

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

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

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**Senate Confirmation Session  
September 16, 1977**

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## SENATE

Monday, July 11, 1977

Senate called to Order by the President.

Prayer by the Honorable Walter W. Hichens of Eliot.

Mr. HICHENS: Our Lord and Our God, as we come before Thee on this the 100th final day of our Legislative Session, looking back over the past six months, reflecting upon those things which we have accomplished, the things which we have strived to accomplish, but did not do so. We thank Thee Lord for the strength and the wisdom that Thou has given each one of us. For the affableness, the cooperation we have had, one with each other, in our agreements, and sometimes disagreements, but hopefully having obtained the goal for which we came into this Chamber serving the people of this State, and as we reflect on these experiences Lord, we think of the words of the Apostle Paul when he said forgetting those things which are behind, and reaching forth to those things which are before. I press toward the mark for the prize of the high calling of God in Christ Jesus our Lord. With that admonition in mind, we set this day before Thee asking for Thy blessing and strength of the days ahead. For we ask in Thy name. Amen.

Reading of the Journal of yesterday.

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 July 7, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-676) as amended by House Amendment "A" (H-855) thereto and House Amendment "A" (H-897) in concurrence.

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

On motion of Mr. Collins of Aroostook, The Senate voted to recede and concur. Sent forthwith to the Engrossing Department.

## Joint Orders

Expressions of Legislative Sentiment recognizing that: Carl E. Heilsberg of Stockholm has retired as Superintendent of Schools for the towns of Woodland, Stockholm, Westmanland and New Sweden after 29 years of service in the education field. (H. P. 1829)

The Boys Baseball Team of Sacopec High School has won the State Class C Championship. (H. P. 1828)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

WHEREAS, Legislative Document 41, "An Act Relating to the State Board of Social Workers Registration Law," Legislative Document 1022, "An Act to Establish the Certification of Marriage and Family Counselors," and Legislative Document 1700, "An Act to Require that Insurance Coverage for Out-Patient Community Health Services be Provided in Group Health Care Policies and Contracts," were all introduced during the first regular session of the 108th Legislature; and

WHEREAS, there are presently no laws in Maine defining the practice of marriage counselors, nor requiring coverage in group health care policies and contracts for out-patient community mental health services and Title 32, Chapter 62-A provides only for permissive registration of social workers; and

WHEREAS, professional practitioners providing social work and marriage counseling services should be prepared to comprehend the needs of their clients and to have the skills

necessary to act in ways that will truly help them; and

WHEREAS, the degree of knowledge and skill necessary to provide such services requires defined educational preparation and experience, as well as a discipline in behavior, that meet and are accountable to professional standards; and

WHEREAS, the public must be afforded a clear, relevant definition of professional practice; and

WHEREAS, the services provided by community mental health services should be scrutinized to determine whether they are of the type which should be included in group health care policies and contracts; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Business Legislation undertake a study to determine whether marriage counselors should be licensed or registered and whether the present social worker registration law should be amended in order to provide more adequate protection to the public utilizing such services, and whether out-patient community mental health services should be covered in group health care policies and contracts; 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 be forwarded to the members of the committee. (H. P. 1825)

Comes from the House, Read and Passed:

Which was Read.

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

ORDERED, the Senate concurring, that notwithstanding Joint Rule 19, the following bill may be retained by the committee to which it has been referred during the course of the interim between the first and second regular sessions of this Legislature and may be considered by that committee during that time under the supervision of the Legislative Council and shall be reported to the appropriate House on the first day of the second regular session:

Marine Resources H. P. 715, L. D. 851

"An Act to Clarify and Limit the Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish. (H. P. 1823)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

WHEREAS, several bills, including L. D. 388, "An Act Relating to the Maine Turnpike Authority" have been introduced in the first regular session of the 108th Legislature; and

WHEREAS, these bills have raised serious questions concerning the continuation of toll charges on the Maine Turnpike and the continuation of the Maine Turnpike Authority after the payment of outstanding turnpike bonds; and

WHEREAS, it is in the best interests of the citizens of this State that the possible alternatives for dealing with the future of the Maine Turnpike be thoroughly examined before taking action to ensure that the best possible means of operation of the turnpike be selected; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation shall study the implications of the adoption of legislation such as L. D. 388, the necessity or desirability of retention of the Maine Turnpike Authority, the possibility of implementing alternative toll collection methods and the interrelating federal and state agreements governing the existence of the Maine Turnpike; and be it further

ORDERED, that the committee shall com-

plete 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. 1830)

Comes from the House, Read and Passed.

Which was Read.

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

Communication  
House of Representatives

July 8, 1977

The Honorable May M. Ross  
Secretary of the Senate  
108th Legislature  
Augusta, Maine 04333  
Dear Madam Secretary:

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill "An Act to Change the Sales Tax Basis on Fuel Oil from Price to Volume" (H. P. 784) (L. D. 936).

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

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

Mr. CONLEY: Mr. President, with respect to Page 2 of Today's Calendar, on the bottom of the page, it says Marine Resources H. P. 715, L. D. 851, I would ask what action the Senate has taken on it.

The PRESIDENT: The Chair would advise the Senator that this Joint Order was Passed in Concurrence.

The Chair recognizes the same Senator.

Mr. CONLEY: Mr. President, excuse me it says An Act to Clarify and Limit the Authority of Municipalities to Establish Shell Fish Conservation Programs and to License and Regulate the Taking of Shellfish.

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

Mr. HEWES: Mr. President and Members of the Senate: In response to the Senator's question, the particular L. D. in question was a subject of the Committee of Conference which resulted in the hope that it could be studied in the Next Regular Session with the result that this is the agreement that was worked out.

## Orders

On motion by Mr. Huber of Cumberland,

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1978 and June 30, 1979. (S. P. 600)

Which was Read and Passed.

Sent down forthwith for concurrence.

## Reconsidered Matter

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

Mr. HUBER: Mr. President, is the Senate in possession of L. D. 1676?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1676 was Passed to be

Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now present Senate Amendment "C" to the Bill and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber now offers Senate Amendment "C" to L. D. 1676 and moves its adoption. The Secretary will read Senate Amendment "C".

Senate Amendment "C" (S-406) Read and 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 Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I now move that L. D. 941 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act Concerning Review of Corporate Certificates and Other Documents." (L. D. 941) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider its action whereby L. D. 941 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I move that the Senate reconsider adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider adoption of Committee Amendment "A" to L. D. 941. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

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

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

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that the Bill be Passed to be Engrossed as amended by House Amendment "A" in non-concurrence.

The PRESIDENT: The Senator from Cumberland, Senator Huber now moves that this Bill be Passed to be Engrossed and sent down for concurrence forthwith. Is it the pleasure of the Senate? It is a vote.

(At Ease)

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

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

To Peter Danton  
July 11, 1977

This month as we all celebrate the birthday of our Nation

Two Hundred and One Years Ago — and extend our celebration

That we've all been involved with in the past year or two

I'd draw your rapt attention toward one who's served with you

Within the Senate Chambers for the past seven years;

And as a zealous Senator has served well with his peers,

Although on some occasions, he's tested out the law

By inspecting highways in search of some small flaw;

And as Assistant Leader in the Minority Party

He's exerted himself often in ways both hale and hearty.

It was his special privilege not many days ago

To see his mother naturalized and it pleased him to know

That in raising sons who served this State with purpose staid and true

She wanted as their mother to be a citizen too!

Although he may be over-shadowed by a brother who's a judge

When it comes down to principles — this Senator won't budge.

And with his natural heritage — he's bound to gain a place

In the annals of Maine's history — in honor and with grace.

And it is with great pleasure that best wishes go his way

To Senator Peter Danton — on this date — his birthday.

— Walter W. Hichens

(Applause)

(Off Record Remarks)

On motion of Mr. Speers of Kennebec,  
Recessed until the sound of the bell.

(After Recess)

Senate called to order by the President.

(Off Record Remarks)

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

Mr. HUBER: Mr. President, I move that L. D. 1496 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act Authorizing Expenditures for Health Care Alternatives." (L. D. 1496) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1496 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now present Senate Amendment "A" to the Bill and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 1496 and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-407) Read and 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 Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I move that L. D. 705 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act Appropriating Funds for Increased Staff and Changing Certain Provisions Relating to the Appointment of the Executive Director of the Maine Labor Relations Board." (L. D. 705) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

Mr. HUBER: Mr. President, I now present Senate Amendment "A" to L. D. 705 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 705 and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-408) Read and 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 Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I now move that L. D. 1206 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber now moves that the Senate remove from the Special Appropriations Table "An Act to Require Periodic Justification of State Government Programs and Independent Agencies." (L. D. 1206) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1206 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: Mr. President, I now present Senate Amendment "A" to L. D. 1206 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber now offers Senate Amendment "A" to L. D. 1206 and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-409) Read and 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 Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I now move that L. D. 1012 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act to Amend the Employment Security Law to Include Federal Requirements and Other Options Available to the State." (L. D. 1012) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate recon-

sider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1012 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

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

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

Mr. HUBER: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption. Is it the pleasure of the Senate? It is a vote.

The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-410) Read and Adopted.

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

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

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I now move that L. D. 1475 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility." (L. D. 1475) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1475 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that the Senate reconsider adoption of Committee Amendment "A" to L. D. 1475.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider its action whereby it adopted L. D. 1475. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: Mr. President, I now present Senate Amendment "B" to Committee Amendment "A".

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

Senate Amendment "B" (S-411) Read and Adopted.

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

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

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I now move that

L. D. 1468 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act to Provide Home Winterization for Low Income Elderly, Disabled and Other Low Income Families." (L. D. 1468) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1468 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: Mr. President, I now move that the Senate reconsider adoption of Committee Amendment "B".

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

Mr. HUBER: Mr. President; I now present Senate Amendment "A" to Committee Amendment "B" and move its adoption.

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

Senate Amendment "A" (S-413) Read and Adopted.

Committee Amendment "B", as amended, Adopted in non-concurrence.

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

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I now move that L. D. 1371 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber now moves that the Senate remove from the Special Appropriations Table "An Act Providing Funds for a Fishway at the Frankfort Dam in Frankfort." (L. D. 1371) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1371 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: Mr. President, I now present Senate Amendment "A" to L. D. 1371 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 1371 and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-414) Read and 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 Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I now move that

L. D. 1391 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber now moves that the Senate remove from the Special Appropriations Table "An Act to Provide a Uniform Basis for Recognizing the Right of the University of Maine Employees, Maine Maritime Academy Employees, Vocational-Technical Institute Employees and State Schools for Practical Nursing Employees to Join Labor Organizations." (L. D. 1391) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1391 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: Mr. President, I now present Senate Amendment "A" to L. D. 1391 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 1391 and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-415) Read and 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 Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I now move that L. D. 1418 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber now moves that the Senate remove from the Special Appropriations Table "An Act Appropriating Funds from the General Fund for the Purpose of Developing a Parking Lot in Lincolnville." (L. D. 1418) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1418 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: Mr. President, I now present Senate Amendment "A" to L. D. 1418 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 1418 and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-416) Read and 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 Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I now move that L. D. 1619 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber now moves that the Senate remove from the Special Appropriations Table "An Act to Promote Direct-Marketing of Agricultural Commodities." (L. D. 1619) Is it

the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1619 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: Mr. President, I now present Senate Amendment "A" to L. D. 1619 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 1619 and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-417) Read and 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 Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I now move that L. D. 1029 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act Appropriating Funds for the Acquisition and Construction of a Site and Facilities for Certain Casco Bay Island Ferry Service and to Repair other such Ferry Facilities." (L. D. 1029) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1029 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that the Senate reconsider adoption of Committee Amendment "A".

