Senate Chairman

Signed:

ARTHUR P. LYNCH
Arthur P. Lynch
House Chairman

Which was Read and Ordered Placed on File.

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

Mr. KATZ: Mr. President, this was the only one of the nominees who took the opportunity to file a written statement with us or make a prepared statement, and it made the presentation more impressive. A Member of the Committee had given her a notion of the kind of things we might be interested in.

I will just share a couple of thoughts that she expressed to us. She views her role as a Trustee to participate in forming constructive policy that will meet the future needs of the State, and to assure that the University is managed effectively by the Administration. She said, "I do not think the job requires radical changes to be made, but instead we should build on what has gone on before. I am deeply committed to a strong State-supported University system that can provide quality education to the largest number of qualified students. I believe in a single administration for the entire University system, because it is the most effective way to manage several campuses. It allows the opportunity to eliminate unnecessary duplication and political competition among the campuses. These advantages far out-weigh the problems of bigness." and on and on.

Here again there was a very, very extensive cross examination of a person whom I consider to be an extremely intelligent nominee, with a potential to be a very, very important addition of the Board of Trustees.

Mr. PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Patricia H. DiMatteo be confirmed.

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

A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA — Pray.

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

ABSENT — Jackson, Mangan.

One Senator having voted in the affirmative and 30 Senators in the negative, with 2 Senators being absent one being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Patricia H. DiMatteo is confirmed.

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

Mr. HUBER: Mr. President, I move that AN ACT Appropriating Funds for Replacement Volumes of the Maine Revised Statutes Annotated. (S. P. 11) (L. D. 28)

RESOLVE, Providing Funds for Clients in Special Agé Groups Served by Cerebral Palsy Centers. (S. P. 121) (L. D. 279)

AN ACT to Improve the Administration of the State's Merit System. (H. P. 239) (L. D. 398)

AN ACT to Award Transitional Allowances to Permanent Full-Time and Limited Period Full-Time Unclassified Employees. (H. P. 309) (L. D. 400)

AN ACT Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland, Maine, an Emergency and Extended Shelter for Girls. (H. P. 421) (L. D. 526) be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that L. D. 28, L. D. 279, L. D. 398, L. D. 400 and L. D. 526 be taken from the Special Appropriations Table. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that these five Bills be indefinitely postponed, their provisions being contained in the Part II Budget.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that L. D. 28, L. D. 279, L. D. 398, L. D. 400 and L. D. 526 be indefinitely postponed. Is this the pleasure of the Senate? It is a vote.

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I move that AN ACT to Provide for Tourism Promotion and Information Services. (H. P. 740) (L. D. 945)

AN ACT to Establish Limits for Elderly Homeholders' Tax and Rent Refunds. (H. P. 952) (L. D. 1146)

RESOLVE to Appropriate \$20,000.00 to the Office of Camping Resources at the University of Maine, Portland-Gorham (H. P. 1259) (L. D. 1488)

AN ACT to Improve Prosecution Services. (H. P. 1571) (L. D. 1785) be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that L. D. 945; L. D. 1146, L. D. 1488 and L. D. 1785 be taken from the Special Appropriations Table. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that L. D. 945, L. D. 1146, L. D. 1488 and L. D. 1785 be indefinitely postponed, their provisions being contained in the Part II Budget.

The PRESIDENT: The Senator from

Cumberland, Senator Huber, now moves that L. D. 945, L. D. 1146, L. D. 1488 and L. D. 1785 be indefinitely postponed. Is this the pleasure of the Senate?

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

Mr. O'LEARY: Mr. President, I move that L. D. 1146 be tabled until later in Today's Session pending consideration of the Motion for indefinite postponement.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that L. D. 1146 be tabled until later in Today's Session.

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of tabling L. D. 1146 until later in Today's Session, please rise in their places to be counted.

Will all those Senators opposed to tabling L. D. 1146 until later in Today's Session, please rise in their places to be counted.

14 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to Table until later in Today's Session does not prevail.

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

Mr. MERRILL: Mr. President, in reference to these items, they are all included in Part II, and I would hope that we could establish the practice when we remove these Bills from the Table, when they are of special concern to Members of the Senate, that we would be able to Table them until later in the Day. I think that it is clear to the Members of the Senate after yesterday, if not before, that I intended to support the position of the Appropriations Committee that we arrived at unanimously in all concerns, but these things do come off, and people do not anticipate it, and sometimes a Member of the Senate will just want a chance to check, and some of these things are a very special concern, and I would hope that just as a matter of courtesy that we could set these aside until later in the Day, or possibly the Majority Leader could do it, and then he could see to it that it got removed from the Table just as soon as the person had a chance to check, but I think that it would be a courtesy that would be helpful, and would spare some frayed nerve endings before we get done with the Session.

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

Mr. O'LEARY: Mr. President, I did not want to put this article on the Table unassigned, or for One Legislative Day. I thought that shortly we would be going into recess and some of these items could be discussed, when we had a problem with them in our caucuses, and I was just asking that this L. D. 1146 be Tabled until later in Today's Session so that I would have an opportunity to discuss the merits of this Bill and parts of it in our caucuses.

I hope somebody else will make a Motion to put this L. D. 1146 on the Table until later in Today's Session.

On Motion of Mr. Merrill of Cumberland, L. D. 1146 Tabled until later in Today's Session, Pending the Motion of the Senator from Cumberland, Senator Huber, that L. D. 1146 be indefinitely postponed.

(See Action later Today.)

The PRESIDENT: Is it now the pleasure of the Senate that L. D. 945, L. D. 1488 and L. D. 1785 be indefinitely postponed? It is a vote.

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I move that AN ACT to Continue Providing Aid to Certain Charitable Institutions. (H. P. 546) (L. D. 663)

and AN ACT Appropriating Funds for Current Services of the Maine Human Services Council for the Fiscal Years Ending June 30, 1978 and June 30, 1979. (H. P. 564) (L. D. 689) be removed from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that L. D. 663 and L. D. 689 be removed from the Special Appropriations Table. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that L. D. 663 and L. D. 689 be indefinitely postponed, their provisions being provided in the Part I Budget.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that L. D. 663 and L. D. 689 be indefinitely postponed. Is this the pleasure of the Senate? It is a vote.

Sent down forthwith for concurrence.

On motion by Mr. Speers of Kennebec, ORDERED, the House concurring, that the Law and Legislative Reference Librarian be directed to forward copies of the Legislative Record to members of the Senate and House, and to the Secretary and Assistant Secretary of the Senate, and the Clerk and Assistant Clerk of the House, at their home addresses. (S. P. 591) Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Mr. Conley of Cumberland, ORDERED, the House concurring, that the State Budget Officer be and hereby is directed to furnish to the Legislative Finance Officer copies of all departmental budget requests and all information and data relating thereto submitted to him by all State departments, commissions and agencies as soon as same come into his possession. (S. P. 592) Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Mr. Danton of York, ORDERED, the House concurring, that there be prepared after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 600 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and Officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required. (S. P. 593)

Which was Read and Passed.

Sent down forthwith for concurrence.

Committee Report

House

Ought to Pass — As Amended

The Committee on Labor on, Bill, An Act Creating Job Security for Deputy Sheriffs. (H. P. 1277) (L. D. 1508)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-713).

Comes from the House. Bill and Papers Indefinitely Postponed.

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

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

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that this Bill and all accompanying papers be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate, I wish someone from the Committee on Local and County Government could explain exactly what this Bill does.

The PRESIDENT: The Senator from York, Senator Farley, has posed a question through the Chair.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, this Bill says that Deputy Sheriffs shall have a job unless they are retired or for just cause, and these are the ones that are hired as permanent Deputy Sheriffs.

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

Mr. O'LEARY: Mr. President, I believe that the provisions that are in this one Bill are in one that came out of the Committee on Local and County Government and has been enacted into law.

I think we should go along with the Motion to Indefinitely postpone.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be indefinitely postponed? It is a vote.

Senate

Ought to Pass in New Draft

Mr. COLLINS for the Committee on Judiciary on,

Bill, An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine. (Emergency) (S. P. 564) (L. D. 1890)

Reported that the same Ought to Pass in New Draft under same title. (S. P. 590) (L. D. 1896)

Which Report was Read.

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

Mr. COLLINS: Mr. President, this is the Errors Bill with 150 Sections. There will be distributed to your desks a little later a Statement of Fact, thumb-nail guide to this Bill, explaining the reasons for each of the Sections.

A couple of the new Members of the Senate and one veteran Member of the Senate has asked me why there were so many Sections in this Bill where we had one Errors Bill earlier in the Session. I have not been here long enough to compare it with the old time Bills, but I can just give you a quick report that a high percentage of the items in this Bill are name changes, effective dates, deletions of references to the Governor's Council which has now been abolished, small printing errors, and resolutions of conflicting laws.

Occasionally one Committee passes a law that laps over into the territory of another Committee, and a few words appear to conflict, and we are asked to resolve the question. If it is clear what the Legislature intended, we resolve it by repealing the offending Sections and putting in a correction. If it is not clear, we kick the Section out and request that it be handled as a floor Amendment or by separate Bill in another way.

There are also in this particular Bill corrections in the districting of the City of Bangor and the City of Lewiston. We were very cautious about this. We insisted that the Legislative delegations in each of those cities examine the proposed change and report back to us. In each case, the report back was that the correction was a proper one to be made, some street having been left out or a few people having been pocketed into the wrong district for some reason which had later been discovered by the City Clerk as he prepared voting lists.

If this is passed at First Reading, I would then be asking to suspend the rules for a Second Reading, and hope that the matter could then be tabled until later in Today's Session, because there are a few Amendments now being prepared, and I understand they will be ready for later in Today's Session, and if we are able to put it in that posture then we would be able perhaps to complete our work on this later today.

The Members of the Judiciary Committee stand ready to try to answer any questions that any Members may have about any Section of

this Bill. If we do not have the answer immediately, we will try to get it for you. The Senator from Penobscot, Senator Curtis is here. The Senator from Androscoggin, Senator Mangan, I believe will be here a little later, and we would be glad to help.

I make one suggestion. Several of the Members of the Senate are experts in particular Sections of our laws, and this is organized in that form, Title I through. If your Committee deals, for example, with Education matters, you would want to look at the Section 20 changes that are in the Bill to be sure that we had not done anything in Education that was not completely in accordance with what your Committee has been thinking, or if it is Liquor Control, you would look at the Sections that relate to that to see if there are any in that Title that are affected.

We believe we have combed out the substantive matters pretty thoroughly, but if there are any questions we do want to answer them. Thank you, Mr. President.

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

Mr. O'LEARY: Mr. President, I would like to direct a question to the Chairman of the Committee on Judiciary, the good Senator from Knox, Senator Collins, when he speaks of substantive matter, if the new redraft of L. D. 1890, which is 1896, contains in it the emergency repeal of the helmet law.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, has posed a question through the Chair.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, in response to the question of the good Senator from Oxford, Senator O'Leary, the original Bill had a helmet law repealer date change in it, and the Committee voted not to include this in the printed Bill, and we understood that that matter would be submitted as a floor Amendment, probably from the floor of the House. The Committee had no objection to it as a Committee, but felt that it was sufficiently substantive that it ought to be brought to the attention of the entire Body by floor Amendment.

Which Report was accepted.

The Bill in New Draft Read once.

Under Suspension of the Rules, the Bill read a Second Time.

On Motion of Mr. Collins of Knox.

Tabled until later in Today's Session.

Pending passage to be engrossed.

(See Action Later Today.)

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

Mr. MERRILL: Mr. President, having been the moving party, I would now request that "An Act to Establish Limits for Elderly Household's Tax and Rent Refunds" (H. P. 952) (L. D. 1146) be removed from the Table.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate remove from the Tabled until later Table L. D. 1146. Is this the pleasure of the Senate? It is a vote.

Is it now the pleasure of the Senate that this Bill be indefinitely postponed? It is a vote.

Sent down forthwith for concurrence.

Second Readers

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

House

Bill, An Act to Establish the Maine Juvenile Code. (H. P. 1794) (L. D. 1894)

Which was Read a Second Time.

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

Mr. COLLINS: Mr. President, the proposed Maine Juvenile Code makes some important changes in our method of dealing with young people in trouble.

I am going to mention just two or three of the highlights of the proposal. The Senate, I think, is aware that this came out of a Blue Ribbon Study Commission that was created by the 107th Legislature, was headed by the District Attorney for the District that includes Kennebec and Somerset Counties, Joseph Jabar of Waterville. That Commission did a great deal of work and came in with a report and an extensive Bill, much more extensive than the Bill which is now before you.

The Judiciary Committee eliminated from that Bill an extensive Section that had to do with habitual truants. The Senate has within the past week dealt with the habitual truant problem as worked out by the Education Committee, and by a Committee of Conference between this Body and the other Body, and it was felt that that was a better way to deal with that matter, so that material was no longer a part of this Code.

Some of the other things that we did tend to trim the cost a bit. We have to recognize that this is an expensive measure down the road. It calls for as many as 15 new people working in the Department of Mental Health and Corrections. Now much of this at the beginning is helped by Federal funds. How long Federal funds will continue to help and in what degree I think is pretty difficult to predict, but in any event it provides an opportunity to have these people that would be called in-take workers. They would be under the Bureau of Mental Health and Corrections, trained people who would attempt to screen the juvenile problems as they come along. Some of them do have to go to Court, but some of them can be handled by reference to social service agencies or to particular private and public groups. Sometimes the problem is alcohol. Sometimes drugs. There are groups that deal with drug abuse and alcohol abuse on a private basis, as well as taxpayer funded agencies, and in some cases these matters can be handled without pushing these youngsters into Court, particularly in their first brush with the law.

Our Juvenile Court Judges have told us by and large that they think these in-take workers can perform a very important service in aiding the Court system, in aiding the existing system of probation and parole in working with these young people.

Another important feature of the Bill is that it makes public rather than private the adjudicatory hearings and procedures on the more serious crimes, the homicides and the Class A, B, and C crimes. There has been a feeling that we have shielded the juvenile perhaps too much in the more serious areas of criminal activity. In the less serious areas, the Class D and Class E crimes, we have continued the present policy that those hearings should be private.

One of the difficult questions that the Committee faced was to what extent there should be Jury trials provided. It was the Committee's decision that we should not encourage a greater use of Jury trials in juvenile matters, because of the time problems, the expense problems and we felt that this was not a necessity in most juvenile cases. I believe it is that question that may cause more debate than anything else in the other Body.

There are other things here that you may want to discuss, and I will not try to give you a complete run-down, but in general we feel that the juvenile is provided with a better system of social service, reference service, and if his problem is not the kind that can be handled by that service, then to move him into the Court system. In more serious cases, there would be bind-overs, moving the case up to Superior Court. Of course, we expect that most of the great bulk of juvenile offenses will continue to be handled in the District Court, sitting in their capacity as a Juvenile Court.

Because of a couple of questions that have

surfaced since the Bill came out in its new printing, we anticipate there may be one Amendment from the floor, and I am hoping this may be tabled until later in Today's Session.

One thing I do want to make clear is that the effective dates are not until July 1, 1978. As we did with the Criminal Code, we have delayed the date for two reasons, one to give a further opportunity for scrutiny and the correction of errors, and, second, to permit education of the enforcement community, our prosecutors, our police, potential workers in the system, and it is the intention of the Judiciary Committee to further review this matter when we come into Session next January to see if there are other things that we can do to make it a better piece of Legislation.

Thank you, Mr. President.

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

(See Action Later Today.)

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

Enactors

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

An Act to Establish a Tax Credit to Aid Businesses Providing New Jobs in Areas of High Unemployment. (S. P. 436) (L. D. 1513)

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

An Act Concerning Requirements for Absentee Ballots. (H. P. 1117) (L. D. 1335)

An Act to Revise the Fish and Game Laws. (S. P. 363) (L. D. 1224)

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

An Act Permitting the Director of Public Lands to Sell Small Parcels of Public Reserved Lands with Legislative Approval. (H. P. 1681) (L. D. 1875)

An Act to Authorize Family Crisis Workers and Short-term Emergency Services for Children, to Require the Designation of Return to Family Workers and to Enact Objectives and Priorities for Services to Children. (S. P. 579) (L. D. 1893)

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

Emergency

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

Emergency

An Act to Clarify Actual Notice Under the Recording Laws in Regard to Exceptions and Reservations. (H. P. 1119) (L. D. 1337)

These being emergency measures, and having received the affirmative votes of 23 Members of the Senate, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate:

The following matter, in the consideration of which the Senate was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 25.

HOUSE REPORTS — from the Committee on Transportation — Bill, "An Act Relating to the Maine Turnpike Authority." (H. P. 343) (L. D. 388) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-734) Minority Report — Ought to Pass as

Amended by Committee Amendment "B" (H-735)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Acceptance of Either Report

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

Mr. GREELEY: Mr. President, I move the Senate accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves that the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, would a Motion to indefinitely postpone be in order?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I would ask for the indefinite postponement of this Bill and all its accompanying papers.

The PRESIDENT: The Senator from York, Senator Farley, now moves that this Bill be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate, I oppose the Motion for indefinite postponement of this L.D. pertaining to the Maine Turnpike Authority. I guess it seems like a cop-out if you just use that particular approach, and I think when the rationale is really known about this particular matter, later on in the Session, if I do prevail in not having this L.D. postponed, it might become clear as to the intent and purpose of the Motion itself originally.

If the Motion to indefinitely postpone does not prevail, Mr. President and Members of the Senate, I do have an Amendment to this particular Bill that would clarify much of the disparity that has materialized during the Committee hearings and the questions the people have raised in reference to the continuation of the Maine Turnpike Authority.

One point that I want to stress at the present time is that the Amendment I will propose, if this Motion is killed to indefinitely postpone this particular Bill, will be the phasing out of the Maine Turnpike Authority over an 18 month span of time after the effective date of 1981.

There has been much input and much evaluation analysis, and I sincerely believe a realistic approach is being presented, or will be presented hopefully this morning, by this Amendment that will answer the various problems, even Senator Farley's problem, which we indefinitely postponed his Bill earlier where he was concerned about the tolls and commuter passes in the York County area. This is addressed, I must say, in this particular Amendment.

This particular Amendment does not represent an impulsive action, but a very positive action on the part of many people, and long before this particular Bill was presented to the Transportation Committee, there had been many hearings concerning the phasing out of the Maine Turnpike Authority, and I must say most of the major hearings centered around the Cities of Lewiston and Auburn, because we really were concerned insofar as the economic impact that this particular Bill would have. We weighed this Bill. We have analyzed it, and we have criticized it, and we have come up with what we consider is a realistic approach if I am allowed to present this Amendment a little later on.

Mr. President, in order to save time, and time is precious this morning, I would oppose the Motion to indefinitely postpone and hope that the Members of the Senate would support

my Motion in hopes that I could present Senate Amendment 371, and I would ask for a Division.

The PRESIDENT: A Division has been requested.

Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from York, Senator Farley, that L.D. 388 be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, is it appropriate to discuss the Amendment that is going to be before this Body very shortly?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate, I requested indefinite postponement of this Bill. I have no real strong objection at this point to the present status of the Bill with the House Amendment on it. It is for one toll, .75 at York.

You all remember two weeks ago when Mr. Mallar was before this Body, he quoted a figure as to how much money they would need to maintain the Maine Turnpike Authority. I would like to quote something from this Morning's Maine Times and a quotation by Commissioner Mallar. "Commissioner Roger Mallar said the .75 toll would generate the necessary \$4.7 million projected annual up-keep costs for the Turnpike, because the toll would be kept at York, the southern Maine interests, the shift of most of the burden of maintenance will be on the out-of-state motorist."

Now our concern here, I would assume, is the cost of maintaining the Turnpike. The Bill in its present form gives us no indication as to how much money will be generated. The Amendment Senator Minkowsky is going to present here, again gives us no figures on how much money it should generate.

You know, now in York County, and we are the ones that are the most affected by this, we pay gasoline taxes just like everybody else. We are entitled to a highway system like everyone of you enjoy. However, to do that would cost the State a ridiculous figure. We are talking somewhere in the neighborhood of a half million dollars. It just is not possible in York County.

To get from one end of York County now, from Scarborough to Kittery, you have to go through Scarborough, Saco, Biddeford, Kennebunk, Wells, Ogunquit and York, numerous numbers of red lights. Traffic at this time of year is just unbearable. We are not asking that. We are asking for a minimum toll for the up-keep of that Turnpike.

We in York County do not mind taking our gasoline tax and building your roads, but I certainly do not want our money paid on tolls going to maintain the rest of the highway system of the State of Maine. I think that is unfair of anyone in this Body to ask of us, and that is exactly what Senator Minkowsky's Amendment does. That is exactly what the Bill before you does, and I think it is an insult to the people in York County.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, I deeply regret that Senator Farley from York looks upon it as a deep insult. I guess the gas taxes are paid by all of the citizens of the State of Maine, including the many people in the Lewiston-Auburn area, even my Senatorial District, which runs into 295.

We can only give you an estimate of what it is going to cost or what the tolls will be. It cannot be spelled out in the Bill itself. They are only estimated figures based upon past performance, and the figure I received on this particular estimate was about \$4.9 million as far as costs of

maintenance were concerned. But since we are now involved in discussing this particular Amendment, which I did not intend to discuss at the present time until I allowed it to be presented before the Senate, let me tell you precisely what this Amendment will do. I will give you a capsule synopsis of the entire thing, because the Amendment is 13 pages long.

First and foremost, the major concern in this Legislative Body was the abolition of the Maine Turnpike Authority. No. 1, this does abolish the Maine Turnpike Authority once the revenue bonds are finally paid.

No. 2, it does convert the system from a closed toll system to a barrier toll system.

No. 3, it continues the tolls for the following purposes, and this is our major concern right here. Under 3 (a), and there is four parts to it, pay for the maintenance and operational costs of the Maine Turnpike, and until 1981 the estimated cost will be \$4.9 million; (b) pay for the conversion of a closed toll system to the barrier toll system. This is a one time cost; (c) provide funds as available for additional interchange roads to the Turnpike, and I must say on that particular point it does require Legislative review, the same as our capital budget does. We are concerned in the City of Lewiston-Auburn for that particular fact, for interchange roads, because it will open up our industrial areas. I must say with I-295, which circumvents my City, it will mean an estimated loss of two million cars and trucks per year, and this will have a very dilatorious economic impact, and this is one reason why I am strongly behind this particular piece of Legislation at the present time.

No. 4, to provide as available for the widening of the Turnpike. This was designed as a safety thing for Maine's expansion, a long-range projection as to what is going to happen in the State of Maine in the future, and all we can do is project. There is no assurance it is going to materialize, and all we have to do is have projections that have available cash in our hands so that this can transpire when the time is right, if and when it is right. Now the widening of the Turnpike, this has been a great concern, but I must say at this point that it also requires Legislative approval.

(f) provides for a .35 toll for cars, and the Commissioner of the Maine Department of Transportation to set rates for large vehicles. At the present time you are paying \$2.15. Under this particular set-up here it will be \$1.05.

No. 5, provides for establishment of commuter fare schedules after conducting public hearings. Now Senator Farley had a Bill before the Transportation Committee, where he was vitally concerned, and all Members of the Committee were vitally concerned, as far as the use of U. S. Route 1 in through the York County area and reducing fares on the Turnpike. We are addressing his problem quite clearly in this particular Amendment that I am going to present. Now the Amendment does not allow for the issuance of any new revenue bonds. I think this should give you the added assurance that we are not looking for the continuation of the Maine Turnpike Authority. Also it allows present tolls to continue for 18 months after the bonds are paid in order to generate the sufficient revenues for the conversion and for the construction season. Now this money is being paid by out-of-staters, correct, and portions of the people of the State of Maine who use the Turnpike. That is correct also. But we are not looking for additional taxes on the motorists in the State of Maine to help us make this conversion of the Maine Turnpike to eventually a toll free system.

I hope at the present time, Mr. President and Members of the Senate, this gives you sufficient information to realize that they have been extremely realistic as to the dilemma with which they were faced, and they want to do the right thing in behalf of everybody concerned, but

Maine is not a rich State, and this is the most viable, logical, reasonable alternative that we could design to meet the needs of the State of Maine in the future, and also take care of the expansion and conversion of the Turnpike, if it so becomes necessary in the future.

I would hope, Mr. President and Members of the Senate, that you would reject the Motion to indefinitely postpone this particular Bill, and then allow me to present my Amendment, which I am quite sure will solve many of the problems and many of the concerns that have been outlined at public hearings in municipalities in the State of Maine, at the hearing on Transportation, as well as the problems that Senator Farley of York has indicated which are prevalent. We are all aware of that in York County.

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

Mr. DANTON: Mr. President and Members of the Senate, it might seem somewhat like a parochial thing, two Senators from York County speaking on this measure.

But, first, I would like to tell you that about 36 years ago in this Body the Maine Turnpike Authority was created, and I got curious as to what the debate was at that time on this measure. My seatmate, the Senator from York, Senator Farley, sent downstairs to the Law Library, and there was not any debate at all on this measure. I was curious to see what the Senators were thinking at that time when they created this Authority.

There is no question in my mind that it was probably a good idea to have someone come in, build a road, no cost to the State, no cost to the taxpayers, and it has worked well for us. There is no question about it, and I am the first to admit that. I have been travelling that road now for seven winters. It is always beautifully plowed. They have done an excellent job.

But the time has come with the I-95 system, and we have it now in Southern Maine, you can get on it in South Portland, for our people in York County to finally get on I-95 without having to pay a dime. With this proposal, and it would affect the Senator from York, Senator Hichens' District, if someone was to leave Eliot and wanted to get onto the I-95, they would have two barriers to go through. The good Senator from Androscoggin, Senator Minkowsky, has an amendment. They have done us some justice. They have eliminated one of the barriers, or else we would have had three barriers in York County.

I can buy the barrier system. I can see the need. I think I have a little business sense, that people that want the through ride will stay on the Maine Turnpike and they will gladly put the quarter or the .50 in the basket, the same as I do when I travel all over the country. But the question remains as to where the barriers are going to be. One in York, fine, acceptable to me. But the other one on the York County-Cumberland County line, I cannot buy. That one should be moved further north to allow the people in York County and part of Cumberland County to get on the I-95 system and continue through without having to pay. I am sure those that want a safe through ride will stay on the Maine Turnpike, me included if I so desired. But we are not giving them that option, and it is their tax dollars that built this I-95. That is dollars all over the State of Maine. I am talking about York County. Let us talk about Kennebec County, Sagadahoc County, any County in this state if they so desire to come south, why should they be compelled to pay a toll if they do not want to when our dollars have taken and built an I-95 system in the State of Maine.