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

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now present Senate Amendment "A" to Committee Amendment "A" and move its adoption.

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

Senate Amendment "A" (S-418) Read and Adopted.

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

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

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I now move that L. D. 94 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act to Increase the Exemption

on Estates of Veterans." (L. D. 94) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider its action whereby L. D. 94 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that the Senate reconsider adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider adoption of Committee Amendment "A" to L. D. 94. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that the Senate reconsider adoption of Senate Amendment "E" to Committee Amendment "A".

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

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that the Senate indefinitely postpone Senate Amendment "E" to Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves the indefinite postponement of Senate Amendment "E" to Committee Amendment "A". Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now present Senate Amendment "F" to Committee "A" and move its adoption.

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

Senate Amendment "F" (S-419) was Read.

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

Mr. HEWES: Mr. President and Members of the Senate: I pose a question through the Chair to anybody who wishes to answer.

I am looking at S-419, which is the Amendment under discussion now, and the Statement of Fact says that the amendment removes from the Committee Amendment provisions granting an increase exemption to Post-World War I veterans and their widows and minor children. When we discussed this some weeks ago, I thought that it applied only to World War I and prior veterans, widows, and their children. Who is this to benefit under the proposed Senate Amendment "F" to Committee Amendment "A". Can somebody explain that please.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, 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, with great trepidation, I will attempt to answer the question. As I understand the gentleman from Cumberland, he did mention that his understanding was that the Committee Amendment applied only to World War I and prior, and as I understand this particular amendment that it is to insure that the Committee Amendment does just that.

Senate Amendment "F" Adopted.

Committee Amendment "A", as amended,

Adopted in non-concurrence.

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

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I move that L. D. 1593 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act to Establish the Maine Food and Farmland Study Commission." (L. D. 1593) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1593 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that the Senate reconsider adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider adoption of Committee Amendment "A". Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

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

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

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now present Senate Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment to L. D. 1593 and moves its adoption. The Secretary will Read Senate Amendment "A".

Senate Amendment "A" (S-420) Read and 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 Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I now move that L. D. 1585 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act in Support of Regional Library Systems." (L. D. 1585) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1585 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

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



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

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that Senate Amendment "A" be indefinitely postponed.

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

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now present Senate Amendment "B" to the Bill and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "B" to L. D. 1585 and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" (S-421) Read and 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 Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I now move that L. D. 1453 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table, "An Act Appropriating Funds to Provide Road and Bathing Facilities at Birches Point Park at Owls Head." (L. D. 1453) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1453 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that the Senate reconsider adoption of Committee Amendment "A".

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

The Chair recognizes the same Senator.

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

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves the indefinite postponement of Committee Amendment "A" to L. D. 1453. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now present Senate Amendment "A" to the Bill and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 1453 and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-422) Read and 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 Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I now move that L. D. 1481 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table, "An Act Establishing the Maine Student Incentive Scholarship Program." (L. D. 1481) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber now moves that the Senate suspend its rules and reconsider its action whereby L. D. 1481 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

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

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

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that the Senate Reconsider its action whereby it Adopted House Amendment "G" to Committee Amendment "A".

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

The Chair recognizes the same Senator.

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

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

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now present Senate Amendment "A" to Committee Amendment "A" and move its adoption.

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

Senate Amendment "A" (S-423) Read and Adopted.

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

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

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I move that L. D. 583 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act Relating to Approving and Financing School Construction." (L. D. 583) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

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

This being an emergency measure, and having received the affirmative vote of 27

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

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

Mr. HUBER: Mr. President, I now move that L. D.'s 12, 138, 368, 425, 899, and 1759 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act Appropriating Funds for the Purchase of Copies of "The Penobscot Expedition." (L. D. 12)

"An Act Appropriating Funds for the Purchase of Copies of the History of Newfield." (L. D. 138)

"An Act Appropriating Funds for the Purchase of Sets of "The History of Old Broadway" by Jasper J. Stahl." (L. D. 368)

"An Act Appropriating Funds for the Purchase of Copies of "Archaeological Excavations at Pemaquid, Maine, 1965-1974," by Helen Camp." (L. D. 425)

"An Act to Provide for the Purchase of Certain Town Histories." (L. D. 899)

"An Act to Provide for the Purchase of Certain Town Histories." (L. D. 1759)

Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move indefinite postponement of all these Bills dealing with town histories. Town histories will be dealt with in a separate bill. For which I will recommend passage.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that L. D.'s 1759, 899, 425, 368, 138 and 12 be indefinitely postponed. Is it 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 now move that L. D.'s 390, 472 and 1035 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table.

RESOLVE, to Evaluate Substate Districts in Maine. (L. D. 390)

RESOLVE, Authorizing the Purchase of "University of Maine at Farmington — A Study of Educational Change, 1864 to 1974." (L. D. 472)

RESOLVE, to Extinguish Certain Debts Owed by Counties to the State of Maine. (L. D. 1035)

Is it the pleasure of the Senate? It is a vote.

On motion of Mr. Huber of Cumberland, These Bills indefinitely postponed in non-concurrence.

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I now move that L. D.'s 218, 1027, 1860, 1266 and 1826 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act Relating to Employee Workmen's Compensation Law." (L. D. 218)

"An Act Exempting from the Sales Tax Sales to Nonprofit Corporations Providing Home Health Services." (L. D. 1027)

"An Act to Merge the Passenger Tramway Safety Board with the Board of Elevator Rules and Regulations." (L. D. 1860)

"An Act to Improve the Juvenile Judicial

System by Authorizing Juvenile Court Intake Workers in the Department of Mental Health and Corrections." (L. D. 1266)

"An Act to Simplify, Improve and Reduce the Cost of State Agencies Auditing Human Service Contracts and Grants." (L. D. 1826)

Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I move the passage of these Bills.

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

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

Mr. HUBER: Mr. President, I now move that L. D.'s 8, 362, 652, 658, 1513 and 1145 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act to Appropriate Funds to the Maine Chapter of the Epilepsy Foundation of America." (L. D. 8)

"An Act Exempting Certain Uses of Gas and Electricity from Taxation under the Sales and Use Tax Law." (L. D. 362)

"An Act to Exempt the Literary Volunteers of the Pine Tree State from the Sales Tax." (L. D. 652)

"An Act Providing for an Investment Tax Credit and a Credit for the Creation of New Jobs." (L. D. 658)

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

"An Act to Provide Funds for the Administration of the Uniform Crime Reporting Program within the Bureau of State Police." (L. D. 1145)

Is it the pleasure of the Senate? It is a vote.

On motion of Mr. Huber of Cumberland, These Bills indefinitely postponed in non-concurrence.

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I now move that L. D.'s 34, 249, 285, 579 and 934 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act to Increase the Property Tax Exemption for Parsonages to \$40,000." (L. D. 34)

"An Act to Establish a Presidential Primary in the State of Maine." (L. D. 249)

"An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutes." (L. D. 285)

"An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation." (L. D. 579)

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

Is it the pleasure of the Senate? It is a vote.

On motion of Mr. Huber of Cumberland,

These Bills indefinitely postponed in non-concurrence.

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I now move that L. D.'s 82, 175, 538, 714 and 785 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table.

"An Act to Provide for a Trade-in Credit for

Self-propelled Vehicles used in Lumbering or Agriculture." (L. D. 82)

"An Act to Provide a Supplemental Appropriations for Instructional Television." (L. D. 175)

"An Act Appropriating Funds to the Department of Human Services for Emergency Medical Training of Ambulance and Rescue Personnel." (L. D. 714)

RESOLVE, Appropriating Funds for Fire Protection Equipment in the vicinity of State-owned Facilities and the Unorganized Territories at Greenville. (L. D. 785)

Is it the pleasure of the Senate? It is a vote.

On motion of Mr. Huber of Cumberland, These Bills indefinitely postponed in non-concurrence.

Sent down forthwith for concurrence.

"An Act to Establish More Convenient Hours to Permit Easier Access to Small Claims Court." (L. D. 538)

On motion of Mr. Conley of Cumberland,

Tabled until later in Today's Session, pending the motion of Mr. Huber of Cumberland, to indefinitely postpone.

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

Mr. HUBER: Mr. President, I now move that the Senate remove from the Special Appropriations Table L. D.'s 300, 632, 690 and 1169.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act Relating to Expenditures of Municipalities for General Assistance." (L. D. 300)

"An Act Relating to Recoupment Procedures under the Maine Medical and Hospital Malpractice Joint Underwriting Association Act." (L. D. 632)

"An Act to Appropriate Funds to Enable the City of Eastport to Cope with Gale Damage." (L. D. 690)

"An Act to Amend the Special Education Tuition Reimbursement Law." (L. D. 1169)

Is it the pleasure of the Senate? It is a vote.

On motion of Mr. Huber of Cumberland, These Bills indefinitely postponed in non-concurrence.

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I now move that L. D.'s 458, 838 and 1845 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act to Appropriate Funds for Repair, Operation and Maintenance of Androscoggin Lake Dam." (L. D. 458)

"An Act Concerning Administration of the Judicial Department." (L. D. 838)

"An Act to Encourage the Use of Solar Energy in Maine Through Tax Exemptions." (L. D. 1845)

Is it the pleasure of the Senate? It is a vote.

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

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

Mr. HUBER: Mr. President, I now move that L. D.'s 821, 1285, 1465 and 1599 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act to Clarify Sex Discrimination in the Maine Human Rights Act." (L. D. 821)

"An Act to Exempt Public Libraries from the Sales Tax." (L. D. 1285)

"An Act to Exempt Certain Woodburning Appliances from the Sales Tax." (L. D. 1465)

"An Act to Provide Uniformity in the Method of Payment of Fees in Criminal Cases." (L. D. 1599)

Is it the pleasure of the Senate? It is a vote.

On motion of Mr. Huber of Cumberland,

These Bills indefinitely postponed in non-concurrence.

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I now move that L. D.'s 1411, 1742, 1756 and 1778 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act to Improve Public Access to State Agency Rules by Providing for their Publication and for a Rule Review Program." (L. D. 1411)

"An Act Providing for Changes in the Laws Relating to Property Taxation." (L. D. 1742)

"An Act to Increase Retirement Benefits for Teachers who Taught Prior to July 1, 1942." (L. D. 1756)

"An Act to Establish Regional Marine Resources Centers." (L. D. 1778)

Is it the pleasure of the Senate? It is a vote.

On motion of Mr. Huber of Cumberland,

These Bills indefinitely postponed in non-concurrence.

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I now move that L. D.'s 939, 1061, 1567, 1614 and 1779 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act to Authorize Bond Issue in the Amount of \$2,100,000 to Establish a Maine Veterans Home." (L. D. 939)

"An Act to Authorize a School Nursing Health Consultant in the Department of Educational and Cultural Services." (L. D. 1061)

"An Act to Remove Sales Tax from Residential Water." (L. D. 1567)

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

"An Act to Require a Cost-Benefit Evaluation of Government Regulation." (L. D. 1779)

Is it the pleasure of the Senate? It is a vote.

In reference to L. D.'s 1061, 1567, 1614 and 1779.

On motion of Mr. Huber of Cumberland,

These bills indefinitely postponed.

Sent down forthwith for concurrence.

The PRESIDENT: In regard to "An Act to Authorize Bond Issue in the Amount of \$2,100,000 to Establish a Maine Veterans Home" (L. D. 939). The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I would move for a Roll Call on indefinite postponement of this bill.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, has requested a Roll Call on the motion to indefinitely postpone L. D. 939.

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 Knox, Senator Collins.

Mr. COLLINS: Mr. President, this matter



has not been previously debated in this Chamber, and I think that as Chairman of the Committee that heard the Bill, I ought to just briefly make you aware of the facts that are concerned.

This Bond Issue, if it were passed by the voters in referendum would permit the State to join forces with the Federal Government in establishing a 200 bed nursing home as an adjunct to the facility at Togus for the benefit of veterans in need of nursing home care. The information that we have is that there are a number of people at Togus who really do not need to be in that kind of a hospital, but they have to keep some of them there because there is no other place to send them. So that there is a demand for this sort of facility. The reason that the Committee was very much attracted to it is that, the material presented to us showed that it would be a self-liquidating Bond Issue. Veterans who are eligible for a stay in this sort of a facility have certain allowances from the Federal Government, as well as, from the other usual sources, and over a period of time, the allowances that they have would permit them to pay for the nursing home services that they would receive there.

Commissioner Smith of the Department of Human Services, has informed us that of the 8,392 nursing home beds in Maine, 5,900 are filled by state recipients of public assistance. There has been a projection made from this in relationship to the number of veterans in the population, and according to that projection, there would be about 850 veterans presently occupying nursing home beds that are paid for with public assistance. It is obvious from these figures, that there would be no difficulty in filling these nursing home beds.

The State of New Hampshire has such a facility. When we considered the matter, we looked at the figures there. The experience there was good. I will not give you a lot of figures because they do not mean too much coming through the air this way, you have all had on your desk back along two or three sheets that show the analysis and to sum it up, it looks to the Committee on Veterans and Retirement as though this could be a needed self-sustaining, self-liquidating facility and that it ought to have a chance to go out to the voters.

I urge you to vote against the motion to indefinitely postpone.

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

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to any member of the Appropriations Committee who cares to answer to the line of thinking behind that Committee and their recommendation that this bill be indefinitely postponed.

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: The feeling of the Appropriations Committee was essentially one of concern about the many Bond Issues coming out of this session of the Legislature, although this is stated as a self-liquidating Bond Issue, the feeling is that we have ended up responsible for the cost of so many state functions which also were claimed to be self-liquidating, that I feel the Committee vote and that of Leadership was simply one of concern about the States bonded indebtedness, and concern about possible future cost of this facility.

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

Mr. PRAY: Mr. President and Members of the Senate: Last week we voted on a number of Bond Issues as they came before us and that they were moved. I voted against every one of the Bond Issues, basically for the beliefs that

the good Senator from Cumberland, Senator Huber just mentioned, I thought that we were sending too many Bond Issues out to the Maine people and would defeat all the issues that we would end up in a state where parochial issues would be voted by those individuals within that area, and on a state-wide basis people would vote them down. Now, perhaps that is the wishes or the hopes of some individuals of this Body, that if we send enough Bond Issues out and they would all go down the state rating would be safe and secure.

This issue I am a little bit bothered that it was not addressed at the same time as the other issues. This is one issue which I will be voting for and which I will hope the people of the State of Maine will have an opportunity to vote on. I can recall back in my campaigning to come to this Body, talking to a number of older veterans who expressed the desire for something along this line, and I think that, as the good Senator from Knox, Senator Collins, has mentioned, testimony at the hearing and what not, that this is definitely a warranted Bond Issue and it should go to the people, and I hope that this Body would send it out.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the indefinite postponement of L. D. 939, An Act to Authorize Bond Issue in the amount of \$2,100,000.00 to Establish Maine Veterans Home.

A Roll Call has been ordered.

A yes vote will be in favor of the motion to indefinitely postpone. A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I withdraw my motion to indefinitely postpone.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now requests leave of the Senate to withdraw his motion to indefinitely postpone this Bond Issue. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I move the pending question.

The PRESIDENT: The pending question before the Senate is the Enactment of L. D. 939.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I would like to make it clear to my request to withdraw the indefinite postponement which was granted does not diminish my opposition to this measure.

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

Mr. O'LEARY: Mr. President, I would request a Roll Call on Enactment.

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 on the Enactment of this Bond Issue, 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: Being on the Committee on Veterans and Retirement, and having heard this bill and Bond Issue, I feel extremely certain, as the good Senator from Knox, Senator Collins has said, this will be self-liquidating. The average veteran gets \$400.00 a month. He is allowed to keep \$85.00. The rest will go for paying his room and board and paying back this Bond Issue which certainly will be self-liquidating. Even more so I think, than a dormitory at a college. So, I would hope that you Enact this Bill.

The PRESIDENT: The pending question before the Senate, is the Enactment of L. D. 939, An Act to Authorize Bond Issue in the Amount of \$2,100,000.00 to Establish a Maine Veterans Home.

A vote of yes will be in favor of this Bill. A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

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

NAY — Conley, Danton, Huber, Katz, Morrell, Speers, Sewall.

ABSENT — Cummings.

25 Senators having voted in the affirmative, and 7 Senators in the negative, with 1 Senator being absent, and 25 being more than two-thirds of those Senators present, 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 Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, having voted on the prevailing side, I now move reconsideration and ask the members to vote against me.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that the Senate reconsider its action whereby this bill was Passed to be Enacted.

A viva voce vote being had, the motion to reconsider does not prevail.

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

Mr. KATZ: Mr. President, directing the Senate's attention to L. D. 285, An Act to Increase Flexibility in the Funding of the Operation of Vocational Technical Institutes, this was just indefinitely postponed. The action perplexed me as I recalled a memo from the Department of Education indicating no-cost. I would like to move reconsideration, and hope that someone might table it for just a moment or two until the memo arrives and I so move.

The PRESIDENT: The Chair would advise the Senator, that his motion would not be effective, since that bill has been sent forthwith to the House.

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

Mr. HUBER: Mr. President, I now move that L. D.'s 1106 and 1158 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act Concerning the per Pupil Cost of a School Administrative Unit Losing More than 33% of its Enrollment between June and September." (L. D. 1106)

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

Is it the pleasure of the Senate? It is a vote.

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

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

Mr. HUBER: Mr. President, I now move that L. D.'s 1530, 1656, 1772, 1814 and 1841 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from

Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act to Relieve the Income Tax Burden of the Elderly Retired." (L. D. 1530)

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

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

"An Act to Exempt Nonprofit Medical Facilities from the Maine Sales Tax." (L. D. 1814)

"An Act to Exempt Energy Conservation Materials from the Sales Tax." (L. D. 1841)

On motion of Mr. Huber of Cumberland, These Bills indefinitely postponed in non-concurrence.

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I now move that L. D.'s 1536, 1817, 1867 and 1882 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act Authorizing an Increase in Payments to Foster Homes and Boarding Homes." (L. D. 1536)

"An Act Concerning the Effect of Specially Authorized Appropriations upon the Calculation of State Aid to Public Schools." (L. D. 1817)

"An Act to Provide Lifeline Electrical Services." (L. D. 1867)

"An Act to Continue the Division of Special Investigations within the Department of Public Safety." (L. D. 1882)

Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I would ask that L. D. 1882 be set aside.

The PRESIDENT: L. D. 1882 will be set aside. Is it now the pleasure of the Senate that L. D. 1536, 1817 and 1867 be indefinitely postponed? It is a vote. Sent down forthwith for concurrence.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: I would, ask first of all, that we do have a Division on the motion to indefinitely postpone L. D. 1882.

I think there are many bills which I have stood here before you in the past and said that I had not discussed them with you prior to the vote. I think that this is a bill that I can say there are very few Senators that I have not discussed it with prior to the vote, and the reason for that is I do feel that it is a very important, very vital bill, for the people of the State of Maine. I know, that there are some people who have had some genuine opposition to this, to this concept, but this is the only drug enforcement unit left, within the State of Maine, and I think it is most important that we do keep it, and for the record, I certainly would like to say that this bill in no way intends to hassle anyone, any young people, or anyone else for that matter. The intent, further, is not to get at the users so much, as the abusers, the traffickers and the pushers of hard drugs, and I do hope that you will support the continuation of this unit at this time.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: For the record, I would like it to be known it is obvious that Leadership was deadlocked on this particular bill, and I would like everyone to know exactly where I was, and I am sure that I do not have to tell you, but I

have grave and serious concern about legislation like this, because I have seen what has happened in parts of the country, during the 60's, probably even part of the earlier 70's, and the problems that I have always seen at any time that I have been present is for a situation, was a bad situation, that anytime the police arrived on the scene the situation even became progressively worse, and I have grave concerns for the people, and particularly those people, impoverished people, people that have not had the great successes and victories in life, that many of us have shared, but it is generally these people that end up getting booted around.

I am very glad to hear the words of the good Senator from Kennebec, Senator Pierce, spell out exactly what the intent of this legislation is, that is to go after those individuals that are selling hard drugs, hard drugs, and to see if we cannot lift the traffic from our shorelines, from the individuals who are apparently using our coastal region now as great escape from apparently coming up the highways with it. There is no question in my mind, that the votes are in this Senate to pass this bill, the good Senator from Kennebec, Senator Pierce has been exactly right, that he well-lobbied this legislation. I am sure that Leadership itself is aware of the fact that the votes are here to pass this bill, because the votes are here, I am not going to make any motion to indefinitely postpone it, I know that I would not be successful, but I just urge that those individuals who are going to be charged with this responsibility that it will be done at least with the intent and at least comparable to some of the remarks that have been made here today by the good Senator from Kennebec, Senator Pierce, and I also wish they would take into consideration some of the words that I have stated.

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

Mr. HICHENS: Mr. President, when the vote is taken, 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 York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: Seeing how it is confession day for Leadership today, I also voted against this, but for somewhat different reasons than my honorable Leader. This started off with Federal Dollars. Today, we are committing State Dollars to it, \$350,000.00 a little bit over that. Somehow, someway, we have to think and start in assessing programs. It is \$350,000.00 now who knows what it is going to be two years from now.

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

Mr. MORRELL: Mr. President and Members of the Senate: I supported this bill in Committee. I still support it. I have a great deal of confidence, in most instances in the law enforcement officials in this state both at the local and state level. Granted it was originally conceived and funded federally, but there are a number of things that have gone that route. I think that there is a great deal of work to be done in this area, the problem is getting worse, and I think it requires our attention in the direction that this bill suggests.

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

Mr. PRAY: Mr. President and Members of the Senate: Just to respond to some of the statements that I have heard in reference to Law Enforcement Officials and the cost of this program. I would just like to kind of reflect my

own thinking as to the situation of matters getting worse when the police arrived on the scene to what it would be like if we did not have them.

The second thing is the reference of spending \$350,000.00 for this program, state dollars which will be over a 2 year period. I look at the cost of not having such a program, of the situation getting worse, and as to what the cost to the taxpayers of this state would be if the continuing use of drugs in our young people, and not only in our young people, middle age also, I would see that the state would incur a greater debt, if we did not take some action at this time to curb the illegal sale of drugs.

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. 1882 An Act to Continue the Division of Special Investigation within the Department of Public Safety be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I agree entirely with the opponents of this bill.

I just see too much of it in my area, and admittedly, this will not stop drugs, but if it slows them down and helps some and saves a few lives, it seems to me that it is well worth it.

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

Mr. MORRELL: Mr. President and Members of the Senate: Just to clear up any misunderstanding. The recommendation of the Appropriations Committee to Leadership was passage of this bill.

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

Mr. CONLEY: Mr. President and Members of the Senate: It is strange that the number one drug problem we have in this country and in this state is the one that the state traffics mostly, and that is booze.

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. 1882 be indefinitely postponed.

A Roll Call has been ordered.

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

ABSENT — Cummings.

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

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

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

Mr. HUBER: Mr. President, I now move that L. D.'s 1650 and 1494 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act Concerning Standards for the Measurement of Wood." (L. D. 1650)

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

RESOLVE Authorizing and Directing the Commissioner of Marine Resources, Commissioner of Inland Fisheries and Wildlife and the Atlantic Salmon Commission to Take the Steps Necessary to Insure the Construction of a Fishway on a Dam Obstructing the Kennebec River at Augusta. Is it the pleasure of the Senate? It is a vote.