That is the objection that I have to this bill, and to the proposed amendment that the good Senator wants to offer. I have spoken to the Commissioner of Transportation, and I have told him about my reluctance to support that barrier, especially where he wants to put it,

south of where you can get onto the I-95 system. The trucking industry would even be willing to buy my proposal to set it just north of that I-95, and when you can get the trucking industry to agree with something as far as roads are concerned, you are doing a pretty good job.

Now the Maine Turnpike and I have battled before right in this Senate Chamber, on one little bill known as the guard rail bill that many of us enjoy today, the safety of the guard rails. We battled in this Senate, and there was no way that the Maine Turnpike at that time wanted those guard rails up, but they are up throughout the entire length of the Maine Turnpike, except in York County. There are no guard rails yet.

Now this road here, if it becomes toll free the right way and has barrier systems the right way, to allow the communities all along the Maine Turnpike to plan their building, that is the problem we are having in southern Maine, in Cumberland County and York County. We are having a very, very bad problem as far as traffic is concerned. I have heard the good Senator from Hancock, Senator McNally, tell me about Route 1 up in Ellsworth. Route 1 in Saco is no better. It is a two lane road. We do not have four lane highways down there. At least if we can get some of the commuter traffic off of those two lane highways on Route 1, maybe the traffic will flow easier. It will take that burden off of Route 1.

You know, when we talk about the Maine Turnpike and when they debated here 36 years ago, and the thinking, we had trains in and out of the State of Maine every half hour. They are gone. Everything is automobiles and trucks now in the State of Maine. The good Senator from York, Senator Farley, said about building a road for a half million dollars. They proposed a spur in the City of Saco that would connect on to the Maine Turnpike. I think it is three miles long, and the cost of that spur is over \$10 million. That is what it costs today for new construction on roads.

We do not want any new roads. I do not want any new bypasses. But we can set up this barrier system and set it up properly, so we can all benefit, not southern Maine only, but central Maine and northern Maine, but I think that we in the Senate here should take a stand today, No. 1, to allow people all over the State of Maine to be able to get on to our I-95 systems and ride them, and if they desire to go through a barrier, fine, let them go through it, the same as I would, but the option should be there for them, and I am sure they will generate the revenues that they need to run this.

I would hope at this time that we would kill this bill, and we can come back next year with a proper bill and pass it and allow barrier systems and have it work properly for all of the citizens of the State of Maine.

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

Mr. FARLEY: Mr. President and Members of the Senate: The present proposal before you and the suggested amendment coming from the Senator from Androscoggin, Senator Minkowsky, at the present time to travel from Biddeford to the Saco exit it costs you .25. Under this bill here, the pending amendment, it would cost residents .35.

Now the good Senator from Androscoggin, Senator Minkowsky, mentioned commuter passes. Well, some of you have been here awhile and know my predecessor, Senator Marcotte. On three separate occasions he presented legislation allowing commuter passes on the Maine Turnpike. Not once did the Maine Turnpike Authority give it any attention at all, never supported the idea. Now they are, because they know that they are eventually phasing out.

Now the good Senator from Androscoggin, Senator Minkowsky, also mentioned that Lewiston will be affected. He knows as well as I do that the situation from Lewiston to Portland

to allow the availability of a toll free road is not the same as in York County. There is no problem in Androscoggin County like we have in York County. If you wanted to build a road from Lewiston to Portland you have only one community of any size between Lewiston and Portland, and that is the community of Gray, which could easily be by-passed. In York County we are not that fortunate.

I would imagine that the revenues generated and I am sure under the present proposal of Senator Minkowsky, the proposal would generate somewhere in the area of \$12-13-14 million. I would suspect that that money would be available to the rest of the State of Maine, and obviously available to the City of Lewiston in expanding the present roads between Lewiston and Portland. That is not the case in York County. No matter what we do, we cannot solve our problems.

I would hope that the Senate would take the suggestion of the good Senator from York, Senator Danton, to indefinitely postpone this bill at this time. We have four years to act on it and to come back with a sensible plan, a plan that takes care of the needs and the problems of all of the citizens of York County.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I am not an engineer and I cannot really address the circumstances projected by Senator Danton of York insofar as why they had made a recommendation to put the barriers where they had. But I would say that with the expertise that the Engineering Department of the Maine DOT has, there must have been a good valid reason. They had to take into consideration traffic counts and the expansion of various areas, especially in York County, to allow the flexibility of designing a barrier system in that area.

Back 36 years ago the good Senator from York, Senator Danton, indicated that he could find no debate, because I think at that time everybody was more concerned with setting up an Authority and have a road which would be built and which has been maintained, and I think it is about the best in New England as I understand it, at no cost to the taxpayers.

Yes, there has been a radical transition in the thinking, and I think now is the time to act while everybody is thinking along these lines to eventually terminate the Maine Turnpike Authority, and have it revert back to the Maine DOT and to the taxpayers in the State of Maine. I have no qualms about that.

Insofar as the road between Lewiston and Auburn, to Gray, to Portland, what I was referring to what when the Maine Turnpike Authority is finally dissolved that this revenue that has been received in the form of tolls, tolls by the taxpayers in the State of Maine who use our turnpike and our truckers, as well as out-of-state visitors, would go to pay for the egress and ingress roads, which will open up various areas that have been deprived economically from industrial expansion.

It is interesting, because I remember five or six years ago when Senator Marcotte from York was discussing this, their major concern in York County was to have lower costs on the turnpike, and that was justified, but I am saying now at the present time since they have come to the realization that they are faced with this particular dilemma, that they will now decide to eliminate or reduce the tolls, and it is spelled out very clearly, almost verbatim as to what Senator Farley from York wanted in his bill, and it is on Page 9, under Section 2, reduced rates assessed by the Commissioner of the Department of Transportation. The Commissioner of Transportation, after adequate notice and public hearing shall establish a system of reduced rates for any class of vehicle based

upon frequency of use, and that was a major concern because of the frequent use of their people travelling from York County into New Hampshire to the shipyards and other areas of the County, and for passenger vehicles only, the Commissioner shall establish a system of commuter stickers, tokens or tickets based on frequency of use.

To me I believe for the first time York County will get the relief that it will need, but it must be patient like the rest of us in the State of Maine to accept the transition with the phasing out of the turnpike.

I believe if this situation had not arose this year that we are addressing this particular problem of the Maine Turnpike Authority and this bill was before us which Senator Farley had and the Transportation Committee had passed favorably on it, he would feel that he had accomplished a great deal. I am saying to Senator Farley and Senator Danton of York, you have accomplished a great deal. The facts have been brought forth. They are being addressed. They are being addressed very clearly in this particular amendment. All that matters is just be patient and let this transition materialize in a normal fashion up until 1981, and I am quite sure that everybody in the State of Maine at that particular time will be very, very content with what is materializing. We just cannot use a fast, hard-nosed approach at the present time. We must be patient and realistic and do things according to a business-like manner, and I would say that this particular amendment addresses the situation in a very business like manner.

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

Mr. FARLEY: Mr. President and Members of the Senate: First of all, to reply to the good Senator from Androscoggin, Senator Minkowsky, the people in York County have been patient for a long, long time.

The thing I would like to read to you, members of the Senate, is some information we got from the Federal Highway Administration. It says: "Under an agreement between Maine and the Federal Government, present toll revenues are to be used only for the payment of bonds and for annual maintenance. Once the bonds are paid off in 1981, the road must become toll-free." This was our agreement, the State of Maine, because of accepting Federal money, and in order for toll barriers or any toll system to be established after the bonds are paid off, Congress would have to pass a bill allowing this, because otherwise it violates our contract agreement. The same is true as far as putting a barrier in Kittery or anywhere. It would still require an Act of Congress.

I would now like to read something from the Economic Research Institute on analysis of the cost and benefits assessment of the toll-free Maine Turnpike Authority, done by a Mr. Robert Jordan of Portland, and he says: "Continuation of the tolls beyond 1981 will require Maine people to pay back to the U.S. Government all Federal money used to construct interchanges with the Turnpike," and we have done that. "According to the Turnpike Authority this would, with some negotiation, involve a one time partial payment of \$2 million. This occurs because the Turnpike Authority accepted Federal highway construction monies with the understanding that the Mine Turnpike would become a toll-free highway, and part of the Interstate system. The Federal government would, according to U. S. Transportation Department sources, likely require the repayment of these funds should the Turnpike Authority and the State of Maine renege on their original agreements. Breaking of these agreements, as proposed by the spirit of L. D. 388 will, in any case, require a special Act of the United States Congress. This would be opposed by the U. S. Department of Transportation

since they are committed to a toll-free Interstate highway system. In short, even if a partial payment of \$2 million is acceptable, this amount falls short of the dollar cost of the time and resources committed to arriving at this compromise."

Again I would urge the time to work out a compromise for all of us. I would again urge you to move to indefinitely postpone this bill.

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

Mr. MINKOWSKY: Mr. President, I request permission to address the Senate for a fourth time.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I apologize for being a one-man stand on this particular issue.

I am in possession of that Economic Research Institute copy that Senator Farley has discussed, and I think this was primarily designed for the Maine Truck Owners Association, which would definitely serve their particular needs, and I do not think it was designed for the overall needs of the people of the State of Maine.

The problem that Senator Farley spoke about insofar as our obligation to the Federal Government is real. I think, as I understand from other members who are proponents of this particular bill, that if we take this particular route, from the tolls collected it will cost the State of Maine in the vicinity of \$2 million.

This particular situation has been addressed or will be addressed in my amendment on the first page under Section 15, and it simply says Federal Obligation, as far as the final payment of all bonds and interest provided for by Section 16, the Authority and the State Department of Transportation shall determine to their satisfaction that any contractual obligations with the Federal Government to convert the Maine Turnpike into a tollfree highway upon payment theretofor of outstanding bonds has been or will be waived, discharged or otherwise become inoperative or of no effect."

This is broad language, but I believe it addresses that particular situation very clearly, and one way or the other we will meet that particular section of this particular amendment that will allow us to continue our tolls on the Maine Turnpike.

The only disadvantage I have here, Mr. President and Members of the Senate, is I am one speaking for the fourth time, and we have two gentlemen from York County, so they have a double amount of assurance as compared to what I have, but if there are any particular questions that have not been addressed so far before you lose all faith in it, I wish that other members of the Senate who are concerned with this would ask me, or even Senator Farley or Senator Danton, and then we can evaluate exactly what direction we are going in, but it would be too bad to postpone this bill, Mr. President and Members of the Senate, until 1980 or 1981, simply because we have to address it, and the reason this bill came about was so that we would have lead time to address this particular problem, and if you do not address it today, it is just a copout, and I do not think the members of the Senate would want to take that particular approach and not address the problem. We have addressed many problems during this session, and I am quite sure this is no great matter that we cannot resolve before our legislative session ends.

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

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate: I have been riding on the Maine Turnpike since it was built, and I

have always enjoyed riding on the Maine Turnpike, rather than down Route 1 or any other route, because I think it is a great deal safer.

Actually I was going to be opposed to this bill because I wanted to see the Maine Turnpike stay the way it is now, because I thought it was bringing in some \$16 million a year to the state, but I understand that it is not. It brings in about \$13 million a year to the state, and with the four barriers that will be on the turnpike at .35 a barrier, that will bring in approximately \$12-13 million to the state.

Now the problem that I have is the fact that we need three lanes on each side from Kittery to Portland, because by the year 1990 or 2000, traffic will be so heavy that the cars will only be able to go 15 or 20 miles an hour. In fact, in another five or six years, and in fact on holiday weekends now there is a double line and they are bumper to bumper.

Now I would like to see, before I vote for this bill, I would like to be assured that there is in the bill money going to be left in there to widen that highway from Kittery to Portland; otherwise, I will vote Ought Not to Pass, but if there is going to be money in there, I want to see the state take in as much money as possible, the more from the tourists the better. So, consequently, if we can have the tourists pay the bills and we can go between the cities and towns, well, that is fine for the local people.

I feel that we should not only maintain that highway, with the funds after we pay off the bonds, but we should further still be able to spend extra money to widen the highway. One of these days it may need to be widened up as far as Lewiston to three lanes on each side, and I think we should have the money in there for the Highway Department to get ready to use it.

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

Mr. DANTON: Mr. President and Members of the Senate: That is another reason why I would like to see this bill deferred until next year. The good Senator from Androscoggin talks about the expertise in the Department of Transportation. I agree with him. At least, I would hope that we have plenty of expertise there.

We should have figures here, money figures, exactly how much money will come in with different proposals. This is exactly what they are just guessing on when they throw a figure at you. I would like to see these figures. If we are going to have dollars coming in, different barriers and where they are going to be set up.

I am not opposed to barriers, but I think as a Senator representing not only York County and Cumberland County, but I feel I am going to make a determination here that is going to affect every County in the State of Maine. Every citizen in the State of Maine should have an option as to whether he wants I-95 or the Maine Turnpike, and we have not had any of those figures presented to us.

I do not see any urgency with this, whether it is right now or a year from now, which we will not be in session next July, at least I hope we are not, but I am sure we can address this problem next winter and come up with a good, sound solution to the problem as far as the Maine Turnpike is concerned.

The PRESIDENT: Is the Senate ready for the question. The pending question before the Senate is the motion by the Senator from York, Senator Farley, that L. D. 388 be indefinitely postponed.

A Division has been requested.

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

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I request a roll call.

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll

Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators 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 Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I am going to vote on this Roll Call against the indefinite postponement of this bill, but like the good Senator from York, I would like to see figures on various proposals and what the effect would be and the amount of money it would raise for the needs. I think in the end my final decision will rest upon this.

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

Mr. CONLEY: Mr. President and Members of the Senate: I, for many years wondered how the planning process took place in our state dealing with highways. When I look back to the '40's and the '50's, I guess, when the Maine Turnpike was originally built, and although I was a fairly young lad in those days, I recognize the importance of that particular road. I do not know whether Route 88 or Route 1 or Route 202 or Route I-95 all came after the Turnpike or before the Turnpike, but how, in the Lord's name, we have so many roads running perpendicular to one another in that area of the state certainly leads many of us to be amazed at what you would call planning.

I guess that one of the things that bothers me about this thing, and I share the concerns expressed by the Chief Executive, is the retirement of bonds, and the good Senator from Androscoggin, Senator Minkowsky, has addressed that in his new proposal, but I have always found, and although I never question the integrity of the individuals, I have always found that the Commissioner of the Department of Transportation serving as an ex officio member of the Maine Turnpike Authority has always irritated me in a very sensitive manner. Sure, it is easy to say that out-of-staters coming in pay 50 percent of the tolls on the Maine Turnpike, and we can say, well, that is good. Well, we also talk about Vacationland and we talk about the promotion of the State, and then sock-it-to-them while they are here, and we take action on that every time there is a fee increase hearing with Fish and Game, hunting or whatever you want to call it, whether it is ski resorts, whatever it is, we figure, well, we have got the suckers coming in, then let us lay it to them. We take great pride in laying it to them. But I think there is going to be a day of reckoning when we are going to find that starting to go down hill.

There is a lot of concern from some people that now that the turnpike is there, and now that those bonds are to be retired, it is very possible for the turnpike and the land surrounding the turnpike, if the tolls were removed, would be open for future development, and would create obviously a great deal more money for the state. Now if the argument is used, God, we do not want to have to see the state pick up the cost of continuing to maintain the Maine Turnpike, well, why should not the state maintain the Maine Turnpike if it becomes a highway in the state. I cannot honestly figure how anyone in his right mind would use the Maine Turnpike after getting off or approaching Exit 6A to begin with. You are going to keep coming north. You are going out of your way. I do not know if it is four miles or seven miles, but anybody in their right mind would get off at 6A and take I-95 which is far more beautiful and scenic to travel, and enjoyable. Why we even have State Troopers out there legally now.

But I honestly question the motivation of the continuation of the sock-it-to-them attitude that we have always had, and I think if you are going to see prosperity and you are going to see development within the state, and certainly the southern part of the state, and I talk of York

County and probably even parts of central Maine, Lewiston down, that you are opening up a great deal of acreage of land for future development, because it is the access to a road that is going to take people further north and certainly the southern part of the State and the rest of the New England states.

I do not know why we continue to follow this nonsense. The bonds are to be retired in 1981, fine. Let us call it over, call it quits, and let us open up that highway to everybody, so that everybody can use it.

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

Mr. FARLEY: Mr. President, I request permission to address the Senate for a fourth time.

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

Mr. FARLEY: Mr. President and Members of the Senate: I would like to read to you this morning an editorial from yesterday's Bangor Daily News, and it involves the problem they have in Bangor in regard to the excise and sales tax at BIA. It goes on to read: "There are currently a dozen airports in BIA's region competing for the same business. Of the 12, Bangor is the only airport where an airline pays both a sales and an excise tax on fuel. Of the 12, Bangor and Bradley Field in Connecticut are the only two with a sales tax. Of the 12, Bangor is the only one with an excise tax."

"Because of its location, BIA pays more for fuel because of the distance it must be shipped. The two taxes compound this problem by jacking up an inherently higher base price."

"Opponents of L. D. 14 claim that it is a bill that would afford a special tax break to a specific industry. They say that relieving BIA of this double tax would constitute favoritism — juggling the tax structure of the state and sacrificing tax revenue to appease a special interest."

The article goes on to say: "To the contrary, the double tax now levied on jet fuel at BIA is a special tax — a tax structure that affects just one small segment of industry in this state, but a very important segment."

"And, these taxes are playing a prominent role in placing Bangor at a competitive disadvantage with other airports scrambling for the air traffic dollar."

Now I realize the problem is not the same in York County, but the principal is the same. We in York County are paying double taxation, for the gasoline tax and then for tolls on the Maine Turnpike.

We heard an eloquent speech by the good Senator from Aroostook, Senator Collins, this morning, who thanked this body for the piece of legislation that was presented here, and I believe now is on its route to solving some of their economic problems up in Aroostook County.

Two years ago the members of this body who had economic problems because of the situation Southern Chemical and Martin Marietta, and the good Senator from York, Senator Danton, and myself are not insensitive to your problems. This morning I ask you to take that same consideration in regard to a section of the State of Maine that by the mere presence of toll roads is subject to double taxation, and it is an economic problem for our people in York County.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from York, Senator Farley, that L. D. 388 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, Conley, Danton, Farley, Hewes, Hichens, Troitzky, Usher, Wyman.

NA — Chapman, Collins, D.; Collins, S.; Cummings; Curtis, Greeley, Huber, Katz, Levine, Lovell, Martin, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers.

ABSENT — Jackson, Mangan.

9 Senators having voted in the affirmative, and 21 Senators in the negative, with 2 Senators being absent, the motion to indefinitely postpone does not prevail.

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

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

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

Mr. SPEERS: Mr. President, I move that House Amendment "B" to Committee Amendment "A" be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the indefinite postponement of House Amendment "B" to Committee Amendment "A".

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: I request a Division and would speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Mr. FARLEY: Mr. President and Members of the Senate: House Amendment "B" that is currently on this piece of legislation is the same amendment that I quoted earlier that the Department of Transportation Commissioner, Roger Mallar, said would take care of the upkeep of the Maine Turnpike Authority. There is one toll at York, 75, and it would generate \$4.7 million, and I imagine what we want here is merely the upkeep of the Maine Turnpike, and I would urge that the Senate defeat the pending motion and then accept House Amendment "B".

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

Mr. HICHENS: Mr. President and Members of the Senate: It has been difficult to sit still here as one of the Senators from York County while all of the other debate was going on, but I would support the motion to indefinitely postpone House Amendment "B". I am not against a one barrier system on the Maine Turnpike, but to put it at York is ridiculous.

At the present time I get on the turnpike at Wells and circumvent the York exit altogether. I would continue to do so if they had the toll gate at York, and would come the whole distance to Augusta without paying any toll. Going home I would do the same thing, get off at Wells and I would not have to pay the toll going that distance again. Several other people would do the same thing.

I heard the sponsor of House Amendment "B" discussing the situation in the adjoining office this morning, and saying how few people would come down through Route 1, through Ogunquit and York to get on at Wells, which I agree, but coming down the other way from New Hampshire or going through South Berwick or North Berwick is not that difficult, and a great many of the people would do it to circumvent the .75 toll.

If they want to put a barrier down in Falmouth or somewhere right in there, halfway of the Turnpike and have the toll there, I would be in agreement with it, but to have House Amendment "B" adopted at this time seems ridiculous to me.

The PRESIDENT: Is the Senate ready for the question. The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate indefinitely postpone House Amendment "B" to Committee Amendment "A".

A Division has been requested.

Will all those Senators in favor of the indefinite postponement of House Amendment "B", please rise in their places to be counted.

Will all those Senators opposed to the indefinite postponement of House Amendment "B", please rise in their places to be counted.

16 Senators having voted in the affirmative, and 6 Senators in the negative, House Amendment "B" is indefinitely postponed in non-concurrence.

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

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

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

On motion of Mr. Speers of Kennebec, and under suspension of the rules, the Bill Read a Second Time.

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

Mr. SPEERS: Mr. President, a parliamentary inquiry. Would Senate Amendments now be in order for offering.

The PRESIDENT: The Chair would answer in the affirmative, if any Senator has an amendment to offer.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, I now offer Senate Amendment "A" (S-371) and move its adoption.

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

Senate Amendment "A" Read.

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

Mr. FARLEY: Mr. President, I move this item lie on the Table until later in Today's Session.

The PRESIDENT: The Senator from York, Senator Farley, now moves that this item be Tabled until later in Today's Session.

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

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

Will all those Senators in favor of tabling this bill until later in Today's Session, please rise in their places to be counted.

Will all those Senators opposed to tabling this bill until later in Today's Session, please rise in their places to be counted.

7 Senators having voted in the affirmative, and 17 Senators in the negative, the motion to table until later in Today's Session does not prevail.

(Off Record Remarks)

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

Mr. MERRILL: Mr. President, what is the pending motion before the Senate?

The PRESIDENT: The Pending Motion is adoption of Senate Amendment "A" to L. D. 388.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, as I understand the rules of parliamentary procedure, if we were to amend the Senate Amendment, which is, in fact, the bill now, I guess, we would have to do it before it is adopted. I voted against the motion to indefinitely postpone this bill, because I am in favor in general principle of maintaining some ability to collect tolls on that section of the road.

I want to make it clear to the Senate that if this amendment is adopted today without a chance to set this aside and to offer amendments and to table it, that I for one from then on will vote to indefinitely postpone. I will urge the members of my caucus when we caucus on the subject to join me, and would hope and would expect that that is what the majority of Democrats would do from here on out.

This amendment would become the bill, and a very important bill. If it is going to be amended, this new bill, it is going to have to be done before this amendment is adopted, and if we are not going to have a chance to amend it, that courtesy is not going to be extended, then I think we will probably kill this bill. So you just defeat your tabling motions and we will go on our merry way, and we will be seeing an obituary for this bill before too many days have passed.

On motion of Mr. Speers of Kennebec,
Tabled until later in Today's Session, Pending Adoption of Senate Amendment "A".
(See Action Later Today)

The President laid before the Senate:
Bill, "An Act to Revise the Judicial Retirement System." (S. P. 497) (L. D. 1776)

Tabled — July 6, 1977 by Senator Collins of Knox

Pending — Passage to be Engrossed
On motion of Mr. Collins of Knox,
Retabled for One Legislative Day.

The President laid before the Senate:
Bill, "An Act Relating to Habitual Truants and School Dropouts." (H. P. 1650) (L. D. 1851)

Tabled — July 6, 1977 by Senator Katz of Kennebec

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

The President laid before the Senate:
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 — July 6, 1977 by Senator Speers of Kennebec

Pending — Final Passage
On motion of Mr. Speers of Kennebec,
Retabled until later in Today's Session.
(See Action Later Today)

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

Tabled — July 6, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator Speers of Kennebec to Reconsider Indefinite Postponement.

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

Mr. O'LEARY: Mr. President, I would hope today the Senate would not vote to reconsider its action whereby it indefinitely postponed this bill. This bill has had rather rough sailing through both the Senate and the House, and has been indefinitely postponed twice in the House of Representatives and reconsidered once because the tote board apparently broke down, although there is some question about that.

However, I would just like to bring to light a few facts, and remind a few in this Senate Chamber of the implications of this Bill. Now I know since this Bill has been tabled from yesterday that there has been a considerable amount of work done by the Lobby, and I suspect that today they will be perhaps successful in reconsidering, although I would share with you my hopes that it would not prevail.

I would remind you once again of the state-

ment by Rich Roth of the State Planning Office, and his problems with this Bill, and for the good Senator from Kennebec, Senator Speers, I would remind him of one of the most noted in the field, with a little bit of expertise, Mr. Tom Gordon, the Plumbing Inspector for the Cobboosee Water Shed District, and I ride through that good Senator's District every morning on my way down here, and I know the implications of what this Bill will do.

Like he said in his letter, he was disappointed at the hearing. This bill has no technical merit, and there is a great deal of misunderstanding about sewage disposal, and there are a lot of misconceptions forwarded to the Committee, and none of these conceptions was based on technical knowledge. It was also brought out, and I would mention once again that our waters have been cleaned up 80 percent in the last ten years, and now we are talking about fecal coliform bacteria for 100 millimeters. It has also been brought out that less than two percent of the fecal coliform bacteria comes from septic waste. The fecal coliform bacteria that is presently in our water supply today comes from the farms, and I would submit to you in this Senate today that these people will not be satisfied with this Bill. The next thing you know on the Shoreland Zoning, they will ask each and every dairy farmer in this State to fence off that area, no more cattle grazing, and after that we will get to the potato lands of this State, and we will put no more fertilizers on the ground, because, after all, that gets down in our water supply, too.

I heard the good Senator from Kennebec, Senator Katz, yesterday talk about Committee integrity, and this interested me to no end. When it comes to Committee integrity, the majority of the Committee on Natural Resources voted against this Bill, and there was none of us who were in the majority on this report that was consulted about this piece of Legislation. This piece of Legislation is before us today as the result of the Chairman of the House Committee on Judiciary, and he does not have the expertise. I will submit to you that the people who are endorsing this have no expertise at all whatsoever in this field, and we will get to the local control. Local control is very well shown down in the local area represented by the good Senator from Sagadahoc, Senator Chapman. In the Town of Harpswell they have shore lots that have gone between \$15 and 20,000.00 for a shore lot, and these people who asked for building permits were denied.

I will submit to you that if Senator Curtis were here listening today that that island he owns out there on the shores of the Atlantic, that when he wants to build on that rock pile, even a seasonal dwelling, he will not be given a permit. The only thing he will be able to do with this island is walk on it, and I know he was planning on a seasonal dwelling and perhaps later on making it into a retirement home. I have discussed this with him, but his vote is constantly in favor of this Bill, and I do not think that he understands what he is doing.

I will go further. I have never submitted to you a piece of information that I thought that I should share with you and I have always neglected it. There is starting July 1st what is called a 208 Water Quality Study Program. Now this is federally funded, and this program is going to study all of the waters of the State of Maine, and I am sure that their recommendation when it comes to up-grading any of our waters will result in Legislation being introduced to this Legislature or the next Legislature, and these people who will be doing this study will have the expertise to know what these recommendations should be.

I think it is of the utmost concern to the people of the State of Maine that we not take away any rights. We do not want to pollute and that is not the object of me standing here today. I am

just as concerned as anyone about the water quality of the waters of this State, but I think it is inherent in our responsibility to the people of the State to wait until the 208 Water Quality Study Program is completed so that we know what the recommendations of those who are experts in this field are recommending, and then we can implement these findings, and if this type of Legislation is needed, then I shall endorse it and support it. But until such time, I cannot, because there is no one with any expertise that has any input into this Bill.

I hope you will not vote to reconsider.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I am very disturbed at the testimony that has just been given by the Senator from Oxford, Senator O'Leary.

First of all, he impugns the integrity of the Committee on Natural Resources. I think the fact should be stated here and it should be known. First of all, the majority of the Committee did not vote in favor of this Bill when it came out, and when it came out there were Departments which were against this Bill. There were a lot of problems with the Bill when it came in to that Committee, and also when it came out of Committee.

However, after it came out of Committee, the people who were concerned about the Bill and concerned with the problem, sat down and they sat down with people from the Department of Environmental Protection, from the Human Services, and from a lot of different Agencies to try and work out something that will be workable, and that is what we are debating today, and when this Bill went into the other Branch many of the Members of that Committee voted for that Bill who had signed out Ought Not to Pass, because we are dealing with an Amendment here that has been worked out and it is different from the original Bill, and when the Senator states on the floor and reads a letter by Tom Gordon of the Cobboosee Water Shed District, he does not read the whole thing. He just reads the second paragraph, and I would like to read the first paragraph to you. It says: "As requested in your memo of May 18th, I have reviewed the new draft" and that is the new draft that we are talking about right now, "An Act to Control Conversion of Seasonal Dwellings to year-round Use in Shoreland Areas. It seems to provide much more flexibility in determining the need to improve existing systems. The review process would seem to be workable and would allow some latitude in the municipality's decisions." He did not read that part of it.

Also I would say, talking about expertise, there was input. In fact, I have letters here from Commissioner Adams, which I mentioned, from Don Hoxie of the Bureau of Health and Engineering, the Bill has been endorsed by the Northern Maine Planning Commission, the Hancock County Planning Commission, the Greater Portland Council of Government, the Congress of Lakes Association, the Natural Resources Council, and editorially by the Portland Press Herald and the Bridgton News.

I wish the testimony had been critical of the Bill itself, the Amendment itself, which is here, and all this Amendment does and says and it is very simple, and that is what we are voting on. It states if a person converts a seasonal dwelling to year-round, that they have got to get a permit from the local plumbing inspector, and that is local decision making, and his guidelines are if it is in compliance with the Plumbing Code, he gives that permit. If a person does not know anything about the system that is underground and he is putting all of his money in to refurbishing it and winterizing that camp, then he should have a site evaluation done to determine if that system that he knows nothing about fails, then the piece of land would be capable of

holding a system which will work.

We have responsibilities in this Senate to protect all of the lakes and all of the streams of this State of Maine. That is our responsibility if one reads the laws. It is a problem. There is a problem in many parts of this State where people are moving in. There is great pressure to move year-round onto a lake shore, and it was stated by the Senator from Oxford that there is no problem from domestic sewage going into a lake. Well, let me read to you a pamphlet published by the Department of Environmental Protection on cleaning up the waters and private sewage disposal in Maine. This talks of the coast, by the way. "The Department of Marine Resources has estimated 353,000 acres of tidal flats support shellfish population along the Maine coast, and of this total about 75,000 acres in 1974 were closed to pollution, largely domestic sewage, which represents 20 percent of the available area."

So domestic sewage is a problem, and it will become a problem on lakes more and more and more as more and more people move onto those lake shores and refurbish and winterize those camps and live in them year-round, and its accumulative affect, the first five people are probably not going to hurt the lake, but when it becomes 20 and 30 and 40 and 50 and 100's of camps being winterized, there is going to be a problem in Maine.

I would suggest that the Senate look at the Amendment here, and I do not believe this is a debate, you know, between local control versus State control. The issue here is keeping the waters of this State clean for future generations.

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

Mr. O'LEARY: Mr. President, I did not know that the good Senator was going to try to get personal, but now that he has I will.

Mr. President, I will question the integrity of the statement that I was taking out of context. I was partially taking out of context, but the rest of the integrity of the letter, I know he has a copy of it and I have a copy of it, too, and the copy of this letter which he refers to was addressed to another redraft — not this Bill, it was addressed to another redraft, and the good Senator from Penobscot, Senator Trotzky, knows this. He is the one now that is trying to deceive, not me.

I never had my integrity questioned and I will not lie or try to deceive. True, I read out of context, pertaining to the hearing as such, but not to this Amendment which is before us, which is the Bill now.

The letter that he is referring to that I read only excerpts from is on another re-draft and it was never put before this Body, and that is what this is all about.

Are we going to have people with expertise telling us what has to be done, or are we going to have anyone who thinks that we have a problem here and there or somewhere else, when we do not know whether they are going to be right or wrong. Cannot we wait until this 208 Water Quality Study Program is finished, with its recommendations and implementations before us, before we do something. I would submit this is hasty legislation.

Mr. President, I have all of the faith in the world in the capabilities of Mr. Don Hoxie of the Department of Human Services, who is Director of Health and Engineering, and Mr. Eugene Moreau, who has given me nothing but the finest cooperation when I have had a problem, and there have been problems and he will continue to investigate these problems, and I am sure that they can take care of them when they arise. We have already enacted Legislation which will assist the towns and the people who have mal-functioning systems. There is everything there is in the law today for local control. Why make it mandatory State-wide?

I will tell you that the people in the other Branch of this Legislature ran rough-shod over a Member of my Committee, not my Committee, Senator Trotzky of Penobscot, but the Committee on Natural Resources, when he tried to amend this Bill so that it would refer only to those bodies of water that are drinking supplies.

I resent the fact and I agree with the good Senator from Kennebec, Senator Katz, when it comes to Committee integrity, and I have agreed with him on every appointment that has gone before his Committee or any other Committee. They know and I understand this and I agree that the majority of the Committee on Natural Resources was opposed to this Bill for some of the reasons that I have stated before, and I wish that the Senator would go back and listen to his tape again and get his facts straight.

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

Mr. SPEERS: Mr. President, I am sure there is no intent to question the integrity of any Member of this Body, particularly with regard to this particular matter.

I would hope that we could focus on the Bill itself. The Bill has been well debated on both sides, and I do not really think that we need to continue to a great degree the debate any longer.

I would like to point out with regard to local control, that if you have a lake that is surrounded by several different towns, and one of those towns might be very much concerned about the pollution with regard to that particular lake, and pass all kinds of ordinances and requirements with regard to the dwellings that exist within that town, it will do no good whatever to control the pollution of that lake unless every other town around that lake does likewise, and it is for that reason that the State does have an interest. The lakes and ponds of this State belong to all of the people of the State of Maine, not just to those towns that surround the various particular lakes, and the State does have an interest to insure that pollution does not continue and indeed even increase in the various Great Ponds and lakes of this State.

I would hope that the Senate would vote to reconsider the indefinite postponement of this Bill, and go on to enact this Legislation today.

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

Mr. O'LEARY: Mr. President, I believe this is my third time speaking and I shall not speak again on it, but I would like to bring to the attention of the good Senator from Kennebec, Senator Speers, the same gentleman I referred to from his area, Mr. Tom Gordon, who is the Executive Director of the Cobossee Water Shed District, plus the Plumbing Inspector for several towns, and this right from the record. Tom indicated that one or two percent of the septic systems on Cobossee constitute a pollution problem for the lakes in that area. This information is based on an on-site inspection of over 1,000 camps, and he states the majority of the pollution comes from farms.

Now I would submit to the good Senator from Kennebec, Senator Speers, that with the addition to the statutes of a Bill that we passed into law earlier that I am sure that Tom will do his job the way he is capable of doing it, and the excellent job that he has done, and that they will catch this other one or two percent and the towns will assist these people in cleaning up.

I still think that we ought to wait until after this 208 Water Quality Study Program is completed before we enact any kind of Legislation in this area. I understand that the people of this State own the lakes and ponds and the waters of the State, the shorelands. We are trying to protect them, but, for God's sake, be careful of what we are doing.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is reconsideration of its action whereby this Bill was indefinitely postponed.

The Chair will order a Division.

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

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

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

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

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: I was just looking through my notes here, and the Executive Director of the Cobossee Water Shed District spoke as a proponent of the Bill, of the concept. He was not happy with the original Bill. We are talking about something else now. But it was mentioned in his testimony that, you know, when people go and winterize and use a place year-round, they put in washing machines. There is a great deal of gray water which contains phosphorus and so on, and the septic systems in many cases are over-burdened.

So I just wanted to put the record straight that he did speak as a proponent of this Bill.

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

Mr. PRAY: Mr. President and Members of the Senate: Perhaps I do not understand this piece of legislation, so I would like to pose a question through the Chair to the Chairman of the Committee who has been a strong advocate of this Legislation, and perhaps it will clarify some questions that I have about this.

It is my understanding that if an individual wanted to convert a camp, a summer residence, into a year-round residence and put water or insulate, maybe he already has water running into it, and he has a stove in there, but he wants to insulate it so that he can live there year-round, that he would be required to get a permit to do such, and that permit would require the local Plumbing Inspector to come out and make the inspection, and decide that the property is such that the individual making the permit out and receiving permission to do so could do so. And then perhaps five years down the road, after a number of camps have done it over a time period, and each time the plumber goes out and makes the inspection locally, but there is a small change in the water each year, until it reaches a point where they then have a problem. Then what can the State do with this piece of Legislation being passed?

I think the answer would be that they would be back here, because then the problem has already been created and that the individual permit, the additional requirement from Augusta that an additional permit be taken into consideration would really serve no purpose. I guess my question through the Chair would be to the Chairman of the Committee would be in reference to the fact that if an individual already has water in to his facility, already has the camp heated, and all he wants to do is insulate it so that he can live there year-round, he will be required to get a permit, and exactly what testing would be required by the local plumber to assure the safety of the water quality.

The PRESIDENT: The Senator from Penob-

scot, Senator Pray, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: Right now each town has its own ordinance. Some towns can have ordinances controlling this. Other towns do not. The problem that we have here actually is that you can have a lake or a watershed. Lakes running into one another with streams, where different towns have different standards. Now there are some towns in the State where there are stringent requirements. There are others which do not have stringent requirements. So the purpose basically of this Legislation is to make the requirements uniform for conversion.

However, what the Bill does is it grandfather those camps that already have people living in them year-round. They do not have to get a permit, because they are living in them year-round. If their system malfunctions, then the local Plumbing Inspector, usually through complaints, will come to them and tell them they have to change their system. Now if the soils are not appropriate, what is going to happen is that person is going to be in a tremendous bind, because they are going to be living on a lake, the system is not going to be functioning, the soils will not enable any other system to be put in, and the problem is either they are going to have to stop living there or go to some process, possibly such as a holding tank, which is going to be tremendously expensive.

What this Bill is doing here is it is protecting that person who wants to move into a lake shore cottage and winterize it. They are saying to him that you cannot move in there and winterize it unless you have the potential for putting in a system which will hold the waste and process the waste. So this Bill protects the person moving in, as well as the waters of the State.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: Once again I take a look at L. D. 1573 and, as I said yesterday when I was here, stood here and spoke on this issue, once again we are going to do a little bit more to protect the poor, dumb Maine citizen from himself, and this bothers me a lot. Where are all of my advocate friends of local control? Where are all of the advocates of individuality?

Unless I am reading this piece of Legislation incorrectly, and I ask to be corrected if I am wrong, I will go back to the same sentence that I read to you yesterday — sufficient insulation. Now if I want to move into a horse hovel, and for those of you who do not know what a horse hovel is, it is a lean-to out in the woods, and if I have adequate protection built in for everybody else, I have adequate water supply and sewage system, somebody is going to be able to tell me that I cannot move in unless I have enough insulation. Now this bothers me. This bothers me a lot when we are telling people they cannot move in without a certain heating system or sufficient insulation to protect themselves from the weather, and I personally feel that if I want to move out into the woods with a tent, as long as I am not harming anybody else, that I do not feel that we should be sitting down here at the State Legislature telling people they cannot do this.

I will just ask again the same question I asked yesterday, what more little bit is the State getting involved in people's individual lives when there is no pressing need. I was told by the Chairman of the Committee that there is a need for this Legislation in Portland, in Lewiston, in Bangor, — and I say let Portland, and Lewiston, and Bangor take care of their problems. Do not penalize me and my people, because of a particular problem in a particular section of the State, which can be taken care of by local ordinance.

Thank you.

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

Mr. PRAY: Mr. President and Members of the Senate, in the two terms that I have served down here, one of the reasons that I feel successful in being able to come to this Body is that in each Session or prior to each Session during each election I have gone door to door throughout my District, hitting over 12,000 doors on a door to door basis.

I have talked to a lot of people in my District, and I see a very rural District, a very poor District. I see individuals, families with growing children, and going out and attempting to find housing, and some of the housing they are finding throughout my District are perhaps what used to be seasonal dwellings that their parents owned as they are starting out in life. You may be aware last Session the unemployment in this State and in Piscataquis County at that time averaged close to 22 percent for the entire year. And I saw some of the housing that people lived in, and as they earned a little bit of money, they improved it.

About two weeks ago we received a booklet from the Maine Human Services Council, and a report and recommendation on housing, "Maine's Hidden Poor and Sub-Standard Housing". Maybe in Portland around Sebago Lake we have camps that are valued at \$20 — 30 — 40 — 50 — 60,000.00. I am sure that those are all insulated and heated and have electricity to them. I have some organized townships in this State that do not have all of these conveniences. I am sure the property valuation would be under \$4 or 5,000.00, definitely under \$10,000.00, and these people are making a go at it.

This Legislation here is going to put one more little permit or requirement on these individuals that are attempting in my area to find housing and it is sub-standard housing. That is one of my concerns on this Legislation.

I think this Bill perhaps has been discussed more than any other Bill we have had this Session, and jokes out in the corridor about filibusters. Now I think it is just a great concern by some individuals who do not have conveniences or the facilities that the people from the Portland, Bangor, Lewiston or Auburn areas.

Now in the area of Penobscot County that I represent, it is one of the richest per capita towns in the State. The individuals have some very nice camps, seasonal dwellings and very few of those are being or are in the process of being converted to year round dwellings at this time, because the same situation that I see existing in Piscataquis County does not exist there. So I guess I become a little parochial when I read the sub-standard housing report and I can associate it with some of the people that I represent, and I see some of those people that I represent that do not have the problem, that have nice homes. Their children are able when they grow up and graduate from high school and college, and they want to go to work, they are able to go to work for a company that pays in excess of \$6.00 an hour to start with, and that is sweeping the floor or doing some other manual work. But when you get over into these other areas, such as northern Somerset County, Piscataquis, Hancock, Washington Counties where the economic situation is not the same as it is in Cumberland or York, where you see some of the individuals and some of the things they call homes, it kind of bothers me to go home at night to the nice home that I have. I kind of remembered when I was in the service going through the south, and seeing some of the housing down there, but I never really associated it with Maine until a few years ago when I started running for office, and I got out into some of these back areas and I saw what people were living in. This piece of Legislation is going to affect them also.

I think, as the good Senator from Oxford,

Senator O'Leary, mentioned, we should, for God's sake, be careful in what we are passing. Many times we will come down here and we will pass or we will look at a couple thousand Bills, and we will forget some of the earlier Bills that we have, and exactly how they relate to these same subject matters. I think the Senator from Oxford, Senator O'Leary, has brought to the attention of this Body that there are other Legislative matters that have been acted upon to take care of this problem. I think we should be careful as to how we proceed in this matter.

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

Mr. SPEERS: Mr. President and Members of the Senate, the L. D. that we are talking about is in the enacting stage, L. D. 1573, and is in the engrossed copy. The good Senator from Aroostook, Senator Carpenter, has suggested that he is quite concerned about the State somehow imposing a standard of insulation upon seasonal dwellings being converted. I think that the Senator is misconstruing the Bill as it is now written.

What the Senator is referring to is the definition section of this Bill which gives the definition of what conversion to a seasonal dwelling would mean to bring the other portions of this Bill into play. If the Senator reads, "for purposes of this Sub-Section, conversion of a seasonal dwelling to a year-round dwelling means the installation of sufficient insulation, heating system or year-round water supply to make the dwelling suitable for year-round habitation". Now this does not mean that the individual has to do this, but if he does do this, if he is converting a seasonal dwelling to a year-round dwelling, the Bill reads that no permit will be issued unless one of the following conditions is met. If any one of them is met then the permit shall be issued. The first condition is that the dwelling sewage disposal system meet the standards of the Maine State Plumbing Code. I cannot see anything wrong with that. Or, suppose the dwelling does not have sewage system, then if the individual can show that based upon a site evaluation performed by a licensed evaluator that site conditions will permit the installation of a sewage disposal system meeting the requirements of the Maine State Plumbing Code. Now what can be wrong with that idea? Lastly, the third condition, if he can show this particular condition, then the permit shall be issued, and that is that the dwelling unit's sewage disposal system is connected to an approved sanitary sewer system.

Now if any one of those three conditions is met, then the permit shall be issued and the conversion to a year-round dwelling shall be permitted. Lastly, in Section 2 of the Bill, there is the provision of a variance that can be granted, and the variance can be granted if based upon a site evaluation, the local Plumbing Inspector finds that in the event of a malfunction of the existing system, a new sewage system can be installed which will be in substantial compliance with the Maine State Plumbing Code.

Now that is all we are asking of these dwellings which are being converted from a seasonal dwelling to a year-round dwelling, that they at least have sewage disposal systems that are in compliance with the Maine State Plumbing Code, and, as I mentioned before, the State of Maine does have an interest, very valid interest in the lakes and ponds of this State in insuring that sewage disposal systems do not continue and increasingly continue to pollute the lakes.

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

Mr. McNALLY: Mr. President: I can assure that for one hour this morning nobody was ever lobbied any more than I was and I can truthfully say that I did not intend to say anything on this Bill, but we have a cottage up at Beech Hill Pond in the little town of Otis and I do not know

exactly how many cottages there is around that lake, but there is some 300. Now there are several that people live in the year round there, and what concerns me about this whole deal is that those people that live in those cottages all around there are not going to be inspected to see whether or not their sewer system is properly installed according to the law. The Sewer Inspector, the Plumbing Inspector that they have in the Town of Otis, if they had one, never looked into anything too closely.

It used to be that you could go fishing all around the lake, and it happens to be a good lake. It had the largest togue that was caught in the State of Maine that came out of it. Now if you go around any time in the morning between the hours of daylight and 10:00 there is a 40 foot wide strip of just soap suds all around the lake.

I am curious to know what good is this Bill going to be if those cottages where they live in all winter does not have a proper sewage system. They never were properly inspected. I see no reason why they are going to be properly inspected now, and I cannot see why that the fellow who comes there and buys one of those cottages and decides he is going to make it an all-year affair to live in instead of just a seasonal one, why that he should have to pay for percolation tests and so forth, when that you can go around the lake anywhere and see the open sewers running right into the lake, and it seems to me that the Bill does not do what the people think it does.

I had three ladies right in a row call me from Orland, and one of them was pretty sure that once this Bill was passed that everyone of those cottages was going to conform to the Plumbing Code, and I tried to assure her that that was not so, that they probably should have. She was talking about Alamoosic, and I also assured her that I was concerned due to the fact that we lived on Beech Hill Lake when we had a chance in the summer time, and that we saw the lake being deteriorated as bad as you see them out here in Winthrop and so forth, and I am concerned that this Bill is not going to do any good, and I told everyone of them that if this Bill would say that all cottages should be inspected and their sewer systems, if they all was made to go along with the State Plumbing Code, that I probably would not only vote for it, but I would get out and lobby for it anywhere in this State.

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

Mr. TROTZKY: Mr. President, I request permission to address the Senate a fourth time.

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

Mr. TROTZKY: Mr. President and Members of The Senate: I think a good demonstration, a good example was just given by the good Senator from Hancock, Senator McNally, when he stated that you could go around the lake at Beech Hill Pond, which had the biggest togue in Maine, and see soap suds all around and the shore line dotted with cottages.

He just mentioned what one of the problems is. It is the laxity of local enforcement of the Plumbing Code. In other words, those camps that are already there polluting the lake, which have direct discharge systems not functioning, the Plumbing Inspector can under the Plumbing Code presently correct the system, but the problem is a lot of these local Plumbing Inspectors do not want to get involved in direct confrontation.

What this Bill does is it prevents further pollution. That is what this Bill is doing here. It is not affecting, as it was stated, you know, the appeal that was made about many of Maine's poor citizens are going to have a difficult time. It does not affect them. What it affects right now is people who want to move year-round onto a lake, which will increase the pollution in

the lake if the systems that they put in are not functioning properly. So that is what this Bill is, is a preventive measure.

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

Mr. HUBER: Mr. President, I move the previous question.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves the previous question. Is this the pleasure of the Senate? It is a vote.

A Roll Call has been ordered.

The previous question is reconsideration.

A yes vote will be in favor of reconsideration.

A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Hewes, Huber, Katz, Lovell, McNally, Merrill, Morrell, Pierce, Snowe, Speers, Trotzky, Wyman.

NAY — Carpenter, Danton, Farley, Greeley, Hichens, Levine, Martin, Minkowsky, O'Leary, Pray, Redmond.

ABSENT — Jackson, Mangan, Usher.
18 Senators having voted in the affirmative, and 11 Senators in the negative, with 3 Senators being absent, the Motion to reconsider does prevail.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be passed to be enacted?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I ask for a Roll Call on the pending question.

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

Mr. O'LEARY: Mr. President, I would again remind the Members of this Body that the problems spoken to by the good Senator from Hancock, Senator McNally, about the concerns with the dish washers, washing machines and such, are problems that I brought out previously, and that I would have attempted to amend this Bill in such a way that it would have helped with this problem, because in the testimony of Rich Roth before our Committee, his statement was, and I will just read the first paragraph of it. I will be guilty of taking out of context once again. "Instead of amending the mandatory Shoreland Zoning Act, it may be more workable to amend the Plumbing Code enabling Legislation to require the Department of Human Services to address the issue of converting seasonal to year-round dwellings, with specific regulations in the Code. The word converting shall be tied to an increase in sewage volume, not in the method of construction, insulation or heating of a building. Since increased sewage volume is often associated with appliances such as dish washers and washing machines, the Plumbing Code could require permits for the installation of these appliances. The granting of a permit could then be based on an inspection of the system. However, non-costly means of inspecting system must be developed."

Now, one again, I will remind you, that the soil suitability is not the only thing we are dealing with, and when we are talking about installation, installation of water or a heating system is not the biggest problem. The biggest problems are being created by the washing machines and the dishwashers, and you have heard that this morning. That is where the problem lies with the gray water, and Health and Engineering itself says that these soils that

are located around these lakes and ponds and rivers that we are so concerned with, are some of the most suitable soils found anywhere for septic sewage, and that is what this is all about.

I think that if you vote against enactment, that the 208 Program and the study that is being done will take care of this problem and we can get about the business of the State.

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

Mr. HICHENS: Mr. President, I would ask permission to pair my vote with the Senator from Cumberland, Senator Jackson, who if he were here would vote for enactment of the Bill, and I would vote against.

The PRESIDENT: The Senator from York, Senator Hichens, who would vote no, requests that his vote be paired with the Senator from Cumberland, Senator Jackson, who would vote yes. Is this the pleasure of the Senate? It is a vote.

The pending question before the Senate is enactment of LD 1573.

A Roll Call has been ordered.

A yes vote will be in favor of enactment. A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Farley, Hewes, Huber, Katz, Lovell, Martin, Merrill, Morrell, Pierce, Snowe, Speers, Trotzky, Usher, Wyman.

NAY — Carpenter, Danton, Greeley, Levine, McNally, Minkowsky, O'Leary, Pray, Redmond.

ABSENT — Mangan.

20 Senators having voted in the affirmative, and 9 Senators in the negative, with two Senators pairing their vote, and with 1 Senator being absent, this Bill is passed to be enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. SPEERS: Mr. President, I move reconsideration of enactment and urge the Senate to vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby this Bill was passed to be enacted.

A viva voice vote being had,

The Motion to Reconsider does not prevail.

Senate Appointments Committee of Conference

The PRESIDENT: The Chair will announce the following Members to serve on a Committee of Conference with the House in a disagreeing action in reference to "Resolution Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses" (LD 1227).

The Senator from Aroostook, Senator Collins
The Senator from Cumberland, Senator Merrill

The Senator from Androscoggin, Senator Snowe

The PRESIDENT: The Chair would urge all Senators with Amendments pending to do the best they can to get them ready. The Part II Budget was passed earlier this morning by the House in concurrence with the Senate and it has gone to be engrossed and it should be back, maybe later this afternoon for final passage, so we are really attempting to get this Session over with by Saturday, and we would urge you all to do the best you can to achieve that end.

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

On Motion of Mr. Huber of Cumberland,
Recessed until 2:15 this afternoon.