Which was finally 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, directing the Senate's attention to Page 5 of the Advance Journal, I move that the Senate take from the Table L. D. 777.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table Bill, "An Act Concerning Minimum Wage Law." (S. P. 250) (L. D. 777).

Passed to be Engrossed.

Sent down forthwith for concurrence.

Out of Order and under suspension of the rules, the Senate voted to consider the following.

#### Orders

Expressions of Legislative Sentiment recognizing that: the members of the Engrossing Department of the Department of Secretary of State, through their hard work and great dedication, have contributed greatly to the success of the First Regular Session of the 108th Legislature, (S. P. 601)

the members of the Reprographics Division, through their quick, efficient service, have made a significant contribution to the success of the First Regular Session of the 108th Legislature. (S. P. 602)

the employees of the Kennebec Journal Printing Company have, through their long hours and faithful service, made a great contribution to the success of the First Regular Session of the 108th Legislature. (S. P. 603) are presented by Senator Katz of Kennebec.

Which were Read.

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

Mr. KATZ: Mr. President, I had a great weekend. I did nothing but rest and rehabilitation, and while I was gone, I hear that the members of the Engrossing Department were here all weekend.

The members of the Reprographics Division were available for whatever needs were presented to them, and as usual, the KJ people have done all they could to make our work smooth and ready for us when we came in and a sense of appreciation led me to sponsor these three Orders, and I think that although these people are not terribly visible, they do an awful lot to speed our progress as we look for adjournment tonight.

Which were Passed.

Sent down forthwith for concurrence.

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

Mr. GREELEY: Mr. President, I move that we take from the Special Highway Appropriations Table L. D. 136, An Act to Authorize Bond Issue in the amount of \$11,500,000.00 for the Highway Region Improvement Program.

The PRESIDENT: The Senator from Waldo Senator Greeley, now moves that the Senate remove from the Special Highway Appropriations Table, L. D. 136. Is it the pleasure of the Senate? It is a vote.

This being a Bond Authorization Issue and having received the affirmative vote of 25 Senators, and 1 Senator in the negative, and 25 being more than two-thirds of the membership

present, 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 Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, I move that we take from the Special Highway Appropriations Table, L. D. 216, An Act Relating to Motor Vehicle Fees Collected by the Public Utilities Commission.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves that the Senate remove from the Special Highway Appropriations Table, L. D. 216. Is it the pleasure of the Senate? It is a vote.

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

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

Mr. GREELEY: Mr. President, I now move that L. D. 1039, An Act to Permit Municipalities to Renew Motor Truck Registration, be taken from the Special Highway Appropriations Table.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves that the Senate take from the Special Highway Appropriations Table, L. D. 1039. Is it the pleasure of the Senate? It is a vote.

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

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

Mr. GREELEY: Mr. President, I now move that L. D. 1038, An Act to Provide for Local Registration of all Motor Vehicles be taken from the Special Highway Appropriations Table.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves that the Senate remove from the Special Highway Appropriations Table L. D. 1038. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. GREELEY: Due to the conflict that we brought out by the Title Law, I move that this Bill be indefinitely postponed.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves that the Senate indefinitely postpone L. D. 1038.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

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

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I do not understand the motion presently before the Senate.

When this bill originally came before us, we debated it at great length. The good Senator from Waldo, Senator Greeley, stated that the Secretary of State's Office was opposed to the legislation at that time, that was one reason, or his main reason for voting against the bill. A day later, the Secretary of State came up, spoke with Senator Greeley, and other members of the Committee, removed his objections. Thought that any problem could be worked out, and now at this closing hour, we get a motion to indefinitely postpone the bill and I would urge the Senate to vote against the motion.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: Based on the explanation of the Senator from Waldo, Senator

Greeley, I am a little bit confused as a car salesman dealing with Titles, I do not see what the potential conflict with our Title Law this might present. It might present a small problem for some local official in that they might have to pick up the phone and call Augusta and check on the Title of the particular vehicle prior to registration, but I would appreciate it if the Senator from Waldo, Senator Greeley, could expound a little bit on this explanation.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, has posed a question through the Chair to any Senator who may care to answer.

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

Mr. GREELEY: Mr. President, at the present time, the Secretary of State's Office is having a lot of problems with the Title Law on new automobiles. Even the banks are having problems with the Title Law on the loan on new cars. It is not going to be my problem, so I am going to leave it up to the Senate. If that is what you want, vote for it, but I am voting against it. I have not changed my mind, maybe the Secretary of State has changed his mind, but I remember the other day, the Secretary of State's Office got cut on appropriations \$200,000.00 each year of the biennium, and I do not think there is any money down there available to go to take care of this Title Law problem.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: When I first came down to the Maine Legislature three years ago, and before I got into the car business I found that there were some real problems in our Title Section of Motor Vehicle. I think that Secretary of State Gartley has done a tremendous job of cleaning that problem up. We were running six months behind on Titles, if you bought a car today, it would be at least six months before you could even trade it because the Title would not be cleared. However, I think, there was a Joint Order passed in this Legislature, perhaps last session, recognizing Doris Hayes of the Secretary of State's Office who took over the Title Section and now I think that it is in pretty good shape, and I in my business, I have seen most Titles cleared at the Motor Vehicle Branch within three to four weeks, and that is not a bad lag, and so, I would hope that you vote against the indefinite postponement of this bill.

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

Mr. CONLEY: Mr. President and Members of the Senate: Again it is always good in the closing moments to look at the bill, seeing that it was some time ago that this bill was last debated.

If I recall, it was somewhat of a pilot project to be tried out, it is enabling legislation itself, it allows communities to become involved if they so desire, and it is very similar in the sense to when you go in to pay your Excise Tax today, you also can pick up your little tab to put on your license plate and the community receives revenue for being able to handle that tab. The same thing is provided for in this particular bill that would allow again, any community that so wished to become involved in the program, the opportunity of receiving one dollar for each registration and reregistration of an automobile or truck, and it just seems to me that it is another opportunity for communities to defray some of the expenses that they incur by handling the excise tax and other matters dealing with the Secretary of State's Office. Again, purely enabling legislation, and no community has to take advantage of it, and certainly if they do, it is going to bring a little bit less bureaucracy in Augusta, and perhaps put a lit-

tle more of it on the local level, if they care to become involved in it.

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 on this matter, please rise in their places to be counted.

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

The pending question before the Senate is the motion by the Senator from Waldo, Senator Greeley, that L. D. 1038, An Act to Provide for Local Registration of all Motor Vehicles 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 — Chapman, Collins, S.; Greeley, Hewes, Hichens, Huber, Jackson, Katz, Lovell, McNally, Morrell, O'Leary, Pierce, Redmond, Snow, Trozky, Wyman.

NAY — Carpenter, Collins, D.; Conley, Curtis, Danton, Farley, Levine, Mangan, Martin, Merrill, Pray, Speers, Usher.

ABSENT — Cummings, Minkowsky.

17 Senators having voted in the affirmative, and 13 Senators in the negative, with 2 Senators being absent, the motion to indefinitely postpone does prevail.

Sent down forthwith for concurrence.

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

Mr. GREELEY: Mr. President, I now move that L. D. 509, An Act to Require Drivers License Renewal Examination be taken from the Special Highway Appropriations Table.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves that the Senate remove from the Special Highway Appropriations Table L. D. 509. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

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

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves the pending question.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I am sorry, but I do not have the title of the Bill.

The PRESIDENT: The title is L. D. 509, An Act to Require Driver License Renewal Examination.

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

Mr. HEWES: Mr. President, I would request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the passage of this bill, please rise in their places to be counted.

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

15 Senators having voted in the affirmative, and 9 Senators in the negative, this Bill is Passed to be Enacted.

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

Mr. GREELEY: Mr. President, I move that L. D. 460, An Act Relating to the Payment of Registration Fees for Motor Trucks and Truck Tractors be taken from the Special Highway Appropriations Table.

The PRESIDENT: The Senator from Waldo,

Senator Greeley, now moves that the Senate remove from the Special Highway Appropriations Table L. D. 460.

Is it the pleasure of the Senate? It is a vote.

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

Under further suspension of the rules, the Senate voted to consider the following:

#### Enactors

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

"An Act to Lighten the Burden of Property Taxes on the Elderly Widowed or Disabled." (S. P. 440) (L. D. 1531)

On motion of Mr. Huber of Cumberland, Tabled until Later in Today's Session.

(See Action Later Today)

"An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission." (H. P. 1128) (L. D. 1345)

"An Act to Amend the Maine Human Rights Act." (H. P. 162) (L. D. 200)

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 Make Additional Corrections of Errors and Inconsistencies of the Laws of Maine." (S. P. 590) (L. D. 1896)

This being an emergency measure, and having received the affirmative vote of 24 Senators, and 1 Senator in the negative, and 24 being more than two-thirds of the membership present, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities from State Tax Sources for 50% of Losses Caused by Property Tax Exemptions and Credits Enacted after April 1, 1978. (S. P. 366) (L. D. 1227)

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

Mr. KATZ: Mr. President, I am going to vote against the adoption of this Constitutional Amendment, and ask members of the Senate also to consider a negative vote on this. Here again, we are building an additional rigidity into the Constitution which may haunt us with the funding of some future Legislatures ideas of what their priorities should be. Anytime you put something in the Constitution you should stop and think about the long range implications, and I request a Roll Call.

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

Mr. MORRELL: Mr. President and Members of the Senate: I rise in opposition to the suggestion of my colleague from Kennebec, I think this is a good bill, I would have been even more enthusiastic if the 50 percent had been a 100 percent.

I think it is the kind of discipline that the Legislature needs. All too often, it is very easy for us here to grant exemptions to the Property Tax on the municipal level, and not have to stand the consequences of such action, and I would hope today, that we would go along with this, and that it would serve effectively to slow us down in the future from proposals made to grant additional such exemptions from the local Property Tax.

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

Mr. COLLINS: Mr. President, I also would hope that you would pass this Constitutional Amendment.

It has had a great deal of work go into it. It is

in its present form as a result of a Committee of Conference Report. It does, I think, put some restraint on the continuous exemption process that the Legislature seems to be faced with, and I think that it is a reasonable modest approach. It provides only for reimbursement of 50 percent, not a 100 percent, and it takes into consideration a starting date of next April 1st. I think it will help the Legislature to restrain its continual exemption process. I hope that you will vote for Enactment.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to join with the two previous speakers in urging the Senate to Enact this Constitutional Amendment.

As it has gone through the Legislative process, it has picked up a lot of support, it has never received a vote in this body of less than two-thirds at any point. I think that it is probably one of the most important steps toward fiscal responsibility that remains to be taken by this Legislature, and it certainly does build in a rigidity, but one that I think should be built in, and that is that, as we erode the tax bases of the local communities, that we at least be forced to show some fiscal restraint here from the fact that there will be state obligations that go with that generosity. I would remind the Senate that in the Portland papers and other papers around the state, this has been hailed as a long needed step toward fiscal responsibility. I hope that the Senate would be consistent with its previous actions, and would support this Constitutional Amendment today to give the people of Maine a chance to vote on it this November.

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

Mr. KATZ: Mr. President, my opposition is unchanged in the interest of time, I withdraw my request for a Roll Call.

This being a Constitutional Amendment, and having received the affirmative vote of 23 Senators, and 6 Senators in the negative, and 23 being more than two-thirds of the membership present, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Secretary of State.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I now move that the Senate vote against reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby this Constitutional Amendment was finally passed.

A viva voce vote being had, the motion to reconsider does not prevail.