(Recess)

After Recess

Senate called to order by the President.
(Off Record Remarks)

On Motion of Mr. Huber of Cumberland,
Recessed to the Sound of the Bell.

(Recess)

After Recess

Senate called to order by the President.

The President laid before the Senate:

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

Tabled — July 6, 1977 by Senator Pierce of
Kennebec

Pending — Passage to be Engrossed

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

Mr. TROTZKY: Mr President and Members
of the Senate, it is with the utmost difficulty
that I rise to oppose this Bill, and to move its in-
definite postponement.

I have consistently supported measures to
assist the elderly throughout my tenure in this
Body, and realize that there is great political
risk in opposing this Bill at the present time.
However, supporting this Bill would be a dis-
service to my constituents and most especially
to many of Maine's Senior citizens. The Bill will
cause a number of problems with hundreds of
private pension plans, and cause disruptions of
all of our efforts to create and open up new
jobs for Maine's younger citizens.

But most especially I am concerned about the
effect of the Bill on those that it is designed to
help. I am afraid that instead of protecting
senior citizens, it will hurt them. Instead of
securing them financially, it would jeopardize
that security, and instead of protecting their
dignity, it will rob many of them of their
dignity.

I say this for two principal reasons, first,
because an employer who might now keep an
employee who is approaching retirement age,
might, if this Bill passed terminate that
employee as soon as his or her usefulness to the
Company diminishes. Secondly, the present
mandatory retirement system is a social com-
pact between the generations which allows
older employees to leave their jobs with dignity
and a sense of usefulness intact. It also allows
the employers to replace those whose contribu-
tion is beginning to deteriorate, without having
to make this fact known to the employee.

What this Bill will do is force the employer,
no matter how reluctantly, to tell an older and
trusted employee that his usefulness is at an
end. This will be a psychological blow to the
employee, which he will carry with him or her
the rest of their days.

The Senate should understand that the pres-
ent law and most pension plans, an employee
can work beyond the mandatory retirement age
by agreement with the employer. Also under
present Maine law, no one may be forced to
retire under mandatory retirement provisions
unless there is a pension plan in place covering
that employee.

The practice of mandatory retirement age
has grown up over a long period of business
history. It would be short-sighted of us to
abolish that practice here today with no data to
guide us and no precedents for such action, but
beyond the short-sightedness, it would be tragic
if the effect of our action was to harm those all
of us here wish to assist.

I believe as I feel most people do here that it
is the senior citizens of this country who have
made the country what it is that we are so for-
tunate to live in. However, I believe the real is-
sue here is that our senior citizens must be able
to retire one day gracefully and with a sense of

dignity. One of the problems is probably our
Social Security system and some of the pen-
sions systems that do not allow people to retire
with enough money to meet their needs.

Maine has certain problems, such as an out-
migration of many of our young people
because of the very limited industrial base. The
mandatory retirement age provides, as I men-
tioned before, a healthy turn-over and a re-
juvenation of our labor force.

There is one point, it allows people in the mid-
dle age group to move into leadership positions.
Also one of the problems with this Bill, I
believe it will open up a proliferation of com-
plaints on age discrimination and hiring prac-
tices.

Other questions I have with it, as it covers
also public employees as well as private, and I
ask each of you to try and look back in your
communities to try and determine how difficult
it is to lay off or fire a public employee, such as
a teacher, fireman, policeman, if they are in-
capable of doing a job.

However, I think that the major factor here
that I feel is of importance is that this Bill, as I
say, covers both the public and private sphere,
and I believe that each business should be able
to decide on its own policy on retirement.

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

Mr. LOVELL: Mr. President and Ladies and
Gentlemen of the Senate: I am somewhat
amazed at the good Senator from Penobscot,
Senator Trotzky, would want to move indefinite
postponement of this bill. This is one of the
most important bills to come before this
Senate, and probably has been tabled more than
any other bill before the Senate to give the lob-
byists a chance to get out and do their job
amongst the Senate and I imagine they have.

This bill was a consolidation from the Com-
mittee on Labor on L. D. 412 and State Govern-
ment on L. D. 200 and on L. D. 1634, and comes
out as an Amendment after careful study as the
House Paper 736, and the first time that we
voted on this it went through the other body un-
animously Ought to Pass from the Committee,
and went through the other body, and then came
over to this body and the first time we voted on
it in this body we voted 26 to 5 to pass the bill.
Now let us see how many people are going to
keep their word that they gave when it was 26 to
5 when they voted they are going to help the
older people.

The older people need help, more so than the
younger people, and when the Senator from
Penobscot, Senator Trotzky, gets to be 65 years
old, maybe he will not want to retire. Maybe he
will be in good health, too. Example, in
Congress at the present time in the House of
Representatives in Washington, 109 Members of
the House have co-sponsored a bill for no retire-
ment age for Government workers, and actual-
ly the Carter Administration on June 23, 1977
came out in favor of enactment of this bill, and
it is also expected to pass the Senate.

The life span of a person in 1900, two years
before I was born, was 46.3 years of age. The
life span now is 65 for a man plus 13, 78; and 65
for a woman, plus 17, and that is 82. I can tell
you by the year 2000 with modern medication
and with using the proper diets and so forth,
people will live to be 100 years of age. Already
our Social Security Fund is in trouble. Every-
body is going to make on this bill. The
Social Security Fund will be helped. The pen-
sion funds will be helped. They are going to
have the money to use. They are not going to
pay any more out, if a person does not retire.
For example, here is what happens in some of
the companies. The Bendix Corporation, for ex-
ample, the mandatory age for retirement is 68,
but their average age at which the workers
retire is 59, fine. Many of your cases people do
not want to work, but if they do want to work

they should be given the right to work. In recent
years, only 8 percent of the retirees of the Ford
Motor Company have been continuing to work
until reaching retirement age, and I think that a
person should be allowed to work until they
reach the retirement age. For instance, Senator
Sam Erwin was mentioned this morning. Retired
Senator Sam Erwin, 80 years old, says it is a
crime against humanity for society to try to
wrap people in cellophane and place them in
the mausoleum merely because they reach an
arbitrary age. Comedian Bob Hope says, 74, I
think the older we get the smarter we get, and I
think that will be the way with a good many of
the people in this Senate.

I am not going to put on a prolonged debate. I
certainly will ask for a Roll Call on this
measure of indefinitely postponing this impor-
tant bill. I feel very strongly that we should enact
it in some way, and I certainly hope and I have
much more material I can use, but I do not
believe in these long debates. I think they stop
listening to you after you have talked about ten
minutes. So I will sit down and let somebody
else get up.

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

Mr. KATZ: Mr. President, it would be very
easy to try to picture members of the Senate as
heroes or villains in this debate, but it just is not
so. This is probably the most interesting issue
ever to come before the Legislature in my time.

I would like to suggest to you that the enact-
ment of this bill in its present form or hopefully
in the form that will be presently proposed to
you by the Senator from Kennebec, Senator
Pierce, will create disruptions, no question
about it. It will create disruptions in our
economy because it will change our society, but
I would like to suggest to you that there were
some pretty persuasive arguments back in
World War II days because we did not have any
black problem in the United States back in the
'20's and the '30's and the early '40's. We did not
have any black problem because we very
cleverly devised a system where when you went
into a railroad station there were black water
bottles and there were white bottles, and when
you got on some public conveyance in the south,
there were seatings for the black and seatings
for the white, and there were certain jobs that
were open to blacks and the other jobs were
open to the whites.

But because we felt that this was not the kind
of society we wanted to live in, we changed
things, and in the process of changing things,
we created disruptions. And I am asking every
member of the Senate today to ask yourselves
whether or not the disruptions and the disloca-
tions caused by our compassionate attitude
towards people who had a different color skin
was worth the price.

Just a few years ago we did not have any
problems with the handicapped children. A
mongoloid child was put in a back bedroom of
the family house, and there he stayed. He was
his parents' cross to bear. But our society has
changed, and we have reviewed our attitude
toward those who are handicapped, and we have
changed society and we have created disrup-
tions. I ask you whether or not it has been worth
it. And in both cases, I am sure the answer of
every person here will be yes.

Now we are faced with another change in
society on behalf of the elderly. Since the begin-
ning of the century organized labor has pushed
for a better life for the United States workers,
shorten up the work week and shorten up the
working life of the worker, bring in the new peo-
ple, push out the old, and it seemed to work well
for a little bit, until a couple of things happened.
One of the things that happened is that our work
force was never, never fully employed, except
for times of war. And then along came
something called inflation. And if you have ever
tried to retire in dignity on a fixed income dur-

ing an inflationary time, you have known fear and not very much dignity. Fear, yes, dignity, no.

This bill today actually is going to make a very, very important change in the kind of society in which we live. And that is the basis on which I ask you to make your decision, whether or not you feel that the place of the elderly in our society meets with your approval today, or whether you have a feeling that they really are entitled to the dignity that we give them lip service to. That is the issue before you.

The nature of the amendment that is going to be proposed to you after the Senate defeats the motion for indefinite postponement takes us into an interesting orderly process, which the Senator from Kennebec, Senator Pierce, will propose to you, but I ask the Senate now to vote against the motion to indefinitely postpone, and join hands in a historic effort to change our society, and to leave things maybe for the moment a little disrupted, but all to the better for the kids who succeed us.

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

Mr. MORRELL: Mr. President and Members of the Senate, I rise in support of the Motion by the Senator from Penobscot, Senator Trozky. I cannot totally disagree with the comments of Senator Katz. I think that many times there are things or actions that we have to take in this Body and other Legislative Bodies around our land that do create problems, but do improve society.

I guess my problem is one of mechanics. I think it is late in the Session. I think this is an issue that needs a great deal more study, and may well call for action after such study. But I would like to read to you a letter written to a Senator here in this Body by the Publisher of the Times Record in Brunswick, and it seems to me that this letter pretty much focuses in on the problems that I would have in immediately going for this Bill, and he writes:

"Dear Senator:

"I am writing to express my great concern with the proposed legislation which would eliminate mandatory retirement age provisions in both state government and private business in the State of Maine."

"Many of the major arguments on this legislation have been discussed at some length and I will not go into them for that reason. These include the beneficial effect on retirement plans, the adverse effect on employment opportunities for younger workers, etc."

"Let me give you a few thoughts from the view of a small businessman."

"Our company employs about 70 full time people and we have about a dozen regular part-time employees. (This does not include the 110 newsboys and 20 tube route drivers who are independent agents.)"

"We adopted a company paid pension plan 5½ years ago. Because of the 10 year period required to properly fund this plan, the first beneficiary under it will be an employee who retires on Jan. 1st, 1982. At that time a mandatory retirement plan will become effective for all employees who reach the age of 65."

"Until now, we have not had a mandatory retirement age. Over the past two years we have found it necessary to inform three employees that they were no longer able to perform their work satisfactorily. Although they ranged in age from 74 to 80 and thus might have expected to anticipate this action, it caused great heartache for each of them."

"Without mandatory retirement, most employees who continue working after age 65 will have to face a traumatic time in their life when their employer tells them that they are no longer capable."

"As an employer I can assure you this is a difficult task to perform. It will be made much more difficult if an employer is forced to docu-

ment each case in anticipation of a possible discrimination complaint."

"In private industry, retirement decisions are frequently initiated by the complaints of fellow workers who tire of accepting additional duties which can no longer be performed by the older worker. Even then, there is a natural reluctance to make such decisions."

"Imagine the difficulty of getting retirement initiative started in the public sector if mandatory retirement ages were eliminated. Compounding the normal reluctance to undertake such an unpleasant task would be the fear of involvement in the discrimination case. Combined, these two forces could lead to an overaged and considerably less efficient bureaucracy."

"Obviously there are many people who are fully capable of working many years beyond age 65. There are innumerable ways in which this can be accomplished on an individual basis. Special consultant contracts, part-time employment, working for a different employer are just some of the ways in which this may be accomplished."

"A mandatory retirement age does have many benefits. It forces an employee to recognize that a day of retirement is going to come and it mandates consideration of planning for some of the necessary financial, emotional and physical considerations of that retirement. It also gives an employer a fixed date at which the replacement will be necessary and enables the employer to provide a period of training and transition. It also gives younger employees an opportunity to know when a vacancy is going to occur for which they may consider themselves qualified."

"If an employee can continue to work as long as he or she wishes, or more likely until his or her employer decides otherwise, there will be little planning for retirement, the employees departure will be made under circumstances that preclude an orderly transfer of duties and younger employees will have no idea when they can expect an opportunity for promotion."

Mr. President and Members of the Senate, in my own business we do not have a mandatory retirement plan. We have a very valued employee who is in his 70's, and I would hope and he would hope that that could continue for a good many years. But I am concerned for those industries and for the public sector where there are mandatory plans, and where this can create some real dislocations in our society. Not that they might not be beneficial, but I think they ought to be undertaken after a good deal more study, than I think has taken place on this subject at this point.

I would hope today that we would pass the Motion that is now on the floor, or at the very least do something that would provide additional time for an orderly change in this process, if that is to come.

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

Mr. MERRILL: Mr. President and Members of the Senate: I am glad that today the Senate is debating the Motion to indefinitely postpone as it is, because it is my belief that that is the real question before the Senate today, whether or not we want to pass this Bill, whether or not we think it is a good idea to begin the unwinding of this system of mandatory retirement that we have, or whether we do not.

I honestly do not think that there is any reasonable grounds on which to distinguish between the public and the private sector. As a matter of fact, if there is any way, if there is any true difference in the two, except one of part of the whole and, therefore, not all of it, it probably cuts the other way as suggested by the previous speaker, the Senator from Cumberland, Senator Morrell, and that is it probably would be harder for the public sector to deal with some of the problems raised by do-

ing away with the mandatory retirement age than it would for the private sector, which always has greater difficulties, I suppose, many people believe, at least, has great difficulties dealing with this sort of labor problem that is brought about by the need to tell people to leave their jobs, because they can no longer do them.

I think that this debate is appropriate, and I think we ought to confront the issue as such. Do we want to do away with the idea of mandatory retirement, in the next few years, and I say the next few years because the Bill in its present form would not have the private sector conform this year or even next year, or do we want to continue with the system of mandatory retirement.

And before I will be convinced that we need more study on this issue, I would like to know what facts are missing that need to be studied. We had an actuary who came up here and who took the time to discuss this with us. I think most people who went and listened were convinced that there were no real actuarial problems with this Bill, and I know some of the people who have been most active in lobbying against the Bill admit that now. So I assume we can conclude that that does not need to be studied.

What we need to do, I think, is make some judgments about what kind of society we want to have and what is most important to us, and I do not know if we have to study that any more or not. I think maybe what we have to do is think about the kind of America we want to have, the kind of Maine we want to have, in years ahead, and then to make some valued judgments about what is most important.

I think here are two arguments that really have been raised against this Bill, and in favor of the concept of mandatory retirement, that are really worthy of some long discussion. There is one that I do not think is, and that is the issue of the problem of telling people that they are no longer able to do the job, and I can see how that is a difficult problem, but I would suggest to the Members of the Senate that in cases where there is in effect a retirement plan, and as I read Maine law you do not have a right to have mandatory age unless you have a retirement plan, that in many, many of these instances the people are going to retire because I think we have to admit we are not talking about children in these instances, and often times they can sense that they are not able to do their job, or at least their employers or their fellow employees are of the judgment they are not able to do their job, and if they have an alternative because they have a retirement plan, I think that in many instances that they will voluntarily leave the job and take the retirement benefit, because those three employees mentioned previously in the Bath-Brunswick Times Record might have done had there been a retirement plan in effect at that time.

Frankly, the concern that is in my mind and it is a very grave concern for the people that are able to continue, telling them that they have to leave so that somebody will be spared the problem of being told what is the truth, and probably what they should face anyway.

There are two arguments that I think are important, and I do not suggest that I am so confident of myself that I am certain how the Senate should make up their mind. I know how I made mine up and I just touched it briefly.

The first one has been alluded to several times in this debate, and I will not deal with it in length, and that is the movement in this country, and I must say parenthetically, the Governor is fond of giving the labor movement the credit for this whole movement in American is probably going well beyond their actual power and influence over this matter, but there has been through the efforts of the

labor movement and through the efforts of management, and through the efforts of a lot of people who saw it as a good thing, retraction of the working years in this country, and as we become more mechanized there has been a feeling that we should somehow eliminate people from the job market. We have done it by increasing the educational requirements at the lower end of our lives, and by putting on retirement plans and Social Security and mandatory retirement ages at the older years of our life. There are dislocations that are going to come about to the younger people if we allow the older people to continue to work that want to. I think they will be minimal. I think we are talking about a percentage much smaller than half of all of the older people that are going to reach the 65 year old age, but they are going to come about, and I think we have to make a valued judgment on that, which is most important.

Secondly, and this one has not been touched on that much, but I know it is felt and I know that the banks have been contacting people on this issue, and other groups have been contacting people feel that this is the nut issue, and it ought to be faced, I think, and brought out in the open in the discussion here in the Senate. Many years ago older people had a very valuable role to play in society because the rate of change was so slow that they had a lot of direct input, a lot of direct information that was very helpful to us, and Gregorian society, for example, the person who reached the age of 65 was very useful to us in an economic sense because he farmed the land all his life and he knew the work and he knew the weather patterns and he had a lot of information that was directly valuable to people who were younger and who were working on the land then. And that was true in the private sector in most cases as well in the non-agricultural sector, because the rate of exchange was slow enough that there was a lot of direct information, experience of a life-time that was valuable.

As the rate of change has increased in our society, what has really happened, I think, and we ought to confront it, is that the direct experience that older workers have to bring to bear on a job has become less and less, and as a result of that we hear the argument not stated on the floor of this Senate, which is that we should force the older people to retire so that we can have new blood come into the company, and what that argument means in essence is that the older people have old ways of doing things that slow down our organization, make our organization less efficient, less capable of being competitive, less capable of making our country strong economically. We ought to confront that argument because a lot of people have who contacted us are really coming from that position. I do not think we would have had that argument 100 years ago when the rate of change was so much slower, and it was direct experience that older people bring to bear.

I would just like to speak to that one very briefly because it has not been addressed, and tell you why I come down here and stated the argument on the other side. I would concede at the outset, I think, that there is less direct economic value to the point of view that is brought to bear by the workers who have worked a long time, the older workers today, because the rate of change is so fast. If you think of workers, for example, 65 years old and working in the printing industry. Imagine the changes that have taken place in his lifetime. He may not be on linotype now, and maybe he ran linotype machines the most of his productive years, and now all he is doing is pasting things together.

I think, however, that even in organizations that are not direct policy making operations and in parts of organizations where that is not the case, that the point of view that the older person brings to bear is valuable, and maybe,

just maybe the time has come in our society where we ought to recognize that as such, and maybe our willingness to take older people who can do the job, older people that have a different point of view, and to move them out for this younger blood so that we have exclusively an operation that does not have those older people, maybe it has come about as the result of the fact that we have allowed technology to become our master instead of trying to be masters of our technology, to use it for a better life for all of us.

I think maybe there is some point of view that the older workers can bring to bear that is valuable, to the job and to the people who work with the people on the job. So I concede the argument, recognize it, I think it ought to be brought forth here in this Senate, but simply say that I come down on the other side of the issue. The problems that it poses to the business of having those older people there that may have points of view that are colored by long years of experience. I think is less of a problem than an asset, and I think that that is something that we ought to address in our own minds when we make the final decision here, and it is not different in the public and private sector.

I would like to make one final point about this bill, because I think it is something that is overlooked. This bill does not say, as I understand the bill, that you cannot say that your employees can work for you any longer than 20 years. This bill does not say that you cannot have them work longer than 30 years. You cannot say that nobody can work for me longer than 30 years, or that nobody will work at a particular job for more than 30 years. This bill says that you will retire at a particular age, and I think we should not confuse the two when we are making a decision about whether or not we should allow mandatory age. More and more people in our society today, a significant enough number so that I think it is worth bringing up in this debate, are switching their occupations somewhere in their late 40's or early 50's. It is a much more common experience today than it was 20 years ago, if we are to believe all of the studies we are reading. So in many instances we are going to be talking about people retiring at the age of 65, and who have not had great long number of years at the job that they are in. The point is, the point that I am trying to make is we should not think of all of these people who have been on the job for 30-35 years, and maybe have become a little stale with the job, or maybe come to the point where they are not excited by it and, therefore, bring less enthusiasm to it. You have to recognize that what we are talking about when we talk about a mandatory age retirement, it is something that is going to cut across a lot of different experiences, and nothing we are talking about here today, as I understand it, precludes the employer from saying only so many years on the job. What we are talking about is a narrow question.

I would hope that the Senate would defeat the motion to indefinitely postpone, and take what I admit is a fairly courageous step. I do not think any state has done it, certainly not to the degree we are doing here, but as I reminded the Senator from Penobscot, last night, the State motto is *Dirigo*, and I think from time to time we can distinguish ourselves by living up to that motto, and I think this is an area where maybe it is particularly appropriate that the State of Maine, which has always shown a little more respect I think for traditional values than the rest of the country has, to show a little bit more respect to the importance of allowing Senior citizens, our older people who are capable of staying on the job, to stay around and show them the respect that we are not going to throw them off the job when they become a certain age.

I would hope that we would defeat the motion to indefinitely postpone. If a roll call has not

been asked for, I would request one.

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

Mr. SPEERS: Mr. President and Members of the Senate: most of the bills that we deal with in this session and other sessions, over 2,000 pieces of legislation that come before us for our consideration, almost all deal with changing around of details, changing one law or changing a slight direction in policies that have already been established, and there have really been very rare occasions in the Maine Legislature when we have been granted the opportunity or presented the opportunity to establish a line of public policy, and I think those occasions have been some of the finer moments in the history of this chamber, the history of the Maine Legislature, and indeed the history of the United States Congress, those rare moments and those rare opportunities, as the good Senator from Kennebec, Senator Katz, has alluded to, when we, using the term collectively, as democratically elected bodies have taken a look at clear choices and have taken clear stands to establish a line of public policy, that it shall be the public policy of these United States to prohibit discrimination, and we have an opportunity such as that presented to us this afternoon.

There have been a number of questions and a number of comments suggesting that we should shy away from adopting that clear public policy as presented to us now, because we do not have a clear indication of what all of the ramifications may be from adopting that policy. There has been the suggestion that there are serious doubts as to the effect of that policy, upon our society, and indeed it is known that the adoption of such a public policy will, in fact, mean some disruption from the way that we have always been doing things in the past. Indeed that is the nature of adopting a clear different public policy.

Well, in those public policies that the good Senator from Kennebec, Senator Katz, alluded to, there were certainly clear doubts as to all of the ramifications of those policies. The ramifications were not known. But I submit to the Members of this Senate that if we had waited to find out what all of those ramifications were going to be, those policies would not be adopted today, and, in fact, we can go right back to the very founding of this Nation and state very obviously that if all of the ramifications from the adoption of the Constitution of the United States were to be known before the adoption of that Constitution, we would still be debating the Articles of Confederation in Philadelphia.

The question that is presented to the Senate of the State of Maine this afternoon is a very clear question of the adoption of a new public policy, that we wish to say to the public of the State of Maine that we feel is an important public policy, that the requirement of an individual to retire at a particular age simply because he has reached that particular age shall no longer be allowed.

I call upon the Senate to make that judgment, to adopt that policy for the people of this State.

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

Mr. O'LEARY: Mr. President, earlier the good Senator from Cumberland, Senator Merrill, alluded to our technology and employment and such. It was not too long ago that I was reading an article that if American technology kept moving the way it was, that it would not be too many years before only two percent of the people in this Country would be employed, and the other 98 percent would be receiving the benefits. With my kind of luck, Mr. President, I think I will be one of the two percent.

I do not think we should delude ourselves by

this study that was done by the Committee on Aging, because I feel that it is perhaps biased in its results, because I am sure if a group of us here who are men here, and fathers, were to get together and do a study on the responsibilities and such, we would come up with one that was pretty well prejudiced and saying that the wife did not have much to do.

But I would like to speak to the displacement that was referred to earlier by the Senator from Kennebec, Senator Katz, and relate to you what has happened in the Company that I work for. In 1963 my last year as President of Local 900, there were 2,300 of us who were employed in what was then Oxford Paper Company, which is now a Division of Boise Cascade Paper Group. presently there are 1,300 employees, and a lot of this is a result of the inflation, management trying to cut the costs, and labor was the easiest way to do it, so everyone had to double up, and in so doing there were a number of positions, especially in paper finishing, where a lot of women were employed. These women were not allowed to bump on jobs that were being done by men that were much more heavy jobs, not the type of a job that you would normally give to a woman. So a group of these women went to the Courts, this is within the last five or six years, and the Court has said you will give them jobs that are presently held by men, so they knock the men off the jobs and the women went to work and the men started drawing unemployment, and these are husbands of some of the wives that have gone back to work.

You talk about displacement now the Court also went further and said that in the future those who the company hires must be so that it will create a balance between men and women. Now I will submit to you Members here in the Senate today that if a man goes to Oxford Paper Company asking for a job, he is turned down, but you let his wife go there, and she is employed. Every job that is available in there now is being filled by a woman. We have one woman that is a supervisor or a shift foreman on a shipping platform, and she is an intelligent woman, a college graduate, but I am just wondering when we have an even balance of women in there, they are going to go to the Courts and holler discrimination again, and then a lot of these supervisors are going to be unemployed and they have no union to bargain for them.

Now what we are talking about in this Bill is whether the Union has the right to negotiate such provisions in a labor contract. This is always been so. Now this Bill, as I understand it, is going to eliminate that right. We are going to be limited from negotiating a contract, whereas we can put in here that you will retire at any given age, or after any number of years, and I forget what Section of the Bill, but the good Senator from Knox, Senator Collins, just showed it to me, and this disturbs me, Mr. President, because I remember in 1953 or '54 we went out on strike in the Oxford Paper Company to get a retirement plan. We went for weeks without any wages, and we did win a pension plan. We went on strike again in 1957 over who was going to control the plan, whether it was the United Mine Workers or whether it was going to be the Company. The settlement was reached whereas the plan would be administered by a Bank in Boston, but each two years our labor agreement we have on our agenda the right to ask for more benefits in our retirement plan, and our retirement plan calls for mandatory retirement at 65. You can retire as early as 55 but you have to take a graduated reduction in your pension. But when you retire at 62 you can expect to add three more years of life expectancy, and this has been proven to us by actuaries that have come into our negotiations between the Company and the Union. We have a provision in our contract which allows you to retire after 40 years with

full pension, regardless of age, and we are going to lose that same right to negotiate that in our contract.

Mr. President, I am disturbed that this is going into the private sector. I believe that if we were to require it in the private sector, and I shall support the Amendment that is going to be offered by the good Senator from Kennebec, Senator Speers, and I think that I shall vote against indefinite postponement of this Bill, but I would like to correct the reference to age that was put in the record here earlier. The average age of the male is 68 and that of a lady is 73, not 75 and 87.

Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question. The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Trotzky, that L. D. 1634, 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 Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate, I would like to correct the good Senator from Oxford, Senator O'Leary. The latest, in last Week's U. S. News, was that the life span of a man in 1900 was 46.3 years, and out of that he worked all but 16 of those years. Now today when a man reaches age 65 he can expect to live another 13 years, according to the mortality experts, and women an additional 17 years, and so you add 65 and 13 and you have got 78 for the man. Now I think the U. S. News and their reporting are about as good as any magazine that I know of, certainly better than any local magazines.

I would also like to point out that there is 170,000 persons in Maine 65 or over and another 100,000 between 55 and 65, which are going to soon reach that age of 65 just as soon as you all will, certainly in the near future, so Social Security is going behind. It will have to be raised, the age, shortly to 68, instead of 65, because the Government just cannot stand the loss. This mandatory retirement at age 65 is going to be out sooner or later, and we might as well put it out right now. It is the last large discriminatory thing that we have in our laws today.

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

Mr. CONLEY: Mr. President and Members of the Senate: I think that the Senate should consider, first, that this Bill before us is a No. 1 priority of the State Council of Older Persons, and they list four good reasons as to why this Bill should pass, and I would like to give you those reasons; (1) that many elderly people must continue to work in order to live with some comfort, that inflation has eroded most of their savings, (2) that the American Medical Association opposed mandatory retirement on health grounds alone, (3) financially and economically they can no longer afford the cost of mandatory retirement at a stated age, regardless of ability of productivity, willingness and health, and (4) retirement based on age and age alone not only has no basis in fact or logic, but it is out and out discrimination against the elderly, which is just as insidious as discriminations based on race, color, creed or sex.

Mr. President, I would hope that the Senate would vote against the pending Motion and that this Bill would be enacted today.

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

Mr. TROTZKY: Mr. President and Members of the Senate: The word discrimination is not a nice word, but I do not think you can compare discrimination of whites and blacks, women, religious groups, race, creed, sex and so on, similar to this issue here today. All of us or hopefully all of us will reach the age of 65 so we all face the same implications of the policies that are in effect in our communities today.

I have been assured that there will be a Study Order submitted so this issue can be studied without political pressures that are hanging over this Senate today, and when this Order is submitted, I will vote for it.

The good Senator from Cumberland, Senator Merrill, said that the State's motto is *Dirigo*, I lead, but one should lead with a knowledge of where one is going to, and I think we are not sure of what the implications of this Bill have on labor unions, on businesses and other areas of our economy.

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

Mr. MERRILL: Mr. President and Members of the Senate: I think the uniqueness of the Senator from Penobscot, Senator Trotzky's position and the position held by the groups that are lobbying this Bill ought to be noted today, because it is rather unique, because we have a group of individuals that are coming to the Senate asking that they be allowed to continue to work, and we have a lot of individuals who are in a position of wanting to stop them from working and to put them onto a system where they receive monies without work, and it is unique enough I think to be noted, and in noting it we ought to ask ourselves if there is a good reason why.

There are a lot of people in our society who are productive, who have spent a life-time improving their productive and their creative skills, and although they are a minority we ought to recognize when we vote on this that there are people to whom work is very important, some of these people have lost their spouse, their families have moved away, and most of their satisfaction in life comes out of the creative opportunities made possible through their vocation, and we ought to have a darned good reason for allowing these people to say that they will be turned out of work just because they reach a specific age. I have not heard that reason, and for that reason I would hope that we would defeat the Motion to indefinitely postpone, and then defeat any Motions to water this Bill down.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I think it is interesting that the Legislature is voting on this question when the legislative bodies in general are among the few organizations that have no mandatory retirement age and I think perhaps we are being a bit hypocritical if we can stand here today and say there should be a mandatory retirement for public sector and private sector in our country, but yet we can come back here ad infinitum. I do not think that is quite fair.

I think one of the comments that was brought up earlier about disruptions, disruptions to pension plans, disruptions to labor force, let me just ask you to look back a few years when this country had gone through a rather traumatic experience, such as the great depression, such as the wars, which were quite serious disruptions to the labor force, to the pension plans and to the economy as a whole, and somehow we survived that, and I think in many ways we came out of it better as a country, and I think we can survive this traumatic experience. If not, I am sure the ramifications of our actions were today in hopefully passing this bill will be well known to those of us who return in this body in future years, and I do not think it would be that difficult to take care of the problem, and

I would just pose a rhetorical question to my colleagues in this body that who is not going to retire. I am 29 years of age and I certainly hope that I will retire before the age of 65, and I probably will if I have enough money put away, but I see my parents and many other people put away a certain amount of money for a certain number of years, figuring this is what they need when they got to the magic age of retirement, so-called golden years, which are now a bit tarnished, I think, and I think the people who will not retire are the people that cannot afford to. If I reach 60 years of age and I have a couple hundred thousand dollars socked away in a pension plan or in a private retirement account, or under my mattress, I think I will probably retire and go south, but the people who will not retire are the people who cannot afford to retire, so I think when you vote on this bill you are making a real class distinction as to who can and who cannot continue to survive, and I think this might have a direct bearing on the programs that we are going to be talking about here in the next few days, Life-Life Bill and Assistance to the Elderly in Tax and Rent Refund, and Free Drugs for the Elderly. Why is the State having to pick up the tab for these things, because these people worked their whole lives and they put away a certain amount of money, or they counted on a certain pension and Social Security, and when they got to the age where they were forced out of work, they found that they did not quite have enough to get by on, and they had to fall back on the state or on the local municipalities for assistance. I think it is too bad that we have to sit here in the Legislature and appropriate money for these programs, and I think it is particularly too bad because I know the type of people who are having to rely on these so-called welfare programs and they do not like it. They would much rather be working and earning their own way.

I would hope that you would vote today not to indefinitely postpone this bill and not to water this bill down, and allow it to go on its way, and it is a rather significant step, but let us try it. We do many things that we are not 100 percent sure of the ramifications of exactly what is going to happen. We debated the Turnpike Bill in here today. Nobody knows what is going to happen if we pass one version or another of that. Here it is the 7th day of July. We have been in session for seven months. Less than six months we will be back in session again, and each succeeding year from here on out I suspect the time spent in this Legislature will be longer. If there are problems with this, we are creating a tremendous disruption to the labor force, to the private or public sector of our state economy. I am sure we can correct those problems. But let us give this rather unique issue a try anyway.

Thank you.

THE PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that L. D. 1634 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 — Collins, D.; Curtis, Hewes, Huber, Morrell, Trotzky, Wyman.

NAY — Carpenter, Chapman, Collins, S.; Conley, Cummings, Danton, Farley, Greeley, Hichens, Katz, Levine, Lovell, Martin, McNally, Merrill, Minkowsky, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Usher.

ABSENT — Jackson, Mangan.

7 Senators having voted in the affirmative, and 23 Senators in the negative, with 2 Senators being absent, the Motion to indefinitely postpone does not prevail.

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

Mr. PIERCE: Mr. President, I would now present Senate Amendment "A" (S-376) and I would speak to my Motion.

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

Senate Amendment "A" Read.

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

Mr. CURTIS: Mr. President, I offer Senate Amendment "A" to Senate Amendment "A" (S-383) and would speak to my Motion.

THE PRESIDENT: The Senator from Penobscot, Senator Curtis, now offers Senate Amendment "A" to Senate Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A" to Senate Amendment "A".

Senate Amendment "A" to Senate Amendment "A" read.

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

Mr. CURTIS: Mr. President, this matter addresses a very specific issue of the many that are before us. My Amendment, S-383, raises the question of what should happen to those specific situations that already exist in present law regarding State of Maine employees who have a particular and special retirement age.

Now I do not know if the Members of the Senate are familiar with it or not, because it has not come out in the previous debate, but the general State standard now for State employees retirement is the age of 60, opportunity for people to retire at age 60. They must retire, State employees, at age 70. Unless a special provision permits, they continue from year to year for additional work years after the age of 70.

Now as exceptions to that general rule we find a series of categories that have been established by Legislatures in the past providing for earlier retirement ages, and as you look at the Amendment you will see that the specific categories that the Amendment addresses are those that generally have to do with public safety or other areas in which the employee needs particular physical prowess. Included in these categories are State Police officers whose retirement age is now 55; they may retire after 20 years, and at 60 they must retire; the law enforcement officers of the Inland Fisheries and Wildlife the same; forest rangers of the Department of Conservation may retire at 50, and must retire at the age of 60; state airplane pilots, they retire at 55, must retire at 60; liquor inspectors who may retire at 55 and must retire at 65; and certain employees of the Maine State Prison whose retirement age is optional at 50 and mandatory at 60.

In each instance, Mr. President, there is an existing provision in State law for continuation from year to year for the people in these categories if they so petition and if it is determined by their employers that they are capable of working for the additional years.

Now the reason I am particularly interested in this category of State employment is because in 1973 I sponsored a piece of Legislation which finally nailed down the retirement age for State Police. Prior to that time there was a category of State Police who had no mandatory retirement age, and some of those employees of the State were utilizing this to the best possible advantage, were staying on the jobs, some at ages over 70, were tying up the opportunity for promotions within the State Police organization, and were, it seemed to me, working beyond the years that might be expected of them, and beyond the possibilities of their physical capabilities to carry out all of the strenuous duties which are expected of all members of the State Police.

So for these reasons that I have explained, I offer this Amendment and ask you to support it, because it provides for a special recognition of some specific instances that exist in State employment.

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

Mr. LOVELL: Mr. President, I move indefinite postponement of the Amendment. This Amendment is just simply watering down the Bill.

I know State Policemen who went to work when they were 21 years of age, and at that time they could retire at 41. We have several in Sanford now that do not know what to do with themselves. One fellow is out picking apples in the fall, and the same way right down the line. Now if they are not in the proper health, the Head of the Department under this Bill can let them go or retire them if he so wishes, and they have no recourse, so consequently I do not think that we should water this Bill down.

I move indefinite postponement of this Amendment.

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

Mr. KATZ: Mr. President, if we are going to be serious about passing this Legislation, we are going to have to have a whole new kind of thinking. For example, I earned my living as an airline pilot for several years before I was fortunate enough to come to the Maine Senate. I am beyond the age of 55, and I am physically in great shape and I can pass an FAA physical standing on one foot. I would resent being retired because of the mandatory requirements of age.

On the other hand, if an airline pilot or a State pilot is flying an airplane and he cannot pass what is an extraordinarily stringent physical examination, he is retired, but not based upon his age.

With respect to the State Police, the whole new ball game would be to evaluate a man based upon the necessity of the job. If there are stringent physical requirements for the job, let us put it in the job description, and if the old codger cannot pass it, he will retire, but not because he is of a particular numerical age, but because the job description says that he shall retire.

That is the whole new philosophy you are going to have to adopt, and it is going to be a little difficult to deal with, but that is implicit in the Bill.

THE PRESIDENT: The pending question before the Senate is the Motion by the Senator from York, Senator Lovell, that Senate Amendment "A" to Senate Amendment "A" to be indefinitely postponed.

The Chair will order a Division.

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

Will all those Senators opposed to indefinite postponement, please rise in their places to be counted.

19 Senators having voted in the affirmative, and 8 Senators in the negative, the motion to indefinitely postpone does prevail.

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

Mr. PIERCE: Mr. President, I would now present Senate Amendment "B" to Senate Amendment "A" (S-384) and move its adoption.

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

Senate Amendment "B" Read.

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

Mr. PIERCE: Mr. President and Members of the Senate: When I first offered Senate Amend-

ment "A", which is the major amendment, which I am going to speak on in a few minutes, I did not speak to it so that we could procedurally go through this a little more smoothly by offering and addressing Senator Curtis' Amendment first, and then this minor amendment which I sponsored, which I presume everyone is in favor of.

All it does, is if we adopt my main amendment, there is one provision in there where the State Planning Office is going to do some study of these issues, and it also says with this amendment that they shall do this in conjunction and in consultation with the Committee on Aging, and if we could adopt that provision, we could then address the main issue here.

Senate Amendment "B" to Senate Amendment "A" Adopted.

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

Mr. PIERCE: Mr. President and Members of the Senate: I think perhaps the first thing I would like to do today is give the thanks and express the admiration I think probably of everyone in the Senate to an extraordinary group of people who spent the last days, the last weeks with us here in the Senate, and that has been a group of senior citizens who have been extremely patient with us. They are people who have nothing to gain personally from this legislation, but I think everything to give. They obviously believe in it very, very strongly. They spent countless hours here. The measure has been tabled time after time. Under the circumstances it has been tabled, I do not have to apologize for that, because it was not tabled for any other intention than I think we were all very much grappling with a tough problem, and I think they appreciated that. They knew it and at least their spirits and humor were never dulled at any point that I could ascertain.

But the issue that we do address here today is a very unique one. It is a monumental one. We are attempting to be the first state in the United States to adopt a measure before any other entity does this, and that, as the good Senator from Cumberland, Senator Merrill, mentioned, does not bother me. I do not think that we should be afraid to lead. I think it is a concern to some. In fact, I think perhaps in this instance we should be proud.

I do know that an awful lot of people have expressed some concerns about this bill. Contrary I think maybe to what the general public thinks, I am not sure that this bill has been extremely heavily lobbied. At least I have not been heavily lobbied in either direction on it.

I have seen a lot of articles in the paper expressing concerns, and editorials, including this morning's Bangor Daily News, and I do know that there are a lot of things about the legislation that disturb me. There is no one thing or no group of things at this point that is going to keep me from voting for it, but there are some things that do concern me. I think there are some obvious adverse affects. Certainly there are going to be at least at the entry level and among the younger people some loss of jobs. I have no idea how many, and I think probably no one else does. Maine is a state that loses over 30,000 young people every year, most of them leaving because they have to, not because they want to, and it disturbs me to have to add more people to that group. But young people have a way of surviving. Although it may be a problem to them, it is one that they have a lifetime to overcome.

Obviously, too, this bill would remove entirely from the collective bargaining process the rights of employers and employees to negotiate and agree on fixed retirement ages, and I think some consideration must be given to the fact that we are infringing upon these people. We are infringing upon their right to contract. Thousands of pensions, retirement plans, will have to be rewritten — a problem but not one which cannot be overcome. But I know in

some areas, a substantial number of employers have in the past dropped retirement plans out of frustration with having to comply with recent federal law changes. I certainly think it would be tragic if our actions here caused a number of employers to refuse to rewrite their plans as a result of this bill, and, in fact, we would end up harming in some ways and penalizing the very people that I think we all want to help.

I have no idea of the number of older workers who may be separated from their jobs, people 58 or 60 or 62, as a result of this legislation. I do not think anyone knows certainly at this point. I hear the answer, well, if they are not competent in their jobs then they should be let go or they should be released, and I guess that that is a little bit too insensitive and a little bit over simplified for me to accept. So I think there is a potential problem in that area.

I really believe that this amendment represents a responsible solution to the problem that we have before us. We are attempting to, first, put our own house in order before embarking upon legislation which is new to us, which is new to every state in the Union. As I mentioned before, none have yet enacted it. It gives us the opportunity to benefit from some federal scrutiny. They are also in the process of enacting some similar measures. We are directing through this proposed amendment the submission of proposed legislation, which will carry an effective date no later than that which is in the bill now, and I think that is important, because there is no way that I see this as a compromise, as a watered down version, or as a copout. We said this whole thing, we are going to put it out to study and come back in two years. That is a compromise to me. That is a copout. But this amendment provides for a gigantic step, a significant step, one in my estimation from which there will be no turning back. We are stepping into the public sector and removing mandatory retirement.

The Bill calls for the State Planning people to address some of the problems that the opponents of the Legislation have addressed, and I think there are a lot of problems, but I firmly believe there are none which can not be overcome, and this is not putting it off down the road. I really feel that it is in every sense of the word an orderly implementation. I do not know what the Governor would do with either the Bill or the Amended version if that passes. I suspect that this might be a little more palatable to him. That is certainly only conjecture.

When we started out with this, the Bill which has lived and died. I am sure it seems to many people here, a hundred times, when it was unsigned on the Table and people said, well, that is that, when there was a lot of sentiment to indefinitely postponing it, and they said there it goes again. I think clearly by the vote we just took, the Bill is alive and well, and contrary to what some people thought, the Maine Senate is going to pass this Legislation, and it is going to pass it either in this form or the other, and both are significant steps. I, for one, am extremely pleased that nearly at the end of this road we can see that one of those options is going to be the one we are going to follow.

I think we really had a good and honest debate on what could have been and I guess is in many ways an emotional issue. There are arguments, honest arguments on both sides of it. I think we have dealt with it without getting overly emotional. I guess the problems of the elderly as I look back on my short time in public service, have been of the highest concern and my first priority since the day I entered politics, and I know that they deserve more than we are going to be able to give them in this Legislature for many reasons. But this Bill, in one form or the other, I hope will send a message to them from both the Senate and the House that we do care, we are concerned, and we are going to

take a significant step in what I feel is the right direction. I feel that this is the orderly, responsible route to go, and I would ask for your support on this Amendment.

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

Mr. MERRILL: Mr. President, I would like to request a ruling from the Chair as to whether or not Senate Amendment "A" is in violation of Joint Rule 28, which requires a fiscal note on all Bills that require an expenditure of money.

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

Mr. PIERCE: Mr. President and Members of the Senate, I assume the Senator from Cumberland is addressing the Section particularly dealing with the State Planning Office, and having spoken with them, I guess more or less indirectly, and Senator Katz may also want to address the question, but they have indicated that they are able to spend the time necessary on this without further and additional funds, and what we are asking by this Legislation is to shift their priorities and make this one one of their highest, as I think it is with us here in the Legislature.

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

Mr. MERRILL: Mr. President, if we are in effect to address the question posed by my request for a ruling, I would point out to the Senate that the Appropriations Committee has in fact cut back on the number of people that the Planning Office told us in the first instance would be required to do the job that they presently have, and the budgets as we have passed them gave them less money than the money necessary to do the jobs that they were presently required to do by Statutes. This Bill would require an extra task, and I think that it makes a sham of our Joint Rule 28 if there is going to be a fiscal note on the things that the Department says that they do not like to do, and then to have a fiscal note on the things that they say they would like to do. They have tasks presently in the Statute. We have given them less people than they asked for in the first place to do this, and I do not know how we can say that this Bill does not require a fiscal note.

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

Mr. KATZ: Mr. President, prior to the debate today I took the liberty of discussing this issue with Alan Pease, the Director of the State Planning Office. I explained our problem to him, and he explained his budgetary problems to me. We had a very pleasant meeting over the phone. He acknowledges that he would undertake this problem. I pointed out to him that I have close relationships with the Federal Reserve Bank in Boston which has an extraordinary staff of economist who have an enormous amount of demographic and other information about the State of Maine, and I am absolutely confident that the finances involved would not be a barrier to the bona fide pursuit of the intent of this Amendment.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like a ruling from the Chair on the parliamentary question posed.

The PRESIDENT: The Chair would rule that the Amendment is in order.

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I thank the Chair for its ruling. I think that it is one that will trouble us in time to come.

Let me say that I would hope that we would not adopt this Amendment today. I think that it

makes a distinction which is not one based on reason. It makes a distinction between the private sector and the public sector, I can certainly see that there is good reason for a distinction in the implementation dates, because there are more decision makers involved in the private sector, and it might take them more time to work out the problems that are posed. That, however, is taken care of in the Bill in its unamended form.

I do have to say that I have a different view of this Amendment than its sponsor, and I think that this Amendment chops a leg off this proposal, because it says in essence, at least for the time being that we are committed to seeing this implemented in both the private and the public sector, and I really do not think that listening to the debate that we have heard here on this Bill, and it has been excellent debate, that there has been any good reason why we should distinguish one from the other. The arguments that we have heard against this proposal are at least equally applicable to the public sector. I think maybe a little more so, as was suggested by the Senator from Cumberland, Senator Morrell.

I would hope that we would not adopt this Amendment. I would hope that it would be defeated. I would move indefinite postponement and ask for a Roll Call.

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

Mr. SPEERS: Mr. President and Members of the Senate, I also would oppose the adoption of this Amendment, and certainly will support the Motion to indefinitely postpone.

It seems to me that those who are proposing this Amendment for our consideration, and indeed for our adoption, are saying that we ought to adopt the posture of prohibiting mandatory retirement age for all of the reasons that have been brought forth here this afternoon, but that we ought to adopt that posture only for those individuals who happen to be employed in the public sector, but that those reasons do not apply to individuals who happen to be employed in the private sector, and I have heard no reasons, no logical basis to make that distinction.

I think that the State of Maine ought to adopt the posture of prohibiting mandatory retirement for employees employed in this State, regardless of whether it should be in the public sector or in the private sector. I do not feel that there is any basis for the distinction, and I would certainly hope that this Amendment may indeed be indefinitely postponed.

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

Mr. O'LEARY: Mr. President, I take exception to the remarks of the previous two speakers. This is a new type of Legislation, and it is going to be a new experience of what this Bill is going to do to our employees. We may be back here two years from now realizing that we may have made a mistake, and want to reverse ourselves, when we have really upset everything. I think that the Amendment sponsored by the good Senator from Kennebec, Senator Pierce, is reasonable, and I hope that you will support it.

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

Mr. KATZ: Mr. President, when I drive down the Interstate in my car, there is only one steering wheel, and I am the only one who runs the ship. When you come into the Maine Senate, there are 33 individuals, and sometimes it is necessary to pay some attention to the concerns of your colleagues in the Senate if Legislation is to be enacted.

Now it has been a long time since I gave up the luxury of the rigidity of saying my way is the right way, and if you do not like it, vote against it. The Amendment offered by the Senator from Kennebec, Senator Pierce, takes into consideration the money concerns we have heard in this Body the last week or more. We

are unalterably, totally committed to the removal of mandatory age barriers in employment. The Senators will look at the wording in the Amendment, it talks about the intent of this Act, and it talks about the final phase of prohibiting the use, not discouraging but the intent is to prohibit effective January 1, 1980 this type of discrimination in all segments of the Maine society. I must protest that anyone who uses the word sham with respect to this Amendment is really attacking the motivation of those of us who support it.

Without any mental reservation at all, I am personally committed to the removal of discrimination by age in public and private. Now the last couple of weeks since I first became conscious of this Bill, I guess I have talked to the most of the people in the Senate, and I think we have a pretty good idea of what it is going to take to get this Bill enacted.

I am a pretty sore loser. I do not need any more Legislative experience supporting losing causes. I look upon this orderly progression to the direction that we support as a valid, Legislative approach, not a sham, not a dodge, not a compromise, but an orderly progression towards the goal that we cherish, and I would ask the Senate to oppose the Motion for indefinite postponement, deal with that question and then lets join hands and get this Bill on to its final enactment.

The PRESIDENT: Is the Senate ready for the question?

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

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

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, just an inquiry, is this to indefinitely postpone Committee Amendment "A" to Committee Amendment "A", or is it to Senate Amendment "A", or is it to indefinitely postpone both Amendments.

The PRESIDENT: The Chair would answer the Senator, the Motion would indefinitely postpone the main Amendment, Senate Amendment "A" to the Bill.

The Chair recognizes the same Senator.

Mr. LOVELL: Mr. President, and also the other one, too.

The PRESIDENT: Well, it would also indefinitely postpone Senate Amendment "B" to Senate Amendment "A".

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Merrill, that Senate Amendment "A" 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.

ROLL CALL

YEA — Carpenter, Conley, Danton, Farley, Levine, Lovell, Martin, Merrill, Minkowsky, Pray, Speers.

NAY — Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Hewes, Hichens, Huber, Katz, McNally, Morrell, O'Leary, Pierce, Redmond, Snowe, Trotzky, Usher, Wyman.

ABSENT — Jackson, Mangan.

11 Senators having voted in the affirmative, and 19 Senators in the negative, with 2 Senators being absent, the motion to indefinitely postpone does not prevail.

Senate Amendment "A" Adopted, as amended by Senate Amendment "B" thereto.

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

Mr. KATZ: Mr. President there are two amendments on the bill which are no longer relevant, Committee Amendment "A" and House Amendment "A" thereto, and they must

be disposed of. I move the rules be suspended.

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

The Chair recognizes the same Senator.

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

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

The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I now move that the Senate reconsider its action whereby it adopted House Amendment "A" thereto.

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

The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I move that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

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

The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I now move that Committee Amendment "A" be indefinitely postponed.

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

The Chair recognizes the same Senator.

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

The PRESIDENT: The pending question before the Senate is passage to be engrossed.

Which Bill was Passed to be engrossed, as amended, in concurrence.

Sent down forthwith for concurrence.

The PRESIDENT: The Senate will be at ease, and the Chair would ask the Floorleaders and the Senator from Knox, Senator Collins, to approach the Rostrum.

(At Ease)

Senate called to order by the President.

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

Mr. CURTIS: Mr. President, I move that the Senate take from the Table Bill, "An Act to Establish the Maine Juvenile Code." (H. P. 1794) (L. D. 1894)

Tabled — Earlier in the day by Senator Curtis of Penobscot

Pending — Passage to be Engrossed

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that the Senate take from the Table L. D. 1894. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I am going to present two amendments to the Code. The first, one, Senate Amendment "A" (S-387), and Senate Amendment "B" (S-388). The first deals with an assurance that there will be further study and opportunity for amendments to this code when we come back next January. The second amendment simply inserts an item that was overlooked with respect to making bail available in cases where there has been an arrest in the usual way.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "A" (S-387) and moves its adoption. The

Secretary will read Senate Amendment "A".
Senate Amendment "A" read and adopted.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "B" (S-388) and moves its adoption. The Secretary will read Senate Amendment "B".

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

Sent down forthwith for concurrence.