#### Enactors

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

"An Act Appropriating Funds to Maine Vocational Development Commission." (H. P. 516) (L. D. 634)

"An Act to Authorize the State Librarian to Purchase Town Histories and other Maine Histories for Distribution to Public Libraries and Schools." (S. P. 182) (L. D. 496)

"An Act to Provide for Legislative Review and Automatic Termination of State Agency Rules." (H. P. 173) (L. D. 211)

"An Act Creating the Maine Development Foundation." (H. P. 1012) (L. D. 1243)

"An Act Concerning Displaced Homemakers." (H. P. 700) (L. D. 842)

"An Act Appropriating Funds to Provide Services to Older Blind Persons to Assist Them in Remaining in their Own Homes and in Caring for Themselves." (S. P. 338) (L. D. 1123)

"An Act to Raise the Christmas Tree Tran-



sportation Registration Fee." (H. P. 179) (L. D. 241)

"An Act Establishing the Maine Small Business Loan Authority." (H. P. 1004) (L. D. 1244)

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

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

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

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

#### Enactors

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

#### Emergency

"An Act to Provide Minimum Subsidy Payments for Small Administrative Units." (H. P. 185) (L. D. 247)

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

#### Emergency

"An Act to Establish an Assessment of Student Performance in the Basic Skills." (S. P. 518) (L. D. 1810)

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

Mr. MERRILL: Mr. President and Members of the Senate: I do not rise to speak against 1810, simply to make a comment.

As I am familiar with the bill, and it has been changed, of course, as it has gone through the process. It is a bill which would have the Department develop or try to develop the ability to measure student performance in basic skills, which I think is a commendable idea, and an important one and maybe deserves to be set aside for a moment for that reason alone.

The only problem I have with it, I understand it to be in its present form, is that it would have that measurement be done at the end of the high school years, and it is my feeling that if we are concerned with measuring basic skills, that this is a bit too late. If that is not the case, I am glad that the bill has been changed as it has gone through the legislative process, and think may be that it is not inappropriate for the sponsor and Chairman of the Education Committee to explain his important step, because as I understand it will be working on that process as it comes along later in the next session.

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

Mr. KATZ: Mr. President, in politics sometimes, you either take a step or say something that haunts you for months and years. In the bill that I originally sponsored I contemplated that there would be a whole series of tests throughout the education of the child, but in the bill, I put that there would be a state-wide test in the senior year for each student state-wide.

Nobody read the rest of the bill, and immediately everybody probably said that this is too late, and it is too late, the bill in its present form is quite a bit different, and it establishes a base line state-wide. The Department is going to do some testing, and you can bet your boots in January we will take a look at the program and establish a proper program.

This being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was Passed to be Enacted, and having been signed by the Presi-

dent, was by the Secretary presented to the Governor for his approval.

#### Emergency

RESOLVE, to Appropriate Moneys for Research on Blackfly Biology and Continued Research on an Environmentally Safe Insecticidal Control for Blackflies. (H. P. 291) (L. D. 348)

This being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Emergency

RESOLVE, to Appropriate \$8,956 to the Town of Milbridge to Reimburse it for Burglary Loss. (H. P. 1759) (L. D. 1891)

Comes from the House, Fails of Final Passage.

This being an emergency measure and having received the affirmative vote of 7 Senators and 19 Senators in the negative, and 7 being less than two-thirds of the membership present, this Resolve Fails of Final Passage.

#### (Off Record Remarks)

#### Papers from the House Joint Order

ORDERED, the Senate concurring, that the Joint Rules be amended by repealing and replacing Joint Rule 22 to read as follows:

22. Departmental bills.

(1) No bill or resolve shall be introduced on behalf of any state department, agency or commission, except the Governor or Chief Justice, after the first Wednesday in November preceding the convening of the first or second regular session. If the Governor has been newly elected in the November preceding the convening of the first regular session, any bill or resolve introduced on behalf of a state department, agency or commission, except the Governor or Chief Justice, shall be introduced within 30 days after the Governor is administered the oath of office.

(2) Each bill or resolve submitted to the Director of Legislative Research by an executive agency, department or commission for preparation shall clearly designate under the title, the department, agency or commission upon whose behalf the bill or resolve is submitted.

(3) Bills or resolves prefiled under this rule shall bear designation of the title, "President of the Senate" or "Speaker of the House" for purposes of introduction unless a member of the Legislature sponsors or cosponsors that bill or resolve.

(4) A bill or resolve may be filed on behalf of the Governor or Chief Justice under the title of "President of the Senate" or "Speaker of the House" provided that the bill bears on its jacket the appropriate designation that the bill or resolve has been introduced on behalf of the Governor or Chief Justice.

(5) Any departmental bill or resolve filed after the first Wednesday in November in either the first or second regular session shall be considered late filed. All requests for such late-filed bills or resolves shall be transmitted to the Legislative Council by the Clerk of the House or the Secretary of the Senate. The Legislative Council shall ascertain from the department the facts supporting introduction notwithstanding cloture and, if  $\frac{2}{3}$  of the Legislative Council approves, the bill or resolve, following preparation, shall appear on the calendar of the appropriate House, duly noted as having been approved by  $\frac{2}{3}$  of the Legislative Council and the document shall be received. (H. P. 1832)

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

On motion of Mr. Speers of Kennebec, Tabled until later in Today's Session, pending passage.

#### Enactor

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

#### Emergency

"An Act Providing Funds to Acquire Land for a Passenger Terminal, a Transfer Bridge and a Parking Area for the Casco Bay Ferry Service in Portland." (H. P. 844) (L. D. 1029)

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

Mr. HUBER: Mr. President, I wonder if somebody might be willing to table this until later in Today's Session. These remaining items we have not seen the Enactors, and at this point do not know whether the Amendments have been adopted.

On motion of Mr. Conley of Cumberland, Tabled until Later in Today's Session.

#### (Recess)

The Senate called to order by the President. (After Recess)

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

Mr. CONLEY: Mr. President, I now move that L. D. 1029 be removed from the Table.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that 1029 be taken from the Table. Is it the pleasure of the Senate? It is a vote.

This being an emergency measure and having received the affirmative vote of 23 Senators, and 3 Senators in the negative, and 23 being more than two-thirds of the membership present, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Enactors

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

"An Act Appropriating Funds for Increased Staff and Changing Certain Provisions Relating to the Appointment of the Executive Director of the Maine Labor Relations Board." (S. P. 227) (L. D. 705)

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

"An Act in Support of Regional Library Systems." (S. P. 462) (L. D. 1585)

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

"An Act to Amend the Employment Security Law to Include Federal Requirements and other Options Available to the State." (H. P. 762) (L. D. 1012)

"An Act to Provide a Uniform Basis for Recognizing the Right of the University of Maine Employees, Maine Maritime Academy Employees, Vocational-Technical Institute Employees and State Schools for Practical Nursing Employees to Join Labor Organizations." (H. P. 1144) (L. D. 1391)

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

#### Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution, to delegate Certain Emergency Budgetary Powers to a Joint Legislative Committee to be Exercised when the Legislature is not in Session. (H. P. 1397) (L. D.

1658)

Comes from the House, Failed of Final Passage.

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

Mr. KATZ: Mr. President, I expressed my lack of enthusiasm for the previous Constitutional Amendment, but this is the one I really, really do not like. I am not sure whether it has been debated. It has not been debated while I have been in the Chamber, but I call your attention to it, and I am going to vote against it, and I hope that a good many Senators do.

(Off Record Remarks)

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

Mr. CURTIS: Mr. President, under the circumstances, I certainly will not belabor this issue, but this seems to me to be a very bad direction for the Legislature to be going to create a Joint Legislative Committee, which initially was described as being the Appropriations Committee and that was taken off by amendment, so we do not know what Joint Legislative Committee, whether an existing one or a future one to, would seem to me, handle the contingent account in the future, that would seem certainly to be an unwarranted intrusion by the Legislature into the proper authority of the executive.

This being a Constitutional Amendment and having received the affirmative vote of 4 and 25 in the negative, and 4 being less than two-thirds of the membership present, this Resolution Fails of Final Passage in concurrence.

(Recess)

(After Recess)

The Senate called to order by the President.

**Enactors**

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

**Emergency**

"An Act to Provide Home Winterization for Low Income Elderly, Disabled and Other Low Income Families." (H. P. 1243) (L. D. 1468)

**Emergency**

"An Act Providing Funds from the General Fund for the Purpose of Developing a Parking Lot in Lincolnville." (S. P. 410) (L. D. 1418)

These being emergency measures, and having received the affirmative vote of 24 Senators, and 1 Senator in the negative, and 24 being more than two-thirds of the membership present, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

Mr. HUBER: Mr. President, I now move that L. D. 14 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table "An Act to Exempt Turbojet Fuel Used for International Flights from Sales Tax." (L. D. 14) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber now moves that the Senate suspend its rules and reconsider its action whereby L. D. 14 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that the Senate reconsider adoption of Committee Amendment "A".

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

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now present Senate Amendment "B" to Committee Amendment "A" and move its adoption.

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

Senate Amendment "B" (S-424) Read and Adopted.

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

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 would like to direct the Senate's attention to L. D. 1891, Resolve, to appropriate \$8,956 to the Town of Milbridge to Reimburse it for Burglary Loss and move that the Senate reconsider its action whereby this Bill Failed of Final Passage, and urge the Senate to vote against the Motion.

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

Mr. WYMAN: Mr. President, I move that this motion be tabled until later in the day.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves that the motion to reconsider be tabled until later in Today's Session. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

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

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

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

13 Senators having voted in the affirmative, and 12 Senators in the negative, the motion to table does prevail.

On motion of Mr. Huber of Cumberland, Recessed until 3:00 in the afternoon.

(Recess)

(After Recess)

Senate called to order by the President.

(Off Record Remarks)

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

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

In the Senate July 11, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-672) as amended by Senate Amendments "A" (S-351) and "B" (S-411) thereto, in non-concurrence.

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

On motion of Mr. Speers of Kennebec, The Senate voted to Adhere. Sent down forthwith for concurrence.

**Nonconcurrent Matter**

Bill, "An Act to Provide Lifeline Electrical Services." (H. P. 1669) (L. D. 1867)

In the Senate July 11, 1977 Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "B" (H-656) as amended by House Amendment "A" (H-942) thereto, in non-concurrence.

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

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

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 Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: We now have Lifeline back in front of us. The Appropriations Committee and the Leadership were not able to find the number of dollars required to fund this. If you remember, there was a price tag of \$750,000.00 on this when we sent it on to the Appropriations Committee.

If you will look at House Amendment H-942, you will see that this bill has been changed somewhat. Now, we provide that anybody 65 years of age or older making less than \$6,500.00 per year, shall receive this Lifeline rate which is to be designed within the next year and a half to give the Public Utilities Commission until January 1st, 1979, to design a Lifeline rate, a special rate granted. There are presently some 14 special rates in existence in use by the various power companies throughout the State. We are now asking them to give us another one, for the first 500 kilowatt hours per month, that is all. We are asking that Senior Citizens, low-income over the age of 65, be allowed to have a cheaper rate on the first 500 kilowatt hours per month.

I think this is an essential bill, I think this is a good bill. Now, nobody is standing here saying that dollars are going to fall out of the sky, but if you look at the amendment, this provision built into the amendment, that the power companies will be able to recoup their losses through rate structures designed by the Public Utilities Commission—any loss to the power company as a result of this particular Lifeline rate, will be reasonable expenses in terms of the next rate hearing that the particular utility has to go for.

I think this is an essential bill, as I said. Our Senior Citizens, any Senior Citizen, anybody really, but particularly the Senior Citizens making less than \$6,500.00 per year at an age of 65, I am asking you to go along and give them this special rate. The PUC will have a year and a half to come up with this rate and I do not think it is too much to ask for considering all that the Public Utilities Commission is charged with and all that the particular utility companies are able to provide. Thank you.