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

Mr. COLLINS: Mr. President, I move that we take from the Table Bill, "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (S. P. 590) (L. D. 1896) (Emergency)

Tabled — Earlier in the Day by Senator Collins of Knox

Pending — Passage to be Engrossed

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate remove from the Table L. D. 1896. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I believe we have a total of eight amendments to offer in the Senate. The first one is Senate Amendment "A" (S-374) which I now present and move its adoption. This is a simple matter that has to do with recording charges of certain liens.

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

Senate Amendment "A" Read and Adopted.

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

Mr. O'LEARY: Mr. President, I offer Senate Amendment "D" (S-378) and move its adoption.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now offers Senate Amendment "D" and moves its adoption. The Secretary will read Senate Amendment "D".

Senate Amendment "D" Read.

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

Mr. O'LEARY: Mr. President, what this amendment does is provides that the motorcycle repealer law take effect immediately in order to permit fact finding as suggested by the Governor's Committee on safety to begin immediately. As you know, we have had a number of motorcycle accidents and fatalities so far in the State of Maine, and in conjunction with the Governor's veto message so that he may have all of this material available to him for when we return next year, I move the adoption of this amendment.

Senate Amendment "D" Adopted.

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

Mr. MORRELL: Mr. President, I present Senate Amendment "C" (S-377) and move its adoption.

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

Senate Amendment "C" Read.

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

Mr. MORRELL: Mr. President and Members of the Senate: The effect of this amendment would be that while the benefits under the voluntary quit provisions that we passed earlier, would be paid, and they would not be charged to the individual employer.

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

Mr. HEWES: Mr. President and Members of the Senate: I would inquire if this is breaking new ground, if benefits are paid to an employee,

beneficiary, and no employer is charged for those payments.

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

Mr. MORRELL: Mr. President and Members of the Senate: My understanding is that this is not plowing new ground. The charge would be against the fund generally, and not to penalize the individual employer where an employee left through his own voluntary action.

Senate Amendment "C" Adopted.

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

Mr. COLLINS: Mr. President, I offer Senate Amendment "B" (S-375) and move its adoption.

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

Senate Amendment "B" Read.

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

Mr. COLLINS: Mr. President: Maine is currently acquiring Federal property that is no longer of use to the Federal Government through two separate programs. Federal law which takes effect in October of 1977 declares that Maine may now acquire this property only through one surplus property program.

This Amendment provides for one agency, namely, the Department of Finance and Administration, to handle this program.

Senate Amendment "B" Adopted.

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

Mr. LOVELL: Mr. President, I offer Senate Amendment "G" (S-382) and move its adoption.

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

Senate Amendment "G" Read.

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

Mr. LOVELL: Mr. President and Members of the Senate: This Statement of Fact, this Amendment would allow the refund of excise tax to distributors in cases of distribution of unsuitable merchandise if the destruction is under the supervision of the Bureau of Alcoholic Beverages in case of destruction of the distributors inventory by natural disaster. This is simply the excise tax which the State would not have to pay to the Federal Government.

Senate Amendment "G" Adopted.

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

Mr. COLLINS: Mr. President, I present Senate Amendment "E" (S-380) and move its adoption.

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

Senate Amendment "E" Read.

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

Mr. COLLINS: Mr. President, this has to do with architectural and landscaping firms. The Amendment was presented to the Committee on Judiciary, but was felt to be something that ought to be identified specifically as a floor amendment. I submit it with my personal recommendation as an amendment to the bill.

Senate Amendment "E" Adopted.

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

Mr. PIERCE: Mr. President, I would present Senate Amendment "F" (S-381) and move its adoption.

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

Senate Amendment "F" Read

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

Mr. PIERCE: Mr. President and Members of the Senate, I know you are going to find this hard to believe, but that Barber's Bill was not perfect, but it seems that we did omit one minor definition and this corrects that omission and puts it in.

Senate Amendment "F" Adopted.

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

Mr. CONLEY: Mr. President, I would yield to the good Senator from Knox, Senator Collins, if he has any more Amendments to offer at this time. Otherwise, I would like to speak to the Bill.

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

Mr. COLLINS: Mr. President, as far as I know, there is only one more Amendment to be offered in the Senate. It is being sponsored by the Senator from Cumberland, Senator Morrell, and he informed me just a minute ago that it should arrive here in the Senate momentarily. I would hope perhaps that we might wish to listen to the Senator from Cumberland, Senator Conley, for a few moments, and perhaps by that time it will be here and we will know the fate of the Bill.

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

Mr. CONLEY: Mr. President and Members of the Senate, I can assure the good Senator from Knox, Senator Collins, that if I cannot keep going that my two good friends, the Senator from Oxford, Senator O'Leary, or the Senator from Penobscot, Senator Pray, can fill in for me.

However, I would like to address the Bill, and I call your attention to Page 18, Section 120, and this is allegedly an Errors and Inconsistency Bill.

As I read Section 120, 32 MRSA

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray, and inquires for what purpose does the Senator rise?

Mr. PRAY: Mr. President, a point of order.

The PRESIDENT: The Senator may state his point of order.

Mr. PRAY: Does the Senate have a quorum?

The PRESIDENT: A quorum is present. The Senator from Cumberland, Senator Conley, has the floor.

Mr. CONLEY: Thank you, Mr. President. As I have said so many times in the past, it is always nice to speak to a full Chamber. If I knew we were going to have so many Amendments offered, I would have brought my five year old up here so he could have learned the alphabet.

However, I will address again as I did earlier Section 120, on page 18, MRSA 1870, excepting for beverage containers used on International flights. It says this Chapter shall not apply to any beverage container sold to an airline, and containing a beverage intended for consumption on an aircraft flight originating or terminating in a foreign country, and I was wondering if the good Senator from Knox, if he is still in the Chamber, or some other Member of the Judiciary Committee may respond to how they find this to be an Error and Inconsistency in the Statutes.

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

Mr. COLLINS: Mr. President, the material submitted to the Committee read thusly, this Amendment would exempt beverage containers used on International aircraft flights from the Bottle Bill.

There is no way for an airline to recover the deposit of beverage containers purchased in Maine but discarded in a foreign country. As a result, airlines are purchasing no-deposit containers either over-seas or in another State, causing an economic loss to caterers at Maine's

International Airports. In addition, requiring these containers to have a deposit does not serve the policies of the Bottle Bill. These containers have never been littered on Maine's roads and highways, and thus do not form a part of the problem that the Bottle Bill was supposed to solve.

That is all of the material that I have on this, so the sponsorship seems to have been in the City known as Bangor.

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

Mr. CONLEY: Mr. President, I thank the good Senator from Knox, Senator Collins, for his response.

I would call the attention of the Senate to one other item in this Bill, on page 19, dealing with Section 123, Chapter 32, MRSA 3295, as enacted by Public Laws of 1973, Chapter 625, 218 is repealed. It is my understanding that this repeals an entire section dealing with the patient-physician communication and I would like to know why.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair, to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I believe that the good Senator from Knox is shuffling through some materials over there. It is a very large document, and while he is searching I thought I might just pose a question, or at least give some thought to what happened to the good old days when the Errors and Inconsistency Bill was heard in Judiciary Committee and anyone who had any Amendments to be presented to this Bill were told that the Bill would be heard on a particular day and time, Amendments were offered before the Committee, the Committee considered them at that time and once this Bill was shut that was the end of it.

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

Mr. MERRILL: Mr. President and Members of the Senate, those were the same good old days when Leadership used to back up the Appropriations Committee.

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

Mr. MORRELL: Mr. President, in view of the previous comment, it is with some fear and trepidation that I mention that there are several Amendments being prepared in Legislative Research that I have been asked to present, and so I place that dilemma before you.

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

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

Tabled — July 7, 1977 by Senator Speers of Kennebec

Pending — Final Passage
On Motion of Mr. Huber of Cumberland,
Placed on Special Appropriations Table,
Pending Final Passage.

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

Mr. SPEERS: Mr. President, I move that the Senate take from the unassigned Table Bill, "an Act Concerning the Operating Expenses of Public Utilities." (H. P. 836) (L. D. 1009)

Tabled — May 6, 1977 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate remove from the Unassigned Table L. D. 1009. Is this the pleasure of the Senate? It is a vote.

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

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Unassigned Table.

Bill, "An Act to Allow Water Utility Rates Under Bond." (S. P. 79) (L. D. 187)

Tabled — May 11, 1977 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L. D. 187. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate, just briefly to refresh your memory again, if you have not been able to thumb through your L. D. Book and find it. This is what I consider to be a particularly odorous Bill.

It would allow a utility company to start charging you their new rates four months after they apply for them, regardless of whether the PUC had ruled on them or not. Of course, if the PUC did rule and the ruling was unfavorable to the new rates, they would give the money back. I think just giving the money back would be a particularly difficult problem when you talk about the people who have moved or changed address. Not only that, but I do not particularly want to hand over my money to anybody until there is a proven need for it, which in this case would be when the Public Utilities rules there is a need for higher revenue for the particular water company, and I do not particularly see the need that my money should be allowed to go to a utility company and draw interest, and then be returned at a later date, minus that interest.

I would hope that you would not accept the pending Motion, and, Mr. President, I would request when the vote be taken on engrossment that it be by the yeas and nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, would it be in order to move the indefinite postponement of this Bill and all its accompanying papers?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I so move.

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

Mr. CARPENTER: Mr. President, I ask for the yeas and nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, again in rather weak defense of this Bill, but in reality the purpose of this Bill is to allow the water companies a chance to go a little bit ahead of the time schedule that is normally expected when they ask the Public Utilities Commission for a rate increase. It takes about nine months before they get a final result from the PUC, and in the meantime they are in the hands of fate, which means that once again they will probably

have to come back for another rate increase.

This would allow them to instigate a certain percentage of their rate increase, and it would be a gamble to be sure, so they are not going to instigate the entire rate increase for which they are applying to the PUC. Probably they would instigate a small percentage of it. Then should by some weird chance the PUC deny them any increase at all, true, they would have an awkward demand to pay back whatever it was that the PUC did not allow, plus six percent interest. As the Senator from Aroostook has pointed out, this would indeed be very difficult to do, and in some cases it might be impossible, but by and large it could be done. The water districts are small and anyone who moves could be followed up.

This is, as you will remember who were here before, the same kind of a Bill that was in the past for all of the electric companies and the water companies and sewer districts, all kind of things, but now it is just an experiment for two years to see how it works. It will die in the year '81, I think, and it is the kind of thing that I think as an experiment should be tried, and I would hope you would vote against the present Motion.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I apologize for my mistake about the interest. I am not trying to be misleading, but this has been around for a while and I had forgotten.

I think there are two major points here that I would just like to touch on briefly. First of all, I do not think there is a great need for this. I have not seen too many water utilities going bankrupt or going out of business due to lack of funds. They seem to be regularly before the PUC asking for and getting their rate increases and doing quite well, and just generally surviving quite well in what is not a very good economic time.

I would just pose a hypothetical question. I am very pleased that this type of Legislation is not in force for other utilities, such as New England Telephone Company, based on the PUC latest decision not to grant the \$27 million rate increase. If this type of Legislation had been in effect now, the NET would in fact be paying back a lot or attempting to pay back considerable chunks of money to the people of the State of Maine.

I just have a problem. Before any review has been consummated on a rate request, why I should up a certain portion of my money. I think it negates the purpose of having a Public Utilities Commission, and I do not particularly want to give up any more money than I have to, regardless of what percentage it may be of the total package, with the idea that, well, if it does not go through we will give it back to you. I think that is a bit of a ludicrous argument.

The PRESIDENT: Is the Senate ready for the question?

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

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

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that L. D. 187 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.; Conley, Curtis, Danton, Farley, Hewes, Hichens, Levine, Mangan, Martin, McNally,

Merrill, Minkowsky, Morrell, O'Leary, Pray, Snowe, Speers, Trotzky, Usher.

NAY Collins, S.; Cummings, Greeley, Huber, Katz, Lowell, Pierce, Redmond, Wyman.

ABSENT — Jackson.

22 Senators having voted in the affirmative, and 9 Senators in the negative, with 1 Senator being absent, the motion to indefinitely postpone does prevail.

Sent down for concurrence.

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Table Bill, "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 590) (L. D. 1896)

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate remove from the Tabled Later Table L. D. 1896. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President, I now present Senate Amendment "H" (S-389) and move its adoption.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now offers Senate Amendment "H" and moves its adoption. The Secretary will read Senate Amendment "H".

Senate Amendment "H" Read and Adopted.

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

Mr. HEWES: Mr. President, I appreciate the good Senator from Cumberland calling our attention to Section 123, repeal of the communication statute between the physician and patient. This was put in four years ago into the law, having been the law prior thereto.

I think it should have been a matter of substantive matter, and I appreciate the rules of evidence which are promulgated by the Supreme Judicial Court concerning this issue, but I think it should remain a statutory matter and not be taken out of the statute. I do not think it would pass if it were in bill form, and I appreciate the time is late, but I also appreciate that we have several other bills on the calendar for tonight, and for tomorrow and the next day. I have gone down to Legislative Research to get an amendment to change Section 123, if possible. It is certainly a matter of substance and should be included in this bill, in my opinion, and I would appreciate it if somebody else would table it until later in tonight's session. I do not know when you are going to adjourn. I see now it is 6:30. You are planning to adjourn right now, I take it from the way you are shaking your head.

If somebody would table this, I will go down again and hurry this amendment up and hope to have it in 15 or 20 minutes and hopefully we can dispose of that and then send it down to the House forthwith.

Thank you.

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

Mr. COLLINS: Mr. President, I think that the Senator from Cumberland, Senator Hewes, is under a misapprehension about the effect of this section.

Under the Legislation which authorized the Code of Evidence, that took effect last year, the Code of Evidence has the status of statutory law in our law. Now this meant that several items about privileged communications and other related matters that had been worked into our Statutes at different times were either duplicated or in conflict with the Code of Evidence, both having the status of law. Now this creates an inconsistency, if I ever saw one.

Now we were first alerted to this by a Bill that was presented by the Senator from Ken-

nebec, Senator Speers, that had to do with privileged communications with clergymen, and when the Bill reached the public we immediately had a response from those people who drafted the Code of Evidence, and in particular from Professor Richard Field, now retired, of Portland who was the draftsman of the Code of Evidence.

The Judiciary Committee worked with Professor Field and as a result we were able to clear the particular matter about clergymen early on, but there was still several other items in the category, and the ones that are in this particular Bill clear the removal of those, and this is one of them.

I would ask the Senate to reconsider its position on this.

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

Mr. CONLEY: Mr. President, I am not an attorney, but I do note also on Page 13, Section 81, there is also a repeal having to do with the same subject matter.

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

Mr. SPEERS: Mr. President, I can appreciate the concerns of a number of individuals with regard to this Bill, but I would point out that there are some other Amendments that other Members of this Body were planning on offering which are not ready. The other Branch of this Legislature is waiting for this Bill, and there are some Amendments, I understand, that are going to be offered elsewhere in the halls of this State House.

Therefore, I would hope that this Body could be going ahead and pass this Bill to be engrossed and send it out of these Chambers so that it may be considered elsewhere and then returned to us here.

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

Mr. HEWES: Mr. President, I do not wish to delay this unduly, and I would think if it were tabled until later in Today's Session, 20 minutes or so, it could be handled then.

In reply to the Senator from Knox, Senator Collins, I thank him for his comments. It was my understanding in talking with Professor Field when he and Peter Murray were talking about drafting the proposed Rules of Evidence that Statutes would, in case of conflict between the Rules of Evidence and the Statutes, the Statutes would have priority, and I do not think that the Rules of Evidence would have priority over the Statutes. It might be that the Professor does not want this particular Statute, but I think if this Statute is in the law, the one that we are talking about, Section 123, that the Statute would have priority.

I still feel it is a matter of substance, and I do not think it should be here, and I if I could move the indefinite postponement of Section 123 now, I would do so, but because of our procedure that requires a printed Amendment before you, I would request that somebody table this until later in Today's Session.

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

Mr. COLLINS: Mr. President, the enabling Legislation which permitted the Code of Evidence be drafted and to be adopted, to be presented to this Legislature before it became law, specifically provided that when there was any conflict between existing Statute and the new Code of Evidence, that the Code of Evidence would be the over-riding Body of Law.

Now if the Senator gets into Court and finds a conflict and has to ask a Judge to rule on it, I think the Judge is going to rule the way that I am telling you the law is. Now if you want to have persisting in the Statute something which is not longer No. 1 in priority in the rule of law, why you do what you are suggesting, but it seems to me that Professor Field's team and what this Legislature has done in its system is a

very orderly way and we are just trying to get the house cleaned up.

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

Mr. MANGAN: Mr. President and Members of the Senate, being on the Judiciary Committee, and also being a criminal lawyer, I want to assure the Senator from the County of Cumberland that I would not let the Committee wipe out any loopholes that I could use in Court, and I want to guarantee him that the privilege is still retained in the law.

Which Bill was Passed to be engrossed, as amended.

Sent down forthwith for concurrence.

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Unassigned Table Bill, "An Act Requiring the Public Utilities Commission to Order a Community of Interest Study upon Petition by 10% of the Service Customers in a Telephone Exchange and to Promulgate Rules and Regulations Relating to the Establishment of Extended Area Service." (H. P. 650) (L. D. 794)

Tabled — May 13, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L. D. 794. Is this the pleasure of the Senate? It is a vote.

The pending question before the Senate is passage to be engrossed.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, I would like to move the passage of this to be engrossed.

L. D. 794 is relative to the telephone service between two different telephone exchanges. According to the bill, a petition filed with the PUC and signed by ten percent of the service customers in one exchange for extended telephone service into another exchange will create a community of interest study or a feasibility study.

We discussed this some when it first came on the floor. Just to refresh your memories, the feasibility study will be conducted by the utilities, and if this study is positive then the users in one exchange could call users in a neighboring exchange on a fixed flat rate determined by the cost of providing service. Right now in some communities it is impossible to call someone who is actually in your same community without having it be a toll call, and this would take care of that situation.

Which bill was passed to be Engrossed, as amended, in non-concurrence.

Sent down forthwith for concurrence.

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Unassigned Table Bill, "An Act to Encourage Conservation by Means of Reform of Utility Rate Designs." (H. P. 1553) (L. D. 1774)

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

Pending — Passage to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate remove from the Unassigned Table L. D. 1774. Is this the pleasure of the Senate? It is a vote.

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

Sent down forthwith for concurrence.

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

Mr. SPEERS: Mr. President, I move that the

Senate take from the Unassigned Table Bill, "An Act Relating to the Declaration and Payment of Estimated Tax for Corporations under the Maine Income Tax Law." (H. P. 464) (L. D. 569)

Tabled — June 9, 1977 by Senator Speers of Kennebec

Pending — Enactment

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L. D. 569. Is this the pleasure of the Senate? It is a vote.

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

(See Action Later Today)

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Unassigned Table Bill, "An Act Relating to Suitability of Employment." (H. P. 764) (L. D. 903)

Tabled — June 14, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L. D. 903. Is this the pleasure of the Senate? It is a vote.

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

Sent forthwith to the Engrossing Department.

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Unassigned Table

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

Tabled — June 24, 1977 by Senator Speers of Kennebec.

Pending — Final Passage

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L. D. 1709. Is this the pleasure of the Senate? It is a vote.

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

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Unassigned Table Bill, "An Act Concerning Displaced Homemakers." (H. P. 700) (L. D. 842)

Tabled — June 24, 1977 by Senator Speers of Kennebec

Pending — Enactment

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L. D. 842. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, I move that the Senate suspend its rules.

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

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, I move that we reconsider our action whereby this Bill was passed to be engrossed.

The PRESIDENT: The Senator from Aroostook, Senator Collins, now moves that the Senate reconsider its action whereby this bill

was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, I offer Senate Amendment "A" (S-367) and move its adoption.

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

Senate Amendment "A" Read.

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

Mr. COLLINS: Mr. President, this amendment changes the composition of the Displaced Homemakers Advisory Council by eliminating the Legislative Member and by eliminating appointment by the President of the Senate and the Speaker of the House to the Council.

The Amendment is necessary to avoid possible objections indicated by the Attorney General.

Senate Amendment "A" Adopted.

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

Sent down forthwith for concurrence.

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Unassigned Table.

RESOLVE, to appropriate \$8,956 to the Town of Milbridge to Reimburse it for Burglary Loss. (H. P. 1759) (L. D. 1891)

Tabled — June 29, 1977 by Senator Speers of Kennebec.

Pending — Reference.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L. D. 1891. Is it the pleasure of the Senate? It is a vote.

Under Suspension of the Rules, the Resolve Read Once without reference to Committee. Under further suspension of the Rules, Read a Second Time.

The Resolve, Passed to be Engrossed, in concurrence, without Reference to Committee.

Sent Forthwith to the Engrossing Department.

The PRESIDENT: The Senate will be at ease for a few moments, and the two Floorleaders will approach the Rostrum.

(At ease.)

Senate Called to order by the President.

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Tabled until Later Table L. D. 388.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Table Bill, "an Act Relating to the Maine Turnpike Authority." (H. P. 343) (L. D. 388)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Adoption of Senate Amendment "A" (S-371)

Is it the pleasure of the Senate? It is a vote.

The pending question is adoption of Senate Amendment "A".

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I now present Senate Amendment "A" to Senate Amendment "A" (S-385) and move its adoption.

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

Senate Amendment "A" to Senate Amendment "A" Read.

The PRESIDENT: The Chair recognizes the

Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate, this Amendment eliminates one of the toll booths on the Turnpike, and the Amendment is now the Bill. It raises the toll from .35 to .50.

It is a compromise on our part. This morning we fought a good fight. Unfortunately the Members of this Body voted not to be in our favor. This compromise is something that we can live with. It is something that will bring in enough revenue to take care of the maintenance of the Maine Turnpike, additional revenues for other maintenance that we need to do, and I would hope that the Senate would adopt this Amendment.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, I oppose the adoption of this Amendment. In fact, I will go so far as to ask for its indefinite postponement.

This morning we did fight a very logical and intelligent battle on this particular matter, and I do not want to rehash all of the points that we have gone over, but I think the most important thing I want to stress this afternoon is the Amendment which I presented, which is now the Bill, was all the problems and complaints and objections that everybody had raised since the inception of that particular Bill. In my opinion, and in the opinion of the people who were involved in the drafting of the particular Amendment, this was a reasonable compromise.

The Amendment before you this afternoon presented by Senator Farley of York does away with one of the toll barriers at Scarborough Downs or in that particular vicinity. From my investigation on this particular matter with people who have facts and statistics, this would mean at least a 38 percent loss of revenue on the four barrier system. The estimated revenue from the Department of Transportation and to the Maine Turnpike Authority from computerized statistics estimates that the revenue would be in the vicinity of \$9 million per year. You lose 38 percent for that one particular toll gate, and you are destroying this entire Bill that I have presented today.

In fact, a toll gate that is in that particular Amendment, I think the revenue far exceeds what we do have coming in from the York toll gate itself, and I was somewhat disappointed when this was taken up in caucus because it appeared to me to be becoming somewhat of a party issue, and I can assure you, Mr. President and Members of the Senate, when I got involved with this particular Bill, long before it was drafted and presented to the Maine Senate, because of my concern and what effect it would have upon my city, that we worked very diligently in trying to work out a compromise, and we finally did reach such a compromise.

I would say, Mr. President and Members of the Senate, that you would be destroying all of the hard work that has gone into the Amendment which is now the bill that I presented this morning, hard work of many municipalities and many people, the Department of Transportation, the Maine Turnpike Authority, who really have compromised far beyond my expectations in what you see before you this afternoon.

I asked this morning that the Senators from the County of York be somewhat compassionate and try to be a little understanding in that eventually they will have a toll-free system beyond 1989. All this boils down to is a little patience.

If we were not faced with the termination of the Turnpike Authority at this particular segment of time, I am sure I would have no difficulty in convincing both Senator Danton and Senator Farley that the proposal in that Turnpike Authority for reduced tolls in that area is a great advantage to their constituency, and I am

quite sure they would concur with that, but unfortunately it appears to be at a point where the leopard is catching up with the prey, and although the Senate does not want to let go, and I think this is a wrong approach to use at this particular segment of time.

I believe this is a timely piece of Legislation, that we are not procrastinating, that we are acting in a very, very responsible manner to look at the long range of this particular Turnpike Authority, and I think it is about time we addressed this, and enact the Bill, or enact the Amendment as I presented this morning intact without any further Amendments.

On that particular basis, Mr. President, I would definitely move for the indefinite postponement of this Amendment offered by Senator Farley, and I would ask for a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate, when the good Senator from Androscoggin, Senator Minkowsky, talks about compromise, I am sure the two Senators from York, and I want to make one thing understood here today, that I am not just representing York and Cumberland County, I think I am speaking for the people of Maine.

Now we compromised this Bill. We eliminated one toll booth. This morning we did not want any at all. We have settled for three. The tolls that the Senator spoke about this morning were .35. This afternoon we are talking about .50, and the toll that we eliminated he said accounted for 38 percent of the Maine Turnpike traffic, even larger, if you can believe this, even larger than the traffic that comes in through York. Now I am not an engineer nor do I have the statistics at hand, but to me that just does not sound right.

Now we had a caucus on this, and the Senator left the caucus for about five minutes and he came back with all of this information. I have not seen any facts, any figures, any dollars, but the compromise has been made. Three toll booths — one in York, one in Gray, one in West Gardiner, — from .35 to .50. Can anyone tell me that they are not going to generate enough money?

Now let us talk about the whole State of Maine and its citizens. What is wrong with the people from the northern part of the State getting on I-95 and getting off at 6A and going all the way down to Saco, Biddeford, Kennebunk, Sanford, or even to York and getting off. Is there anything wrong with that, Our citizens, our taxpayers, our gas taxpayers.

Now I think that it is time that the Department of Transportation got a message from this Senate. Maybe if the Senate 36 years ago would have stood up and have had some debate on this issue, maybe we would have done what New Hampshire did after we built the Maine Turnpike. They did not give it to an Authority. They kept it as a State run Turnpike, and all of the revenues that they raised on that short Turnpike of 13 miles takes care of their roads throughout their whole State. Maybe that is the foresight that we should have had 36 years ago. And to say that we did not have any compromise on this Bill, I think the good Senator from Androscoggin is mistaken.

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

Mr. FARLEY: Mr. President and Members of the Senate, Senator Minkowsky's Amendment which he calls a compromise allows commuters in the Lewiston-Auburn area to travel 31 miles north into Augusta toll free. The Amendment I have before you merely asks that we ride 12 miles north into Portland without paying a toll.

Now if we go to Kittery, we will have to pay the .50. If Senator Minkowsky is given 31 miles

toll-free, certainly we are entitled to 12.

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

Mr. MANGAN: Mr. President, it would seem that the compromises that have been reached would appear to be most reasonable in light of the fact that the people from Brunswick-Gardiner, whose orientation would be Augusta, would be paying some toll. It would seem that the people of Lewiston-Auburn whose basic orientation would be the sunny south, would have to pay a toll as they go through the Gray-Portland North area. It would seem that the people from Portland, if they are going north up the Maine Turnpike, are going to have to pay the toll. It would seem that the people from out of State as they come into the State are going to have to pay the toll. It would seem that the good Senator from Biddeford-Saco, who have a perfectly good highway up Route 1 to Portland, would certainly want to take it free all the way into Portland, if they wanted to. Now I realize their orientation is Portland. I also realize Lewiston's orientation is Portland, and I would suggest that if we had to pay a toll to go to Portland to watch a movie or to go shopping, I think Biddeford should pay a toll.

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

Mr. MERRILL: Mr. President and Members of the Senate, in spite of the enlightening generous remarks of the previous speaker, I would like to say that I believe this to be a good compromise. I think that it is a compromise that is going to be necessary to see this continued.

I know there has been a lot of talk about what may be done by various people that have a chance to have an influence on Legislation, including the Governor. I think it has been clear to the Governor, made clear that this Bill to extend the life of the Turnpike is probably not going to receive his signature, and probably is not going to be allowed to become law without it.

The point I would like to make clear here today is that with this compromise I can support this bill, without it I cannot. That is the position of the overwhelming number of people in the Democratic caucus. As a matter of fact, with the exception of the Senator from Androscoggin, Senator Minkowsky, everyone who attended the caucus has taken this position, and I want the parties to know here today that vote on this amendment that failure to enact this amendment will make this item very much the subject of a successful veto, so when it is voted on I hope that is recognized.

As to the 38 percent figure, that figure in no way takes into account the fact that there is an allowance here for an increase up to .50 at any one of these individual toll booths, and I would say, based on the number of automobiles that came through the York Toll Booth last year, I would point out that .50 on an automobile and \$1.00 on the trucks would raise just about the exact amount of money that is needed to maintain the whole road, and then you have the .35 at Gray and the .35 at Gardiner to undertake future activities and improvements and enlargements. I think that is enough, but I am suggesting to the Members of the Senate here that before you defeat this amendment, maybe you ought to consider whether or not you want this to be an item that is going to be sustained on a veto. I think that is the position it is going to be in. At least when the Republican leaders add up their votes, subtract 10 Democratic votes, if this amendment is not adopted.

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

Mr. CONLEY: Mr. President and Members of the Senate: I join my colleagues on my left in the motion to indefinitely postpone this bill.

As my colleague from Cumberland, Senator Merrill, has stated, we did a lot of soul-

searching on this bill when we had a caucus this afternoon, and it is unfortunate that the good Senator from Androscoggin, Senator Mangan, was unable to attend the caucus. We understand the position of our good Senator from Androscoggin, Senator Minkowsky, who is serving on the Transportation Committee, and also being very familiar with his own geographical situation.

But we do feel that this amendment that is being proposed is an equitable amendment, is a fair amendment, and certainly a reasonable amendment that can be supported. Now those of us down in the southern part of the state are still going to be hit with a toll increase to ride the turnpike, particularly to the south.

I believe that if this bill, once enacted and if vetoed by the Chief Executive, I am willing to pledge my commitment to support the override of the veto if this amendment is adopted. I am firmly convinced that if the amendment is not adopted, that several of my colleagues will vote against enactment, and will vote to sustain the veto if one were to come from the Chief Executive.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I am not too sure exactly how to construe this veto that has been bandied around here a great deal. You know, sometimes you get to a point where the back room coalition knows more about what is going on than the people involved in the bill itself. Certainly I have been very closely involved with this piece of legislation, and I have not heard any rumblings from the Governor's Office that he is going to veto this bill. I did hear a few rumblings that he did not like the barrier system, because one of the arguments brought forth by one of his representatives at one of our caucuses was that he looked upon it as being dangerous. But that was the only argument of any relevance that I heard of at the time.

I am not that familiar with the barrier system in the other states. At least from what I have heard of it so far, I have not heard of any people losing arms or any fatalities materializing at the toll booths to discharge your money.

Maybe I am mistaken in my evaluation of this, but it seems like a political ploy, and I just do not appreciate that being used on such an important piece of legislation as the one before us this afternoon.

I think that the Department of Transportation and the Maine Turnpike Authority have developed valid statistics, as to what the expectations of revenue are, just like when we formulate our budget, we know pretty much what is going to come in from our monthly sales tax. We have a pretty good idea what is going to come in from the State Income Tax. They are all estimates. These are estimates which I presented to you this afternoon as far as \$9 million, and I think they come from bona fide valid authority, but I have not seen statistics from Senator Merrill or Senator Danton or Senator Farley as to how much will that .50 that they propose in the southern part of the state really pick up what is being lost in revenues. It seems like just a way of getting around the entire issue by having that toll booth removed on the expectation that the .50 is going to make up the deficit of what my original proposal presented to you.

I still feel very strongly that that particular amendment from Senator Farley should be indefinitely postponed, and I still maintain I would like to have a roll call on it, Mr. President.

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

Mr. FARLEY: Mr. President and Members of the Senate: I read to you this morning a quotation by the Commissioner of the Department of Transportation, Roger Mallar, and it

was in response to the one toll, at Kittery of .75. He agreed that it would bring in \$4.7 million, which would be enough to maintain the Maine Turnpike or the proposed toll road.

Now this is now .50. I suppose you would have to project somewhere in the area of \$3.5 million. But at the same time we have raised it from .35 to .50 at the Gray exit and we have raised it from .35 to .50 at the West Gardiner exit. Now Senator Mangan a few minutes ago sat here and told everyone here from Brunswick, Falmouth, that you go north you are going to have to pay. As I said earlier, the only people who go north under the present setup who do not have to pay a toll, are the people in the Lewiston-Auburn area.

All we are suggesting is let us go the same amount of distance, even less, to a major area without paying tolls.

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

Mr. LOVELL: Mr. President and Members of the Senate: I have ridden on the Maine Turnpike since it was built, and if I had to drive up Route 1 and all of these other different routes, 202 and so forth, I would probably have been killed five or six times. The Maine Turnpike, I think, has saved my life many times, because it has always been a good road, and I do not care how much they charge. I would just as soon see it stay just the same way that it is. Let the state have the money. They need it. We did not pass the gas tax.

I never saw two Senators like the two good Senators from York, Senator Farley and Senator Danton, so persistent on any bill, except possibly maybe the other Senator from York, Senator Hichens, on a liquor bill of some sort. He is probably just as persistent. But I say let us vote on this bill and get it over with.

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

Mr. DANTON: Mr. President and Members of the Senate: I want to thank the good Senator from York, Senator Lovell, for making my case for me.

He is right. The Maine Turnpike is a safe road, and I want to make sure that people get off Route 1 and use the Maine Turnpike, and they will use it if we put up the proper barrier system.

What we are doing to them now, we are forcing them onto Route 1, and Route 1 in our area cannot stand any more traffic.

Now Senator Mangan from Androscoggin County tells us about what a nice road we have down in the Biddeford-Saco area. Obviously, I have been blind for the last 48 years, because I have seen no such nice road down in that area.

Now I would like to make one fact clear, that this is not just going to help York and Cumberland County. This will allow the entire State to use the Maine Turnpike if they so desire and put the .50 in, or to get off the Maine Turnpike, get onto I-95, get back onto the Maine Turnpike and put their .50 in the basket and keep going north. There is no way that you can escape. You have to go through one of those barriers, and again I want to say this is the whole purpose for my being so persistent, to make sure that people can travel safely.

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

Mr. MANGAN: Mr. President and Members of the Senate. I do not want to belabor the point. It is just very simply that we have 100,000 people in Androscoggin County, and as I was discussing earlier, the Biddeford throughway from Biddeford to Portland is still a four lane highway. I am not sure if Senator Danton has got a chance to see 202 lately, but 202 is not necessarily the best of roads, and I do not think the State of Maine is going to do much repairing on it in the foreseeable future at any point, and I think the State of Maine owes to the citizens of the Androscoggin County at least 31 miles to the

north which they will be getting; however, if the good Senator wishes to add a couple of more tolls between Biddeford and Portland, or make some kind of other provision, or even give us an extra lane on either side of 202, I might go along with his position. But at this point we are kind of fog-bound, in the same position as they are in Rumford, so to speak, and I feel that we have got to get the additional funds, the additional revenue, to not only widen the Maine Turnpike, but also to maintain additional roads in the State of Maine.

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

Mr. DANTON: Mr. President, it is getting late and I know we all want to get home. Members of the Senate, I guess when you have served a few terms up here, maybe your mind starts to go off a little bit, but I think that the good Senator from Androscoggin, Senator Mangan, is again arguing my part of this whole thing. Of course, if we can get this Turnpike to be travelled by other people in the State, that there will be money left for him to get another lane on 202. If not, I am quite sure that this Bill is going to be in trouble.

I do not think that the Chief Executive will let this Bill become a law. I have reason to believe that. He feels that there was a commitment made 36 years ago that these bonds would be retired and the Turnpike become toll free, and then my good friend, the Senator from Androscoggin, Senator Mangan, I want you to get up and tell me how you are going to raise the \$5 million to maintain the Maine Turnpike.

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

Mr. MANGAN: Mr. President and Members of the Senate, I am not attempting to belabor the point. I do not think I have been arguing the abolition of the tolls on the Turnpike. I think that with the tolls that have been introduced in the Bill this morning I think will be adequate to provide the additional funds for the State of Maine.

The PRESIDENT: Is the Senate ready for the question? The pending question is the indefinite postponement of Senate Amendment "A" to Senate Amendment "A" on Motion by the Senator from Androscoggin, Senator Minkowsky.

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 indefinite postponement of Senate Amendment "A" to Senate Amendment "A".

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 — Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Huber, Katz, Lovell, Mangan, McNally, Minkowsky, Pierce, Redmond, Snowe, Speers, Trotzky.

NAY — Carpenter, Conley, Danton, Farley, Hewes, Hichens, Levine, Martin, Merrill, Morrell, O'Leary, Pray, Usher, Wyman.

ABSENT — Jackson.

17 Senators having voted in the affirmative, and 14 Senators in the negative, with 1 Senator being absent, the Motion to indefinitely postpone Senate Amendment "A" to Senate Amendment "A" does prevail.

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

Mr. MORRELL: Mr. President, I briefly would just like to draw the attention of the

Senate to Bill, "an Act Relating to the Declaration and Payment of Estimated Tax for Corporations under the Maine Income Tax Law." (H. P. 464) L. D. 569) which we have enacted, and just to comment on this. This came out of the Executive Department as a one time increase in revenues by stepping up the payment of corporate taxes by \$400,000.00. It is calculated in the Appropriations Committee's amount of money available for L. D.'s and to the reserve for contingency; however, I think we should all recognize that it is a tax increase on Maine business, and everybody ought to know about it.

(See Action Later Today)

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

Mr. HEWES: Mr. President and Members of the Senate, I would like to commend the good Senator from Knox, Senator Collins, relative to the doctor-patient-physician, or what have you, privilege. Half an hour or so ago I discussed Section 123 of the Errors and Omissions Bill, which is L. D. 1896. Since then I have checked the Rules of Evidence. He has shown me the enabling Legislation by which the rules were promulgated. He was absolutely correct. Once again, he was correct, as seems to be the case.

I thank you.

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

Mrs. SPEERS: Mr. President, I wonder if we might dispose of the item that we have before us at the present time, and I would ask whether or not a pending Motion at the present time is the adoption of Senate Amendment "A" to L. D. 388.

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

Senate Amendment "A" Adopted.

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

Sent down for concurrence forthwith.

Reconsidered Matter

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

Mr. KATZ: Mr. President, I move that the Senate reconsider its action whereby it enacted Bill, "an Act Relating to the Declaration and Payment of Estimated Tax for Corporations under the Maine Income Tax Law" (H. P. 464) (L. D. 569).

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby it enacted L. D. 569.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I would oppose reconsideration. The \$400,000.00 that would be generated by this Bill are included in the Governor's budget and/or included in all of the revenue estimates used in our calculations throughout the appropriations process.

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

Mr. KATZ: Mr. President I would like to suggest that, as I understand it, this \$400,000.00 is a one-time surplus item, and as such will be going into surplus. I understand that there is going to be a surplus for contingencies, even after we dispose of the L. D.'s. If there are any emergencies during the next fiscal year, we will be coming back in January. I find it very, very difficult, and as a matter of fact it was a voice vote under the gavel and I said a weak no. I find it very difficult to vote for the enactment of a measure which increases taxes, or at least the cash flow from taxes in order to put the dollar into unappropriated surplus if I am correct.

I guess my Motion now in asking for recon-

sideration is so that I may request a Division, and just record myself as being in opposition to this measure on enactment.

The PRESIDENT: The Chair will order a Division.

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

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

7 Senators having voted in the affirmative, and 17 Senators in the negative, the Motion to reconsider does not prevail.

The President laid before the Senate:

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

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Final Passage

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

Out of order and under suspension of the Rules, the Senate voted to consider the following additional

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

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)

In the House, June 20, 1977 Finally Passed.

In the Senate July 6, 1977 Failed of Final Passage in non-concurrence.

Comes from the House, that Body having Adhered.

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 with the House.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, am I correct in suggesting that the Motion to recede and concur will result in the enactment of this Legislation, and as such requires the two-thirds vote of the Senate.

The PRESIDENT: The Chair would answer in the affirmative.

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

Mr. O'LEARY: Mr. President, I would request the yeas and nays.

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 Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I feel uneasy about the scenario that is unfolding. Some of us rose and expressed our deep concern that although we are supportive of the intent of this Legislation, we were not acting responsibly in boxing in all future Legislatures into a Constitutional prohibition against exercising any emergency judgement in the future, and that is all that I am talking about.

Amending the Constitution is a very, very serious thing, and requires a very special consideration. I would urge the Senate, irrespective of how you feel on the issue, to act responsibly and not box future Legislatures into a rigidity from which they might not escape on an emergency situation. I think that is what the major issue is here today.

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

Mr. PIERCE: Mr. President and Members of the Senate, I was one of the two members who changed his vote on this issue last time and when I did so, I did so with a great deal of trepidation. I know that politically it was absolutely the wrong thing to do but I did feel very uneasy and I felt we were doing the wrong thing. Today, I will vote against it with a much clearer conscience and with no problem whatsoever. I was under the evidently misapprehension that most parties agreed this was not the best legislation we had or could have and that we were going to reach a compromise situation when the language was not reached out, reached that was perfect to everybody, we decided alright, we will do this in January then, and everybody would be happy and I would just like to go on record as saying, I think this is the cheapest political shot I have seen all session.

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

Mr. MERRILL: In response to the impassionate, I think somewhat irrational remarks of the previous speaker, let me say that if the record is checked, at least my position will be perfectly clear. My position was and is that this passage of this Amendment would be a good thing and my position has not changed, and I think it is clear if the record is checked that it never did change and I never once suggested anything else.

I do believe that there is a compromise possible that would take care of most of the concerns of the parties concerned with this and if this Amendment does not pass in this form, then we can accept second best, but certainly in being willing to accept second best, there is certainly no commitment on anyone's part, that he would not rather have what he can have. So, if it is a cheap political shot to continue to vote your conscience and your conviction, even after suggesting your willingness to go another way and suggesting certainly that someone could go another way in a spirit of goodwill, and I think that is the position the Senator from Kennebec, Senator Pierce is taking. I do not see anything that is a cheap political shot about this Bill, about the posture that is presently in before us. My position I want to be clear, I will work for a compromise if I cannot get what is the best. I have never said that I did not think this was a good thing. I have never assumed the same position as the Senator from Kennebec, Senator Katz, that those people who voted against this last time did something that was good for the State of Maine. They did what they thought was best, we could find another approach if this does not pass. There is nothing that is a cheap political shot about trying to get everything any more than there is anything cheap or wrong about compromising if you have to.

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

Mr. KATZ: Mr. President, I prefer sticking to the issue of what we are doing here. I raised some very serious concerns. We are amending the Constitution of the State of Maine. Two-thirds of both Bodies would have to go to the people at a cost at something around \$10,000.00 and then it gets put in the Constitution. If a future Legislature wants to take any emergency action they can and you cannot on an emergency basis, re-amend the Constitution of the State of Maine. I will ask through the Chair that one of the proponents of this Legislation, in its present form, address my concerns and give me some kind of reassurance that this is the best possible form.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President, if this is not a dam on the Kennebec River, we are talking about the financial integrity of the state. Now, we are having very happy days. The weather has turned beautiful, and God's in his heaven, the

economy is picking up. You put this in the Constitution and you are looking down the decades. You are looking at a whole host of conditions which might arise. You are looking at conditions where we may have payless paydays, you are looking at conditions where we may not have any money to pay for any of our programs. At the present time, you are committing, I think \$40 million a year, right off the top. Never mind any other state needs, never mind any other human suffering and this is the concern I have and no one here has addressed it and I ask you to address it before you vote on this.

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

Mr. MERRILL: Mr. President, let it be noted that we are debating this at the insistence of the Senator from Kennebec, Senator Katz, because these issues were addressed before, we have a horseblanket here, anybody that wants to question that can go through it and you will see what they were.

Now, we are committed in many ways. My colleagues, I go on only because of insistence.

We are committed in many ways to spend money even in emergencies. As a matter of fact, in the last Legislative Session, we proposed and the people enacted, a Constitutional Amendment, a Constitutional Amendment which had the effect of committing us even further in regards to the people to whom we owed debts. One of the things that worries us about passing Bond Issues is the fact that we could come on worse days and we are committed to general obligations of the State to pay these debts. We have this problem in other ways. Every time you vote on a Bond Issue, we have this problem. Every time the Senator from Kennebec, Senator Katz, asked the Legislature to pass a Bond Issue to build a school, he is committing us, no matter what emergencies come up. The question is, do you think this is as important as a debt? Do you think it is a debt? I think it is. The Senator from Kennebec thinks it is not. That is the question, so I don't think that truth and justice lies on one side of this issue. I don't claim that there is and never attempted to make anything of the Senator from Kennebec, Senator Katz' position except exactly what he professes it to be, and that is a very genuine concern for future problems that we could have. I think if we do not enact this Bill that we will be able to find a little ground. I am not frustrated in that. I was frustrated in finding an attempt to get the language that would be perfect but it took a great deal of time to write this Amendment so I suppose we were a bit optimistic in thinking we could do something different in a short period of time, that's one of the problems of having things come up at the end of the Session, but I think you could go for this Amendment in good conscience. Now, I don't expect the people will change their position from the way they voted the last time and we will probably fail to enact it, but I can understand the concerns that leave people to vote that way. But I voted for it before in good conscience and I can vote for it again in good conscience because I think that it is a debt, and I have no problem in committing ourselves to this down the road than I have in committing ourselves to pay up the bond for schools.

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

Mr. COLLINS: Mr. President, I think it is important that the Senate be aware that the groups that were primarily supporting this Constitutional Amendment, the active groups of retirees, and the Maine Teachers Association, have expressed through those that represent them around the State House corridors, the view that it is much wiser to kill this matter for this Session.

They think so because, I believe, that they were impressed by the debate that was had, and certainly I was impressed by the idea that was being developed by the Senator from

Cumberland, Senator Merrill and the Senator from Kennebec, Senator Katz, which in my judgement had the possibilities of a much better Amendment than that which is now before us. We will differ in our judgements in what is the best, of course, but I think that those primarily interested in this would be very much surprised and see this suddenly pulled out of limbo and enacted, and I do not think it would be a very responsible move, and I hope you will vote no.

The PRESIDENT: Is the Senate ready for the question?

The pending question is the Motion by the Senator from Cumberland, Senator Conley, that the Senate recede and concur with the House. A Roll Call has been ordered.

A yes vote will be in favor of the Motion to recede and concur.

A nay vote will be opposed.
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

YEAS — Carpenter, Conley, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Speers, Usher.

NAYS — Chapman, Collins, D.; Collins, S.; Cummings; Huber; Katz; Lovell; McNally; Morrell, Pierce, Redmond, Snowe, Trotzky, Wyman.

ABSENT — Jackson.
17 Senators having voted in the affirmative, and 14 Senators in the negative, with 1 Senator being absent, and 17 being less than two-thirds of the Membership present, this Resolution fails of final passage.

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

Mr. MERRILL: Mr. President, is it necessary that the Senate adhere to its position on the previous action?

The PRESIDENT: The Chair would answer in the negative. In effect, the action was adhering.

Non-concurrent Matter

Bill, An Act to Amend the Maine Criminal Code and Related Statutes. (S. P. 574) (L. D. 1892)

In the Senate July 6, 1977 Passed to be Engrossed as amended by Senate Amendment "A" (S-360).

Comes from the House, Passed to be Engrossed as amended by Senate Amendment "A" and House Amendment "A" (H-905) in non-concurrence.

On Motion of Mr. Collins of Knox,
The Senate voted to Recede and Concur.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

Blane Casey, of Weeks Mills, has achieved the high personal honor and distinction of Eagle Scout. (H. P. 1800)

Wallace H. Cunningham, of Pittsfield, is retiring after 20 years of faithful and efficient service as a teacher at Maine Central Institute. (H. P. 1797)

Donald Hines, of Albion, has achieved the high personal honor and distinction of Eagle Scout. (H. P. 1799)

William H. McKenzie, III, of Albion, has achieved the high personal honor and distinction of Eagle Scout. (H. P. 1798)

Reverend Bertram F. Wentworth of Mechanic Falls has observed his 60th anniversary in the ministry, having served several Methodist churches throughout Maine. (H. P. 1805)

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

Communication

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

July 1, 1977

Augusta, Naine 04333

Dear Madam Secretary:

House Paper 1278, Legislative Document 1509, An Act to Extend Collective Bargaining Rights to County Employees, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this bill become a law notwithstanding the objections of the Governor?'

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

Signed:

Respectfully,

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Committee Report

House

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Establish Assessments upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission." (H. P. 777) (L. D. 932)

Reported that the same Ought to Pass.

Signed:

Senators:

CUMMINGS of Penobscot
COLLINS of Aroostook
CARPENTER of Aroostook

Representatives:

KELLEHER of Bangor
NADEAU of Sanford
WOOD of Sanford
PEARSON of Old Town
SMITH of Mars Hill
McHENRY of Madawaska
BERRY of Buxton
CUNNINGHAM of New Gloucester
LUNT of Presque Isle

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

Signed:

Representative:

TARR of Bridgton

Comes from the House, Indefinitely Postponed.

Which Report was Read.

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

Mrs. CUMMINGS: Mr. President, I move that we indefinitely postpone the bill and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Mrs. CUMMINGS: Mr. President, this bill was passed by the Committee because we wanted to be sure that the Public Utilities Commission had funds to do the job that we expect it to do. As the Appropriations Committee has found funds to do that, we are removing this bill because the Public Utilities Commission Chairman, Commissioner Gelder, much preferred to have the help come from the general fund rather than from this, which would be a tax on all the utilities to pay for further personnel. I hope you go along with my motion.

The PRESIDENT: Is it now the pleasure of the Senate, that this bill, L. D. 932 be indefinitely postponed in concurrence? It is a vote.

Papers from the House

Joint Orders

WHEREAS, billions of dollars are presently being held by the Federal Government, by thousands of companies in Maine and by the other states; and

WHEREAS, these funds are unclaimed by their rightful owners, many whom are Maine residents; and

WHEREAS, the State of Maine has an historic and legal responsibility to recover this property for the citizens of Maine and return it to them; and

WHEREAS, property recovered by the State of Maine, but long unclaimed by the rightful owners escheats to the State; and

WHEREAS, the value of this recovery to the State and the citizens thereof may amount to tens of millions of dollars in the years to come; and

WHEREAS, Maine's escheat and unclaimed property laws are out of date and inadequate to serve the present needs of the people of Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Committee on State Government, working in cooperation with the Treasurer of State, make a complete study of the question of recovery of unclaimed property and the need for the revision of our present escheat laws; and be it further

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

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

(H. P. 1802)

Comes from the House, Read and Passed.

Which was Read.

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

WHEREAS, the State of Maine in the years ahead, will face a serious problem in both the stable supply and price of conventional energy resources; and

WHEREAS, there is a need for Maine to encourage the development of clean and renewable alternate sources of energy; and

WHEREAS, the Maine Executive Department on April 25, 1977 promulgated a State of Maine Energy Policy which outlines goals and objectives for Maine's energy future; and

WHEREAS, several objectives of the Maine Energy Policy require enabling legislation in order to be implemented; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Energy shall study the State of Maine Energy Policy Statement and shall determine the courses of legislative action that are necessary to implement the plan; and be it further

ORDERED, that the Office of Energy Resources, State Planning Office, State Development Office, Department of Conservation, Public Utilities Commission, State Housing Authority, Department of Transportation and the Bureau of Public Improvements are requested to assist the committee in its study; and be it further

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

ORDERED, upon passage in concurrence, that a suitable copy of this order shall be forwarded to members of the committee and to the appropriate state agencies.

(H. P. 1803)

Comes from the House, Read and Passed.

Which was Read.

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

Enactor

The Committee on Engrossed Bills reports as truly and strictly engrossed the following: "An Act to Raise the Tax on Beer, Wine and other Alcoholic Beverages to Provide Funds for the Operation of Alcoholic Treatment Facilities, the Establishment of Education and Treatment

Programs for Alcohol Abusers Convicted of Operating under the Influence and other Minor Crimes and the Establishment of a Program of Substance Abuse." (H. P. 731) (L. D. 857)

On motion of Mr. Speers of Kennebec, Tabled until later in Today's Session, pending Enactment.