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

Mr. COLLINS: Mr. President, this bill in its present form essentially does the same thing that many of us have objected to right along. It makes the rest of the rate payers subsidize the program, and there are in the group of people who would subsidize one element of the society, a number of people who can ill afford to do it and this vehicle right now, just restructures the rate process, so that it is hidden from view, but essentially, it will provide for a social welfare program that the other rate payers will pay for, and I would also call to the attention of the Senate that there is available, currently about \$3.1 million of federal money that will be allocated to the State of Maine to be used for direct benefits to consumers for fuel and energy purposes and it seems to me that this is the



direction in that we ought to go.

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

Mr. CONLEY: Mr. President and Members of the Senate: Again we get down into the final hours of debate on these bills. I would like to say that this is one bill that was discussed Saturday by the Leadership because of the fact at that time, it did have a state appropriation on it from the General Fund. I might say that there was a great deal of concern as to whether or not even by stripping off the general revenues, and changing or amending the bill, relative to the PUC establishing a special rate such as they do for industry and other divisions, that there was some disagreements among, actually on both sides of the aisle. It was by no means a straight partisan vote, there is support from both sides of the aisle, and there is opposition from both sides, but I think that we should consider the benefits that it is going to give some of our Senior Citizens throughout this state, and we can argue all we want about the fact that what we have done for the elderly. I think that what we have done for the elderly, will be surmised after we have gone and left this Chamber and people will then figure out whether we have done good or bad but I do not honestly feel that the top priority of this legislative session has been the benefit to the elderly. In fact, I look back over it, it seems to me that we have not done that much for them. But I would ask the Senate to consider the proposed bill before you, that at the time of the hearing, this bill, that the pilot project that was established under the guidance of the last legislative session, the reports that were given before the PUC testifying on the Lifeline experience of the several counties that it was set up in, each report came back stating that it was one of the most worthwhile projects that the Legislature approved of, in the last session, and I do not think things have changed from the time of that hearing until today. The fact is, that the Legislature does not want to take from the General Fund, the cost of the operations of this program, so therefore, as a substitute measure, we are asking or requesting the PUC to establish a special tax rate or a special rate for the sole purpose of trying to institute and to continue on this very worthwhile project. Mr. President, I would urge the Senate to vote to recede and concur, and when the vote is taken, I request that it be taken by the yeas and nays.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: Just a couple of items that I missed in my earlier remarks.

First of all, the reference by the Senator from Cumberland, Senator Conley to the pilot project, I would just emphasize that the Public Utilities Commission has told us that this was, in fact, an excellent project, the one glaring thing that seemed to be wrong with the pilot project was the fact that surcharge on your bill offended a lot of people, not that they were not willing to pay it, but just having that out there by itself seemed to offend a lot of people.

We have talked a lot in this Chamber about progressive taxation and progressive measures to help people based on their ability to pay. This is a progressive measure, this Lifeline rate, or the establishment of one would be. It is based directly on one's ability to pay, not only that, but it is the only special rate, or would be the only special rate that encourages conservation. We have heard a lot about energy waste and energy shortages, this was proven during the pilot project, that the Lifeline rate, in fact, does encourage conservation of energy because once the Senior Citizen goes over the 500 kilowatt hours per month, then they start to get charged more and therefore, they will try to keep their usage down as much as possible.

My colleague, the Senator from Aroostook,

Senator Collins, pointed out that it is not fair to make the rest of the rate payers in the State pick up the tab, and I would just pose a hypothetical question: "Had we found the \$750,000. State General Fund, who would be picking up the tab then, other than the state?" When you pay your State Tax, when you pay your Income Tax, when you pay all the rest of the state taxes that we have that go to the General Fund, I think it is hypocritical to say that in that case, all of the taxpayers of the state would not be paying for this, but in this case, all of the rate payers would be. They are one and the same, I think we have a very few people in the state who do not pay taxes or who do not use electricity in the form of rate payers and I will just reiterate what I said earlier. I think we generally felt in this Chamber that this bill went to the Appropriations Table, that there would not be money available and I think it would be very hypocritical of this Legislature, of this Senate in particular, to pass that bill to the Appropriations Table and then to allow it to die. When we have what I find, a very acceptable alternative here in front of us, and I would hope that we would vote to keep this bill alive.

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

Mr. TROTZKY: Mr. President, I would like to pose a question through the Chair to someone who may answer this, but will low income people under 65 also be subsidizing those over 65, those people earning less than \$6,500.00 who are over 65?

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

Mr. CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: In response to the Senator from Penobscot's question, I would have to answer hypothetical yes, because, in effect, the rate payers, all the rate payers within a given utility, a jurisdiction, would in fact, be subsidizing this program. I do not think anybody has made any bones about that or tried to hide that. We estimated the cost earlier at \$750,000.00 statewide and that was earlier. Since that time, we have put in the restrictions that just apply to the first 500 kilowatt hours per month so the cost will be considerably less, I would think, or some less than the original \$750,000.00 price tag, but in answer to the Senator's question, yes.

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

Mr. MERRILL: Mr. President and Members of the Senate: The whole structure of rates of course, I suppose, ultimately have one rate payer subsidizing another one unless the rates are exactly the same. I would point out to the Senate that over the years the price structure for electricity during the golden years of energy consumption have always been such that the more energy you use in the form of electricity, the lower rate you paid for every unit of electricity you purchased and of course, the reason for that was that at the time when we were trying to encourage people to use electricity, was to encourage consumption, and during those years, there was not a lot of concern raised on the part of the people who used less. The spokesman for the people who used less who indicated the people who were using less, in fact, subsidizing the electricity bills for those who consumed more. Well, today in this age of more limited energy and when we are trying to get people to conserve energy, we really have a bill now, with this kilowatt limitation that is written into the bill, which does the opposite, admittedly for a limited group limited by age but I think, takes a step in the right direction, which is the opposite step, which is those who use less, pay a lower rate. Now, I guess that means that those who use more, subsidize those who use less, but it has been the other way around for a long time. There has not been a great deal of concern raised about that

and over the years, we have used and certainly the utilities have used, a price rating structure that has encouraged the ends that they wanted to encourage; i.e., greater consumption in electricity, and today what we are talking about is having one group at least, the rate structure which does the opposite, which discourages the use of electricity, and I think that is a step in the right direction and would encourage the Senate to vote to recede and concur.

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

Mr. MORRILL: Mr. President and Members of the Senate: I am very much in favor of utility rates that are based on the proper application of cost to usage, but I think one of the things to bear in mind in this discussion, is, how many avenues do we want to employ to reach a given end? Specifically in this instance, aid to the elderly, or assistance to the elderly. Now, we have a rent relief program, we have just set up a new program of free drugs to the elderly. I submit that probably in both of those programs, we are not doing as much as we should and I just, I guess instinctively, am opposed to trying to do the same thing through so many different avenues.

I would hope that we would defeat this bill, that as the years go on, we would try to do a better job in the area of rent relief and now that we are committed to free drugs and I have not been in favor of that entirely, because I thought it split off our attention to rent relief, we would probably do a better job with that, but this is just one more way to reach an end and I submit that I guess I am opposed to doing it in that fashion.

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

Mr. MERRILL: Mr. President and Members of the Senate: I am not exactly sure what the previous speaker, the Senator from Cumberland, Senator Morrill meant when he said he was in favor of a pricing system that had people pay for each unit of usage on the basis of what it cost to produce it. But it would seem to me that if we could set up a system of pricing that discouraged use and that had the rates go up, if you used more electricity instead of the other way around, which has been the practice over the years, that that would limit the need to burn fossil fuels and that would limit the need to build power plants at today's very high construction costs, and both of those factors, I would think, would hold down the cost per unit so when we do the opposite, when we have a pricing structure that is archaic and adjusted to do just the opposite, and that is to encourage use, we are in fact, having the people who are costing the rate payers the most by putting demand, further demand on our electrical production, getting the lowest rates, which to me is not a system that represents true cost per unit. Now, I admit that this Lifeline proposal is limited in that it applies only to Senior Citizens and therefore, my arguments for it are applicable only to that extent, but I think it is a step in the right direction, it is a step that is actually talked about in Massachusetts and other states, not on the context of elderly, but on the context of changing around the whole pricing structure for our electrical usage and the previous occupant of this seat, limited the bill that was passed last time to the elderly, just to cut down its impact and get something passed.

I would hope we could put it on the books, across the board in the state not on a trial basis for the elderly this time, and I hope that the concept which is the price per unit of electricity will go up with the amount consumed will be one that will spread, across the board, because I think in the long run when we give discounts to high electrical users we are all footing a very big bill in the future, and the bill is not only going to cost us in money, but it is going to cost us in the very independence of our nation from

dependence on foreign oil supply.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I really do not see this basically, as an energy issue. I think the concept, I like the concept of Lifeline, but only when it is being supported out of General Fund revenues.

What we are doing with this bill, as I see it, is Number 1, we are asking many low income citizens in the state who are under 65, who are trying to support their families, children and so on, we are asking them to support the elderly with Lifeline electrical. I got many calls on this during the last session. I did vote for Lifeline electrical and this is what many middle income people said to me: "I give to many charities, but I do not like the Government mandating that I give to charity, but I would like to give voluntarily." So I feel if we are going to pass a Lifeline bill in this Senate, the money should come out of the General Fund and not out of the pockets of many of the citizens back home.

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

Mr. CONLEY: Mr. President and Members of the Senate: I was reading in the paper over the weekend where Maine in about 12 years will have one million Senator Troztkys running around the state and I look forward to that day, but I do not look forward to his logic. We want to be honest about it, there is a difference, a difference whether the money comes from the General Fund or whether it comes spread out amongst all the rate payers. The difference being that we are not going to appropriate or honor a tax situation. Now, it seems to me that if we are going to try to benefit those who are in need and it is spelled out very clearly, those who are in need, that I suggest we finance this bill.

You know, I remember back during the previous Legislature when we passed the Lifeline experimental plan and I got a number of phone calls; people wanting to know what this surcharge was on their bill. Where did this extra seven cents come from? Who is tacking this on? And, you know I started thinking, what has made people all of a sudden respond to me, why are people calling me at my home on this? Perhaps I am not a Rhodes Scholar and I did not come out of the Ivy League Colleges, but I know one thing, that it did not take long for the power companies to tell them who to call and furnish them the phone number. They never told them exactly what the program was all about and I would gladly sacrifice seven cents a month to help somebody in need, and that is what we are talking about. We are telling the PUC to establish a Lifeline rate state-wide to help these people who are only helped in a few of the several counties during this past two years.

So if you believe in that type of socialism to help the elderly, vote for it, and if you want to hurt them, you want to kill the bill, well, you can do what the good Senator from Aroostook, Senator Collins is asking you to do, but I would suggest you vote for the bill.

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 the Senate recede and concur with the House.

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.

#### ROLL CALL

YEA — Carpenter, Chapman, Conley, Danton, Farley, Hewes, Hichens, Levine, Lovell, Mangan, Martin, Merrill, O'Leary, Pierce, Pray, Redmond, Speers, Usher, Wyman.

NAY — Collins, D.; Collins, S.; Curtis, Greeley, Huber, Jackson, Katz, McNally, Minkowsky, Morrell, Snowe, Trotzky.

ABSENT — Cummings.

19 Senators having voted in the affirmative, and 12 Senators in the negative, with 1 Senator being absent, the motion to recede and concur does prevail.

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

Mr. CONLEY: Mr. President, I question through the Chair, could the Chair inform me as to what the position of the L. D. is at this moment?