(See Action Later Today)

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

RESOLUTION, Proposing an Amendment to the Constitution to delegate Certain Emergency Budgetary Powers to a Joint Legislative Committee. (H. P. 1397) (L. D. 1658)

In the Senate, June 21, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-676) in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-855) thereto, and House Amendment "A" (H-897) in non-concurrence.

On motion of Mr. Collins of Aroostook, The Senate voted to Recede and Concur.

Non-concurrent Matter

Joint Order (S. P. 570) Relative to Committee on Veterans and Retirement reporting out Bill on funds to cover state's share of retirement costs.

In the Senate June 24, 1977 Read and Passed. Comes from the House, Indefinitely Postponed.

On motion of Mr. Collins of Knox, The Senate voted to Recede and Concur.

House Paper

RESOLVE, Designating 2 Bridges Over the Kennebec River in Skowhegan as the "Margaret Chase Smith Bridges." (Emergency) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 25). (H. P. 1807)

Comes from the House, Passed to be Engrossed without reference to Committee.

On motion of Mr. Conley of Cumberland, Under suspension of the rules, Resolve read twice.

Passed to be Engrossed without reference to Committee, in concurrence.

**Paper from the House
Enactor**

The Committee on Engrossed Bills reports as truly and strictly engrossed the following: "An Act Concerning the Administration of Property Tax Laws Administered by the Bureau of Taxation" (H. P. 244) (L. D. 318)

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

(Off Record Remarks)

On motion of Mr. Huber of Cumberland, Recessed until the sound of the bell.

(After Recess)

The Senate called to order by the President.

The PRESIDENT: The Chair understands the Senator from Kennebec, Senator Speers, now moves that the Senate take from the Tabled later Table, L. D. 857, An Act to Raise the Tax on Beer, Wine and other Alcoholic Beverages to Provide Funds for the Operation of Alcoholic Treatment Facilities, the Establishment of Education and Treatment Programs for Alcohol Abusers Convicted of Operating under the Influence and other Minor Crimes and the Establishment of a Program of Substance Abuse. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: Mr. President and Members of the Senate: I simply would like to relate the

funding of the Office of Alcoholism and Drug Abuse Prevention and the history through the appropriation process and subsequent amendments.

The Departmental recommendations on its biennial basis recommends \$2.8 million provided for this program. The Appropriations Committee raised this to \$3 million for the biennium which was subsequently increased by an Amendment in the Senate to \$3,340,000.00. If this bill should pass with the roughly \$2.5 million annual tax increase included in the bill, the biennial spending for this program would go from the \$2.8 million recommended by the Department to \$7,796,000.00, an increase of well over a doubling. I am not sure whether that is intent of this bill, but it does represent in the second year of the biennium, and presumably for each year subsequently if the program is continued, \$2,492,000.00 of increased taxation. The total tax revenue raised by the bill during the budget biennium would be \$4.361 million, for this provides for the 90 day delay in implementation of this Act which is not an Emergency Act. Because I think that this is an enormous increase in one specific program, which I know the program has merit, but I am not sure how this relates to the other needs of the State, I would move that this bill and all accompanying papers, be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that L. D. 857 be indefinitely postponed. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: Not to belabor the issue because I know that probably just about everybody's mind is made up and I know that there is a lot of apprehension about Taxation Bills, especially in the waning hours of the Legislature, and I also realize that it is very easy to forget the flowery speeches that were made on this floor regarding the issue of alcohol earlier in the session, when it is 8:30 in the evening on July 7th within 48 hours of adjournment, it is very easy to forget what was said here. It disturbs me a little bit, because many people did stand on the floor of this Senate and say that we will have an issue coming along later, and we can help to deal with this problem perhaps a little bit with some proper funding, and I guess I am not making too much sense maybe, because I had not planned on speaking on this, I did not stop to write anything down, but I just hope that this evening when you do vote, you search your consciences, people that have supported this bill all the way through the process, in the Committee and elsewhere, and I hope we certainly will have enough votes to pass this and probably see it bounce high, and off the second floor, and probably have another chance to vote on it a little bit later on. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that L. D. 857 and 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 — Collins, D.; Collins, S.; Danton, Farley, Greeley, Huber, Merrill, Morrell, Pierce, Trotzky, Wyman.

NAY — Carpenter, Chapman, Conley, Cummings, Curtis, Hewes, Hichens, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, O'Leary, Pray, Redmond, Snowe, Speers, Usher.

ABSENT — Jackson.

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

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

The PRESIDENT: The Senator from Washington, Senator Wyman changes his vote from yea to nay.

The Chair recognizes the Senator from Knox, Senator Collins.

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

The PRESIDENT: The Senator from Knox, Senator Collins, now changes his vote from yea to nay.

The Chair recognizes the Senator from York, Senator Farley.

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

The PRESIDENT: The Senator from York, Senator Farley, now changes his vote from yea to nay.

8 Senators having voted in the affirmative, and 23 Senators in the negative, with 1 Senator being absent, the motion to indefinitely postpone does not prevail.

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

(At Ease)

The Senate called to order by the President.

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

Bill, "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (S. P. 590) (L. D. 1896)

In the Senate July 8, 1977 Passed to be Engrossed as amended by Senate Amendments "A" (S-374), "B" (S-375), "C" (S-377), "D" (S-378), "E" (S-380), "F" (S-381), "G" (S-382) and "H" (S-389).

Comes from the House, Passed to be Engrossed as amended by Senate Amendments "A" (S-374), "B" (S-375), "C" (S-377), "E" (S-380), "F" (S-381), "G" (S-382) and "H" (S-389); and House Amendments "A" (H-901), "B" (H-904), "C" (H-906), "D" (H-907), "I" (H-913), "J" (H-915), "K" (H-916), "L" (H-917), "N" (H-919), "O" (H-920), "R" (H-923), "S" (H-924), "T" (H-925), "U" (H-926), "V" (H-927), "W" (H-928), "Z" (H-931), "BB" (H-933), and "DD" (H-935) in non-concurrence.

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

Mr. COLLINS: Mr. President, I move that the Senate recede from its action whereby it Passed this Bill to be Engrossed.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate recede from its action whereby this bill was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. COLLINS: Mr. President, I move that the Senate recede from its action whereby it adopted Senate Amendment "D".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate recede from its action whereby it adopted Senate Amendment "D". Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. COLLINS: Mr. President, I move in-

definite postponement of Senate Amendment "D".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate indefinitely postpone Senate Amendment "D". Is it the pleasure of the Senate? It is a vote.

The Secretary will read House Amendment "A".

House Amendment "A" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "A".

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

House Amendment "A" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "B".

House Amendment "B" Read.

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

Mr. COLLINS: Mr. President, I now move the adoption of House Amendment "B".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "B".

House Amendment "B" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "C".

House Amendment "C" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "C".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "C".

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I hope that we do not prolong this particular Evening Session, but I note that the statement of fact in House Amendment "C" states that this Amendment deletes Section 62 and 63 concerning Marine Resources from the Bill, and I would ask for a brief explanation as to those Sections.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I cannot give you a lot of detail about this, but I did talk with the Senate Chairman of the Marine Resources Committee before he left for Bath because of the accident that his wife suffered this evening, and he assured me that these sections should be deleted from the bill, that there have been some miscommunication to the Committee in getting this into the bill in the first place. I guess that is all I can tell you immediately.

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment "C"?

House Amendment "C" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "D".

House Amendment "D" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "D".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "D".

House Amendment "D" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "I".

House Amendment "I" Read.

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

Mr. COLLINS: Mr. President, this deals with

mopeds and helmets and I move the adoption of House Amendment "I".

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

House Amendment "I" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "J".

House Amendment "J" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "J".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "J".

House Amendment "J" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "K".

House Amendment "K" Read.

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

Mr. CURTIS: Mr. President, I move indefinite postponement of House Amendment "K", because this is a substantive matter which provides for the additional confirmation of five new people that are not now subject to confirmation by the Legislature, namely, the five Commissioners of the Housing Authority, and it is definitely an issue which was discussed by this Legislature and reviewed carefully by the State Government Committee a year ago and with the significant substantive changes.

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

The PRESIDENT: The Secretary will read House Amendment "L".

House Amendment "L" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "L".

The PRESIDENT: The Senator from Knox, Senator Collins now moves that House Amendment "L" be adopted.

House Amendment "L" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "N".

House Amendment "N" Read.

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

Mr. COLLINS: Mr. President, this matter troubles me because it appears innocent on its face, it has a potential cost. It permits someone to waive retirement benefits and, of course, the usual reason for doing this would be to become eligible for Medicaid assistance from the state. While it would help the retirement system, of course, it would result in some additional demand on the Medicaid assistance program. I do not know enough about that, members of the Appropriations Committee would know better than I. I would, therefore, recommend indefinite postponement of House Amendment "N".

The PRESIDENT: The Senator from Knox, Senator Collins now moves that House Amendment "N" be Indefinitely Postponed.

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

The PRESIDENT: The Secretary will read House Amendment "O".

House Amendment "O" Read.

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

Mr. COLLINS: Mr. President, I move the indefinite postponement of House Amendment "O". This is a proposed Amendment to the Tort Claims Act purporting to amend a Section that is not yet law. A Section that was part of the bill that we sent to the Governor's desk yesterday.

It is somewhat confusing in a technical sense, but beyond that it would increase the cost of the insurance that is provided under that Act, and because of the substantial impact that it might have, I recommend that we not pass it.

The PRESIDENT: The Senator from Knox, Senator Collins moves that House Amendment "O" be indefinitely postponed.

House Amendment "O" indefinitely postponed in non-concurrence.

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

Mr. CONLEY: I move the Senate reconsider its action whereby it indefinitely postponed House Amendment "N".

The PRESIDENT: The Senator from Cumberland, Senator Conley now moves the Senate reconsider its action whereby it indefinitely postponed House Amendment "N". Is it the pleasure of the Senate to reconsider its action in this matter? It is a vote.

Mr. CONLEY: Mr. President, I am sorry I did not quite clearly hear the alphabet going through by the good Senator from Knox, and I thought he was making reference to House Amendment "M" when he made his remarks dealing with this particular amendment.

The sponsor of the amendment told me that he had checked this amendment through with the Bureau of Retirement, with Mr. Blodgett, and that Mr. Blodgett supported the amendment. It is my understanding that what it does primarily, is that anyone who is on the retirement plan, has a little additional revenue or does not have enough revenue to stay in one of these nursing homes, that the local property tax would assume, or the city would have to pick up that assessment under the general assistance law and this would somehow or other clarify that, and that Mr. Blodgett had agreed to the Amendment and the sponsor of the amendment had asked me to speak on his behalf.

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

Mr. COLLINS: Mr. President, I think it is quite clear that this might be a small benefit to the retirement system, but that is not the problem that I see with it. If we permit any great number of new people to qualify for other assistance, the tax burden will fall in a different place. Whereas, under the retirement system it is all a funded system. I suggested, when I spoke on this originally, that some member of the Appropriations Committee would undoubtedly be able to comment more intelligently than I can about it. I just would not dare to recommend it to the Senate, because I do not have any conception of how big a price tag potentially may be on that kind of a change. We just do not know how many people might say, "Well I won't accept my \$100.00 a month plus of retirement money in order that I can get \$400.00 a month of Medicaid assistance money," some of which is federally funded and all that. I do not know the arithmetic. I would invite comments from those better informed than I about that.

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

Mr. HUBER: Mr. President and Members of the Senate: Although I obviously have no specific information as the potential cost of this. I can see the problem outlined by the Senator from Knox, Senator Collins, and I would say, I think, speaking for the Appropriations Committee as a whole, we certainly do not want this bill on our Appropriations Table.

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

Mr. COLLINS: Mr. President, I would again move the indefinite postponement of House Amendment "N".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that House Amendment "N" be indefinitely postponed. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the indefinite postponement of House Amendment "N", please rise in their places to be counted.

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

17 Senators having voted in the affirmative, and 8 Senators in the negative, the motion to indefinitely postpone House Amendment "N" does prevail.

The PRESIDENT: The Secretary will read House Amendment "R".

House Amendment "R" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "R".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "R".

House Amendment "R" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "S".

House Amendment "S" Read.

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

Mr. COLLINS: Mr. President, I move that we adopt House Amendment "S".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "S".

House Amendment "S" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "T".

House Amendment "T" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "T", and in doing so, I would particularly invite the attention of the Elections Committee and the Education Committee Senators present. This requires the use of a checklist of voters in connection with the school budget meetings and I believe we have been assured that from the Chairman of the Education Committee that this is a proper item.

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment "T".

House Amendment "T" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "U".

House Amendment "U" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "U".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "U".

House Amendment "U" Adopted in concurrence.

The PRESIDENT: The Secretary will now read House Amendment "V".

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

Mr. COLLINS: Mr. President, this has to do with some corrections in the voting districts in the City of Portland. We conferred with the Senators from that City and found no objections, so I would move the adoption of House Amendment "V".

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

Mr. PIERCE: Mr. President and Members of the Senate: I think probably that this amendment is all right. However, without a map to check it over, I could not support it. I think that

as a member of the Reapportionment Committee, we have adopted no amendments since the full adoption of that plan without first either getting together as a committee and looking them over by map, and since it really does not matter whether we do this now or we do it in January, since the bill does not take effect until later in the year. I guess I would ask the Senate to go the cautious route and move for indefinite postponement of the amendment at this point.

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

Mr. CONLEY: Mr. President and Members of the Senate: In reading the amendment, I personally do not see any problem with it. The only thing I can see is that they are using the center of each of these streets as a dividing line. Postponing the adoption of the Amendment may possibly lead to a conflict with the City Clerk's Office when it comes time to reapportion the City Wards dealing with the election of the City Council, because my understanding now is that they are going to have to conform with the new districts as established by the Reapportionment Committee, and that will have to be done right away. So, I do not honestly see objections myself to the amendment. I have checked with my colleague from Portland, Senator Merrill, who said he did not carry this particular section at the time he was running, but because of the way that the Reapportionment Commission allegedly drafted the lines, the way that it presently reads now is that one of the streets would run right through the Convent out there on Stevens Avenue and that street is discontinued. That is my understanding why the reason for the amendment, and so long as we would not have any problems, come the fall, and in the redistricting of the City Council lines, I would hope that the Senate would move to adopt the amendment and if the good Senator from Kennebec, Senator Pierce, checks out and finds that there is a problem with it, I will be the first to support the repeal of it.

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

Mr. PIERCE: Mr. President, I guess I will go the uncautious route since I have great faith in Mrs. Boudreau. I was just afraid from what I heard, that it came from the City Clerk and was taken over the phone, was put in at the last minute and I have some apprehension that it was checked out the way that I would like to see it checked out. I do not feel comfortable with it but I will withdraw my motion to indefinitely postpone.

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

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

Mr. CONLEY: Mr. President, If it would make the good Senator from Kennebec, Senator Pierce, rest any more comfortably tonight, I can inform him that the City Clerk is a Republican.

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment "V".

House Amendment "V" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "W".

House Amendment "W" Read.

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

Mr. COLLINS: Mr. President, when I first saw this a few minutes ago it scared me to death because it has half a dozen different topics in it. Since then, I have been able to confer with the staff of the Legislative Research Office and the objective of this particular amendment is to renumber several sections which have been enacted during this session of Legislature. In running through the Statement

of Fact explanations with the staff members, what they say makes some sense to me. I am not entirely without qualms about it because of what appears with respect to the Uniform Property Tax. If the Chairman of the Appropriations Committee and the Chairman of the Education Committee were to read the material on the last page of the text about the Uniform Property Tax, and assures that that appears to be in good order, I think in that event I could recommend adoption of this.

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

Mr. KATZ: Mr. President, I will disappear from the floor and check out Sections 3747 which gives the Uniform Property Tax, and also assure the Senator that there is no provisions within this lengthy amendment for the greenbelt, but I will check out the property tax.

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

Mr. COLLINS: Mr. President, I ask that this matter be set aside and that we proceed with the other amendments.

The PRESIDENT: House Amendment "W" will be set aside.

The Secretary will read House Amendment "Z".

House Amendment "Z" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "Z".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "Z".

House Amendment "Z" Adopted, in concurrence.

The PRESIDENT: The Secretary will Read House Amendment "BB".

House Amendment "BB" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "BB".

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

Mr. MANGAN: Mr. President, I would move the indefinite postponement of House Amendment "BB" and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. MANGAN: Mr. President, this matter has been in controversy in the County of Androscoggin for many, many months now, ever since the election of the new sheriff. It relates to the purchase of uniforms and to an illegal act which was done prior to the election of the Sheriff in the County of Androscoggin. The specific issue that I wish to raise now, is that the Legislative Delegation had a meeting and there were eight out of nineteen at the meeting and they approved this by a 5-3 vote, and I would question the legality of the quorum at the meeting on this matter.

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, now moves the indefinite postponement of House Amendment "BB".

The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: Mr. President and Members of the Senate: I would oppose the motion to indefinitely postpone House Amendment "BB". The Androscoggin delegation did meet on this matter, although I did not attend the meeting. The Sheriff has already purchased these uniforms, as a matter of fact, he has taken out a personal note to pay for them himself. So, therefore, I feel that we should support this and it was the intent of the Legislative Delegation to have these uniforms purchased, and I request a Division.

The PRESIDENT: A Division has been requested. The pending question before the Senate is the motion by the Senator from

Androscoggin, Senator Mangan, that House Amendment "BB" be indefinitely postponed.

Will all those Senators in favor of the indefinite postponement of House Amendment "BB", please rise in their places to be counted.

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

3 Senators having voted in the affirmative and 21 Senators in the negative, the motion to indefinitely postpone House Amendment "BB" does not prevail.

House Amendment "BB" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "DD".

House Amendment "DD" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "DD".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "DD".

House Amendment "DD" Adopted in concurrence.

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

Mr. COLLINS: Mr. President, may we return to House Amendment "W". The Senator from Kennebec, Senator Katz, has assured me that this is in good order and I move the adoption of House Amendment "W".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "W".

House Amendment "W" Adopted in concurrence.

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

Mr. MANGAN: Mr. President, I present Senate Amendment "I" (S-390) and move its adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, now offers Senate Amendment "I", to L. D. 1896, and moves its adoption. The Secretary will read Senate Amendment "I".

Senate Amendment "I" Read.

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

Mr. MANGAN: Mr. President and Members of the Senate: This is a very simple amendment which was requested by a member of the other body who was not in the other body a little earlier.

This basically would correct a problem in one of the earlier gambling bills that went through which would permit the use of "Lucky Seven" machines and this is apparently a very important bill for some of the clubs in the City of Lewiston.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I would move the indefinite postponement of Senate Amendment "I" and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: The Bill, if I remember, was quite extensively studied by the Legal Affairs Committee, including, I believe, a study order prior to this session of legislature, and I am not quite sure exactly what this amendment does and, therefore, I would prefer to take the cautious route as alluded to earlier, and I am suspicious that this may be a fairly substantial change in the law. And so, therefore, I would hope that the Senate would indefinitely postpone this amendment.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves the indefinite postponement of Senate Amendment "I".

The Chair will order a Division.

Will all those Senators in favor of indefinite

postponement of Senate Amendment "I", please rise in their places to be counted.

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

20 Senators having voted in the affirmative, and 7 Senators in the negative, the motion to indefinitely postpone Senate Amendment "I" does prevail.

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

Mr. CONLEY: Mr. President and Members of the Senate: I again am looking at an amendment here that seems to me to be a change of substance in law and I hate to even say the amendment number because it is two letters, and it is "DD" again.

It states that no charge shall be made for the provision of housing facilities when the State Employee involved is required as a condition of his employment to reside in such housing facilities. It seems to me that only a few years ago that this was one of the very controversial items in legislation that came before the Senate in dealing primarily within the Departments of Mental Health and Correction, and I did believe there were other positions, and it seems to me that the law was changed at that time to make a moderate charge for the conveniences that were provided for such employees. There was a great deal of concern down at the Boys Training Center, I recall, in South Portland, and other situations such as that, and now I see where there is to be no charge made to any of the employees and I just think the Senate should be aware of that at the time of the adoption of this bill.

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

Mr. KATZ: Mr. President, may I ask if there are any financial implications to this Amendment?

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I note that this Amendment amends a law that was just enacted in this Session, and I would ask a question through the Chair as to what the difference is between the law that we apparently enacted, Public Law 1977, Chapter 78, Section 3A and what the changes are that are being made by this Amendment.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair, to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President, it appears that there are several items here that are a perplexity on this Amendment and, therefore, I would move its indefinite postponement.

The PRESIDENT: The Chair understands that the Senator from Cumberland, Senator Morrell, moves that the Senate reconsider its action whereby it adopted House Amendment "DD".

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, I oppose the motion to reconsider. I really have no great knowledge about this Bill and as to how it pertains state-wide but I am familiar with a section of State Government — The Baxter Park Authority — in my district and I attended several meetings where they discussed their budget and one of the issues that came up was in relation to the housing facilities that we provide the Park Rangers, who were required to serve around the clock in the park, and the fact that a minimal charge was being charged for them to stay in the facilities in the Park for these Rangers, and I thought where

their duty called for them to be there through a 24 hour period, that to charge them out of the pay that they received, a minimal amount of rent, but still it was a certain amount which took away from what I considered some of the low salaries of these individuals, and that it was kind of an error, and I was kind of happy when I went through this long list of alphabetical Amendments and saw this one, I kind of thought it would take care of the problems in that area.

I would hate to see this Amendment reconsidered for the intention of indefinite postponement, due to the fact that we just do not seem to have the answers to all the questions at this time. I realize that we are in the final days of the Session and this could happen very readily and I am sorry that a number of the Sponsors of these particular Amendments are not around to explain them to everybody that could have concern about them. I would perhaps just try to guess at some of the answers to a couple of the questions that were raised earlier, or at least one of them, in reading just the Statement of Fact is that the last sentence says it deletes the provision that above a certain salary level such a state employee is charged for his housing. It would be just my guess that without going through the law that we enacted earlier or the present statutes that they would establish a certain salary level as to which individual would be charged and which would not be charged.

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

Mr. MORRELL: Mr. President, I would hope we would reconsider. Senator Pray has described precisely what is here, but as I read this, in no way can I feel that this is correcting an error or inconsistency. It is really changing the substance of what we had previously decided and I seriously would hope that we would reconsider.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of reconsideration of the adoption of House Amendment "DD", please rise in their places to be counted.

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

18 Senators having voted in the affirmative, and 7 Senators in the negative, the Motion to reconsider does prevail.

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

Mr. MORRELL: Mr. President, I now move the indefinite postponement of this Amendment.

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

House Amendment "DD" indefinitely postponed in non-concurrence.

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

Sent down for concurrence.

Papers from the House Enactor

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

Emergency

AN ACT Making Additional Appropriations for the Expenditures of State Government, to Make Allocations from the Highway Fund, Title II of the Public Works Act, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978 and June 30, 1979. (S. P. 588) (L. D. 1895)

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

Mr. MERRILL: Mr. President and Members of the Senate, I would just like to be very brief of course, we are about to vote on what is referred to as the Part II Budget, and I would

just like to make one statement clear for the record so there will not be any public misunderstanding, and that is that the proposal that has been put forth in a letter to me and other Members of the Senate, I guess the Legislature, from the Chief Executive, concerning an alternate proposal, was never made to me as a Member of the Appropriations Committee before we voted to put this Bill out and send it out of the Appropriations Committee. And I would like to say that had it been made by the Chief Executive in a timely fashion and certainly it has been in the news for a considerable period of time, that we were considering this, it was in the news for well over two weeks that we had voted to put in a salary increase, as a matter of fact, the Senators may recall that several days ago, as a matter of fact, a couple weeks ago, I responded to the first communication from the Governor which did not raise any proposals of this kind or even the fact that he was considering one, but had he made a timely representation to me in this direction I certainly would have looked upon it favorably and I think Members of the Committee would have. But there is a certain matter of timeliness in these things, and it just was not made and so I do not think it would be fair of anyone to conclude that this proposal was made and not given due consideration or was made and rejected. It is just that, from time to time, it seems to those of us who sit on this floor, that like the Maine weather, if you do not like the Chief Executive's position on a particular issue, wait a minute and it will probably change, and I think it ought to be clear to everyone here and clear to Members of the public that passing Part II with its generous provisions, generous in compared terms to the amount of money we have to spend for the employees of the State, that we are doing so based on the best plan that we can develop with the help we had and we did not make a conscious effort or decision to reject the representations of the Governor. It is just that they came in a fashion that was beyond the lack of timeliness, just beyond the point of which they could be seriously considered.

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

Mr. O'LEARY: Mr. President, before I vote on this I would like to pose two questions. 1. Do we know what the total of all the Bills are that are on the table at the present time as well as those coming down the pike? 2. How much money will we have left after the Enactment of this to fund the LD's.

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

Mr. HUBER: Mr. President and Members of the Senate, after passage of Part II we will have for the biennium \$7.8 million roughly, \$6.1 million for the first year, \$1.7 million in the second year. The LD's, and this is not a current figure but as of approximately a week ago, there were about \$13 million worth of Bills on the table and at that time some \$17 million worth of Bills in the Legislative process for a total of \$30 million. I anticipate that we will leave a significant reserve to face the contingencies, which may be very real contingencies during the biennium. I anticipate that perhaps \$2 million to \$3 million worth of Bills be funded beyond Part II.

This being an Emergency Measure, and having received the affirmative vote of 26 Senators, this Bill Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. MERRILL: Mr. President, having voted on the prevailing side on L.D. 1895, I would move reconsideration and urge the Senate to vote against me.

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

the Senate reconsider its action, whereby L.D. 1895 was Passed to be Enacted.

A viva voce vote being had,

The Motion to reconsider does not prevail.

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

Mr. KATZ: Mr. President, it is ten minutes of eleven, almost the entire Senate has remained seated through this long ordeal and remained in extraordinary humor and my conclusion is that the Leadership from the Rostrum is in a large measure responsible for the fact that we are in good humor and not snapping at one another and have gone without our dinners, and I want to congratulate the Chair.

The PRESIDENT: The Chair thanks the Senator.

(applause)

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

Mr. SPEERS: Mr. President, I would move that the rules be suspended and that items to go to the other Body be sent forthwith.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that under suspension of the rules that all items acted on by the Senate tonight be sent forthwith to the House. Is it the pleasure of the Senate? It is a vote.

On Motion of Mr. Huber of Cumberland,
Adjourned until 9:30 Friday morning.