The PRESIDENT: The Chair would advise the Senator that it was Passed to be Engrossed in concurrence.

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

Mr. HUBER: Mr. President, with respect to L. D. 1475, Bill, "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility," would a motion to reconsider be in order?

The PRESIDENT: The Chair would advise the Senator that that bill has been ordered sent forthwith to the House.

The Chair would advise the Senator that if he would like to make a motion to suspend the rules, the Senate could reconsider.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I would move that the rules be suspended.

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

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move reconsideration.

The amendment that I presented this morning, which is Senate Amendment "B" to Committee Amendment "A" (S-411), was a bit far reaching, and in fact, cancelled the purpose of the bill. The amendment was to indicate that the funding of this bill would be provided in Title 20 funds, which in fact, will be the case even without this amendment we found on further checking. However, the amendment did strike out portions of the bill which are necessary, and I would hope that the Senate would reconsider, and then recede and concur with the House.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider its action whereby it voted to adhere in reference to L. D. 1475. Is it the pleasure of the Senate? It is a vote.

Is it now the pleasure of the Senate to recede and concur with the House in reference to L. D. 1475? It is a vote.

#### Joint Order

ORDERED, the Senate concurring, that Joint House Order H. P. 837 of the 107th Legislature be amended by striking out all of the next to the last paragraph and inserting in its place the following:

ORDERED, that the special committee report the results of its study together with all necessary implementing legislation no later than December 1, 1977; and be it further

(H. P. 1831)

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

#### Enactors

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

"An Act Concerning Review of Corporate

Certificates and Other Documents." (H. P. 679) (L. D. 941)

"An Act to Establish the Maine Food and Farmland Study Commission." (H. P. 1336) (L. D. 1593)

"An Act Authorizing Expenditures for Health Care Alternatives." (H. P. 1268) (L. D. 1496)

"An Act Establishing the Maine Student Incentive Scholarship Program." (S. P. 423) (L. D. 1481)

"An Act to Provide Road and Bathing Facilities at Birches Point Park at Owls Head." (H. P. 1217) (L. D. 1453)

"An Act Providing for a Fishway at the Frankfort Dam in Frankfort." (H. P. 1153) (L. D. 1371)

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

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

"An Act to Require Periodic Justification of State Government Programs and Independent Agencies." (H. P. 1163) (L. D. 1206)

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

Mr. CURTIS: Mr. President, Item 8-6 is L. D. 1206 and I would ask my colleagues in the Senate if they are at all interested in what I think is the most important piece of legislation that has faced this Legislature this year. They agree with me in that concept. Take a look at the engrossed copy of L. D. 1206 and follow a little bit with me through the language of this proposed piece of legislation and see if you share with me a concern for how far reaching the simple act that we may be about to take today of Enactment of this Bill, will be on the future of the State of Maine.

The first section, I think probably, is the best section of the entire bill. It says, "This Act may be referred to as the Maine Sunset Act," and probably the finest thing about this piece of legislation is the title. It certainly is the most enticing and brings forward lots of ideas of Colorado and legislation which has been Enacted there, and the concept of putting a control on State Government but I wish you would think a little bit as we go through this piece of legislation about the impact that Enactment of this legislation now will have on future Legislatures.

The second section describes the purpose, the first sentence states the "number and size of state departments and independent agencies have increased without sufficient legislative oversight and governmental accountability." It almost sounds as the sort of thing that all of us would like to use in a campaign speech as we describe what is going on in Augusta, but I would suggest that you might think for a minute upon some of the positive things that have occurred in recent years here in Augusta as we have provided increased staffing and funding for the review by the Legislature of Executive activities, as we have provided increased accountability of executive activities through elimination of the Executive Council. As we have tried to strengthen the Department of Audit. As we have provided the effect of Right-to-Know Laws. As we have done a variety of other things all of which have had the impact of opening up State Government and I would suggest making it more accountable. The definitions, I think, are insignificant in terms of my observation, so I would suggest you then turn to Page 2 of the Engrossed Bill where it describes Justification Reports. Now, what this piece of legislation proposes is that each department and independent agency shall prepare and submit to the Legislature a Justification Report according to a schedule

which is set forth in the legislation. Those reports are to be prepared in a scheduled basis at least once every ten years. But if you will note with some interest, I think that the reports are prepared by the agencies in the departments involved themselves, so that the initial report (so to use the term that is in the bill) is, I would suggest, not a Justification Report, but a self-justification report, and you will see in Section II when it talks about the contents of that Justification Report, you will see what is to be included. It says, "each report shall include a description of each program and activity of, and each advisory body to the department and independent agency including references to authorizing legislation, organizational charts, and the description of objectives." We now have much of that information available in one simple volume called the "Annual Report of Maine State Government," and it is available for all of us to refer to and to determine what the programs are of the agencies that are involved. This report that is asked for, would undoubtedly be more extensive, but as I would suggest before being a self-justification Report, it would be undoubtedly an involvement with a good deal of tub-thumping on behalf of the agency itself. We have of course, available to us, not only the Annual Report that I just mentioned, we also have the Budget Document, the proposals that are presented to the Legislature and particularly to the Appropriations Committee, and we have available to us, particularly through the Joint Committee on Performance Audit, the Audit Department of the State of Maine to conduct legislative audits in programs that we are concerned with. In Section C of that same page, says, "each report shall include an identification and description of other governments and private programs and activities having the same similar or complementary objectives as the Department or independent agency. I can see where most agencies asked to report in this fashion would describe their activities as they complement other agencies and say how they work harmoniously with other parts of State Government and private agencies. I would doubt very much if they would ever say that they are performing duplicate functions.

Section D says, "that each report shall include an analysis quantified as much as possible of the extent to which the objectives of the department or independent agency have been reached." There again, I think we are just asking for the type of report which we are likely to get, and that is a self-justification analysis.

Section 505 is an interesting one because it then requires the Department of Audit to analyze the Justification Reports which have been provided by the different departments and agencies and to apply some criteria that appear on the bottom of that page and the top of the next page, and answer certain questions. Those questions, I think are very good ones, they are the same questions that we address every day that we are in session as we discuss the wisdom of enacting legislation which will substantially fund or extend the powers of a particular state agency or department. The key part of the legislation, and that which I have the greatest difficulty with, comes at the middle of Page 3 when it talks about "termination of independent agencies." It says, "unless continued or modified by law, or unless otherwise provided under Section 507 each independent agency shall terminate according to the schedule set forth in that Section." Then describes a grace period and basically the concept is, if an independent agency is terminated that is, by failure or acts and the Legislature did not re-enact it or something similar, then that agency has a one year grace period in which to wind down its activities.

Beginning on Page 4, you will find the

schedule that is actually involved. The first section in each year called "departments" are parts of state government which would not be terminated automatically, they would be subjected to the same reporting system that I described earlier and I think that might be a very good idea, although, it basically is a concept or an idea which supplements which we already do in the Legislature. The second group in each part are those independent agencies which would be terminated unless additional action requiring action of both bodies in the Legislature, approval by the Governor and override of a veto were to occur, and here I think is where we have to face the heart of the concept of Sunset, that is the automatic termination of a part of State Government and address the concept of whether or not we want to pursue this route or whether or not we like the idea better of analyzing each particular agency on its own merits.

I would ask you to look at some of the agencies which are involved. "I", on that same Page 4 is the State Lottery Commission. This is a commission which I oppose vehemently, voted against and would oppose now if we had an opportunity again to look at it. It was a commission and a State Lottery Concept which was proposed by the Legislature and finally approved by the people in a referendum and I would suggest that it is going through the back door, as much as I would personally like to defeat the commission and abolish it, it is going through the back door to eliminate the State Lottery Commission using this type of Sunset concept. You can see some of the other agencies which are involved.

On the next page, Page 5, a long list from A at the top of the page to W two-thirds of the way down the page, of independent licensing agencies all of which would be eliminated or terminated by the terms of this law on a date certain. That would be June 30, 1982 plus one year grace period or June 30, 1983. Some of these independent agencies, I think we might argue, are not needed. I am sure there would be a great deal of argument as to whether or not they were needed because all of them were created after a great deal of effort. Some of them, I would suggest, are independent licensing boards which none of us would suggest ought to be eliminated. For example, N is the Board of Registration in Medicine. O is the State Board of Nursing. P is the State Board of Optometry. Q is the Board of Osteopathic Examination and Registration. G is the Board of Chiropractic Examination and Registration, and those of you who have been around for a few semesters as they say, may recall the year when we had a very simple looking piece of legislation which was titled, "An Act to Improve Health Care" and all it was, was a repealer of One Section of the law, and if you looked up that section, you would see that that repealer was to repeal the practice of Chiropractic in the State of Maine. It involved a great deal of discussion and analysis on the part of the Legislature and that particular proposal was finally defeated, but here in one fell-swoop is a proposal for eliminating all of those independent licensing agencies.

On the next page, I point out to you A at the top of Page 6, is the Baxter State Park Authority. I would be curious to know from anybody who worked on the legislation exactly what would happen when we enact this piece of legislation and the Baxter State Park Authority is scheduled to be terminated no later than June 30, 1985, that will be including the grace period. The language by which the Maine Legislature adopted the Baxter State Park Authority is an interesting piece of legislation. I will only take the Senate's time to read a little bit of this because of the severity of the impact of the bill that is before us now. "The purpose of the Baxter State Park seldom has a more generous gift

presented to the people than has been given by Percival Proctor Baxter to the people of the State of Maine. It is incumbent upon them, the recipients, to preserve the trust impressed upon them to insure for themselves and for future generations, the fullest use of Baxter State Park consistent with the desires of the donor," and it goes on to describe the purposes of the Authority. It says, "It shall be the object of the Baxter State Park Authority to preserve the grandeur and beauty of Maine's highest peak, Mt. Katahdin as well as the 45 other mountains, the numerous lakes, ponds and streams to subordinate its own wishes to the intent of Governor Baxter to recognize his wish that in this era of change, one thing of natural beauty remain constant." I will not continue because I am sure you are as familiar with the impact of the articles of trust and provisions which have been very carefully analyzed regarding the creation of the Baxter State Park Authority and the Park itself, and I would just ask you if anybody has analyzed carefully the impact of wiping out the Baxter State Park Authority upon the future of the State Park that is located in Piscataquis and Penobscot Counties.

To go down a little bit further, you see agencies which are the result of the extensive battles of interested groups of Saco River Corridor Commission, the Coastal Island Trust Commission, the Maine Sardine Council. Perhaps not important beyond a very limited area that industries are concerned, but certainly significant to those people who worked for the enactment of the agencies when they were first created. The next one, H, is the Public Utilities Commission. I can imagine that when the year comes for the Public Utilities Commission to be automatically terminated, that would be no later than June 30, 1985, that there would be a number of people in the halls of this Legislature who would be very interested in seeing the PUC abolished and if you have the same view as I have of enactment of legislation, you will know that it is a lot easier to kill a piece of legislation than it is to enact something new, and I would suggest that what might happen, is if we had no PUC at all, that the utilities which are presently subjected to rate regulation would be able to set their own rates all by themselves, and not subject to any review at all. That would be an interesting experiment. To continue on down to the bottom of that page, you will see the Board of Trustees, Group Accident and Sickness or Health Insurance, Board of Sanitation of Licensing Inspection Division, and on the next page, Page 7 the Industrial Accident Commission would be terminated.

The Industrial Accident Commission for those people who are not familiar with it is that agency which supervises our Workmen's Compensation program. If we had no Industrial Accident Commission, I suppose what would happen, would be that every employee who was injured on the job would be able to sue his employer and there would be no limit to the amount that he could collect from his employer. neither would there be any protection to the employer on the amount which could be collected. The Maine Criminal Justice Planning and Assistance Agency would be automatically terminated in that same year as would the other agencies which are involved. Go a little bit further on the bottom of Page 7, Number 10, are those agencies which would be terminated not later than June 30, 1989, given the extra grace period, and the first is the one of Office of State Employee Relations. I am not sure who would negotiate in behalf of the state but I expect that come 1989 it is entirely possible that these would have been impasses created and that there would be again, people working in the corridors of the State House to see that the Office of State Employee Relations is not re-enacted.

The Post Secondary Education Commission

of Maine is included in that list, as are some other agencies, and indeed the State Liquor Commission is included in one of those agencies which would be automatically terminated.

The next thing I would like to discuss is what is not on the bottom of Page 8, was until we changed it earlier today and that was some funding to carry out the purposes of this Act. The initial funding that was on the Bill was \$32,600.00 for the fiscal years 1978-79. That was eliminated by an Amendment earlier today, and it would have provided personal services in the Department of Audit to carry out the duties which have been assigned under the terms of this bill. I asked for an analysis from our State Auditor as to what the cost would be of carrying out the bill and he responded with a note saying that the total need in terms of personal services would be four with all other capital expenditures, it comes to \$58,000.00 a year. So among other things, I think it is a piece of legislation which is terrifically underfunded and at this point it has no funds on it at all. This is a piece of legislation that is reminiscent a little bit perhaps of Alice in Wonderland as she views the Queen of Hearts screaming, "Off with their heads" as the Queen decides that irregardless of the functioning of her assistance in other cards they are not needed, and immediately decides to terminate their existence. So if we really want to take an approach towards State Government of eliminating a number of very important agencies in the years hence without carefully analyzing, without carefully writing the legislation, then we should enact this bill. If you agree with me that it would create severe problems, and I hope you will vote with me in a Division Mr. President, in opposition to the bill.

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

Mr. MORRILL: Mr. President and Members of the Senate: My seatmate the good Senator from Penobscot, has described to you theoretically, I think what is in the bill. But I think he is suggesting to you, the problem is so great that there is no way out of it, that we have techniques on the books now which would permit the Legislature to periodically look at State Government, well, if we do, we have not used it. He speaks in very dire terms about the possibilities of doing away with critical state agencies and departments. I think that the discipline that is suggested here is that it takes positive action on the part of the Legislature as a whole to take a determined look at each of these departments and agencies on a rather regular basis. I do not think anybody suggests the Legislature is going to irresponsibly avoid this task and let agencies of real value die, but it is suggesting that the ball is in the park of the Legislature to take positive action to look thoroughly at each agency, and to do it on a periodic basis. Now, this is a tool, I am sure it is not a perfect tool. The Senator from Penobscot suggested it is underfunded. I would remind him that four positions are going to be funded in the Legislative Finance Office and it will be the Program Review and Analysis Branch that has formerly been under the Department of Audit. It has not been adequately used there, it is anticipated that when this group is transferred to the Finance Office, that there will be a much closer and more productive relationship between the Appropriations Committee and the Performance Audit Committee. Now, I think you can take a piece of legislation of this scope and magnitude and you can throw up some phantoms and you can destroy it, and we go on watching State Government continue to grow and we do not do very much about it except to talk.

This Bill would result in an awful lot of work being done or an awful lot of damage being done. I submit that the Legislature in the years to come will be responsible, if this legislation is passed we will look periodically at agencies and

departments of government and not only challenge their existence but challenge the direction they are moving in, and changes will be made and in fact, we will not abolish many of them but hopefully we will make them more efficient and more productive, and I would hope today that you would not do away with this bill, that we will continue to take positive action with it and that we will challenge Legislatures in the future to look very carefully at the things they have done and the agencies they have created, eliminate them where it is possible and reasonable; and improve them in most instances, I am sure.

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

Mr. MERRILL: I would like to request the Secretary to read the Committee Report.

The PRESIDENT: The Secretary will Read the Report.

Which Report was Read.

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

Mr. MERRILL: Mr. President, this Bill not only comes with the unanimous report from the Performance Audit Committee but it comes recommended, as I remember it, as their top priority to the Committee on Appropriations and Financial Affairs. Let me just make a couple of quick points and really they are just to say Amen to a couple of the points that have been raised by the Senator from Cumberland, Senator Morrill. The easiest way to kill Sunset Legislation is to go through the inspection that it demands and suggest that the Legislature is not going to keep going along with everybody's pet project. One of the toughest things in passing a Sunset Bill is to get around that sort of special guarding of the errors that are most important to everyone else and really if we are to ever to have any of the discipline of this kind, we have to be willing to see our pets undergo the same sort of scrutiny as the things that we think maybe could be cut from State Government. That is what is demanded of every one of us, voting for this bill, if this bill is going to pass, because I am sure as the Senator from Penobscot, Senator Curtis, goes down through the list and reads off the things that could be terminated as a result of this bill, there is something in there that everybody loves.

I might point out that the sponsor of this bill was really one of the fathers of the idea of the Saco River Corridor Commission, one of the things mentioned by the Senator from Penobscot, Senator Curtis and so he, himself, had to submit himself to that discipline and I am sure when he was writing this bill, it did not come easy to put down on the list, the Saco River Corridor Commission, something that he worked so hard to create and has worked so hard since he came to the Legislature, to keep in existence. But that is what we have to be willing to do, if we want to stop the parade that really does make it so much easier to keep agencies than to remove them for the reasons that were stated by the Senator from Penobscot, Senator Curtis, himself when he said, "It is easier to kill a bill than to enact it," and that negative bias built into our system makes it, maybe, fairly hard to create an agency in the first place but once it is created, it is equally hard to remove it. And what you see over the years is a slow accumulation in building up and building up and finally gets to the point where you just have to call a halt and you have to say all right, now let's start weeding out some of the programs we have before we enact new ones. Now this I want to point out to the Senate and to the Senator from Penobscot, Senator Curtis, whom I know is quite an expert on Sunset Legislation and who is one of the leading spokesmen against Sunset Legislation in the group of State Legislators to which he belongs and is very active and a very constructive participant. I am sure he comes to it through that

point of view but this, as I would point out to the Senate is a very conservative Sunset proposal, in that first of all, the major departments of government are not terminated but simply have to file these justification statements and those have to be dealt with by the Legislature, and secondly, this ten year period, I think if you went out into the street and asked people or you did a poll and asked people, "Should we have a provision where these programs automatically terminate every ten years?" The overwhelming reaction would not be every ten years, we should do it every four years, or every five years. Well, we know the work that is involved in doing a good job with this review and this analysis, so I think that ten years is a responsible proposal, but what program is so sacred actually, that it should not really have to justify itself after 10 years? It is going to be competing with new programs that people want, maybe, but it has an advantage already because it has institutional friends, it has the people who are currently employed in the program and that advantage ought to be enough so that we can be guaranteed that it will at least get its equal hearing in court.

I think that this is a good proposal whose time has come, it really has a companion bill which I think we have already enacted and which is a Sunset Proposal on regulations which was sponsored by a member of the House from the other party, and I think the two of these together take a long step forward towards restoring the faith of the people in government, and I do not mean to suggest that as we go through this termination process that it is not going to be tough and that there are not going to be a lot of people who are going to be cursing the day that we pass this bill, maybe. Until the final outcome comes out, but I have faith in legislative process not to act irresponsibly, and probably ultimately not to do away with most of the programs that have been pointed out as particular favorites of the Senator from Penobscot, but I think that it is an important exercise for us to go through it and I think that it is important that they receive this sort of review and that we recognize the negative bias built into our system and act accordingly, and I would hope that the Senate today would pass the Sunset proposal and would ask that when the vote is taken, it is taken by the yeas and nays.

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

Mr. KATZ: Mr. President, there are certain phrases like "openness in government" and now Sunset Legislation and fiscal responsibility that just roll off your tongue and they all sound good. I am not going to vote for this legislation because I have many of the concerns raised by the Senator from Penobscot, Senator Curtis. It seems to me that instead of casting a procedure in concrete that future Legislatures should review and raise the questions about the propriety of continuing programs in departments on a priority rather than necessary basis, but I am deeply concerned that if this bill passes, that you are going to get a significant expenditure of time and money within each department glorifying the work that it does, putting out all of this justification for the program and then perhaps coming in and asking for some additional money, in Part II. I do not think this is the response to the problem that the Legislature should pursue.

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

Mr. MANGAN: Mr. President and Members of the Senate: I am almost confused at this point as to the fact that we should rejustify each program every ten years because if we do that then we are going to force these agencies to pretty themselves up, and secondly, if we open them up, and secondly, if we open them up and make it public, we do not want to do that because they might get shot down and we might



not have an agency. The ten years seems to bother me quite a bit because it might be possible, it might be wasting money for ten years without review. Now, it is interesting the agencies that they bring out, the Baxter State Park Commission, which somebody indicated was really necessary and important. Well, if it is that important, it will justify itself with no problems. The Public Utilities Commission day in and day out, you find it in the newspapers, if it is that important, it will justify itself, if it is not that important, shoot it down. The State Planning Department, I have always had first, no problems with people who earn money trying to find ways to spend money and I wonder whether the State Planning Department in my eyes, could be justified. I might be tempted to shoot it down now, but I think it would be a good idea to open it up and find out what exactly they do and if they are worth their existence. If they are not, say goodbye. Now, one fact that I came across in my past couple of years of work with the counties is that there are in the State of Maine well over 200 districts of every way, shape, form and manner. Regional Planning Districts, Sewer and Water Conservation Districts, etc. What do all of these do? I think I would like to see this thing expanded to include those districts, but certainly you cannot at this time seriously feel that any agency of the State is a sacred cow that should not be examined by the public, and I would urge you to pass this bill with strong support and then begin investigating where our money has been going for the past many years.

(At Ease)

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

Mr. CURTIS: Mr. President, I think the pros and cons of this particular piece of legislation have been described in some detail.

I would suggest that perhaps the Senate is not aware, or all of the Senators, are not aware of the impact that can already be made, it has been made in the past on eliminating programs and on eliminating state agencies. Two that I am particularly aware of, because I happen to sponsor them, along with other legislators, involve the elimination of the Executive Council and I can recall the effort that went into properly doing that, and carefully rewriting the statutes so that they took into account what would happen when the Legislative Council ceased to exist and I get concerned, as I indicated before, about the "meat axe-off with their heads" approach of this legislation which would not carefully rewrite the statutes. All those provisions of this bill say is that certain agencies are terminated, does not describe exactly what Section of the Law or what provisions, what titles, what subsections, it just says that those particular agencies are terminated. Another one that I am aware of, is the old school child fingerprinting law that we used to have. All it took was one legislator introducing one piece of legislation, to eliminate a program. When the Legislature looked at it carefully, it did indeed eliminate that program. I think frequently it is not necessary to have a terrific expense of time and money that is involved in this particular law in order to review all of the agencies of state government even over a ten year period. We are now in the 100th Legislative Day. If this law had been in effect this year, I would suggest you think upon the extra days which would have been necessary in order to analyze whatever agencies were required to be justified for this year and to re-enact the legislation or to kill it.

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

Mr. MORRILL: Mr. President and Members of the Senate: In response to my friend, the Senator from Penobscot, in my opinion, this is not a "meat ax," this is in response to about

28,000 Maine citizens who signed a petition in favor of Sunset Legislation. It has been a top priority item of common cause. I do not think we have to worry about the possibility of this kind of legislation if it is enacted extending the session. There is no reason why we cannot take care of this item, as well as others, within the time allotted. We have not been doing the job in the past, I think, frankly, it is time we systematically, on a regular basis, with prior planning, with plenty of thought, give this positive action, forget about the job of looking at State Government, its departments and its agencies.

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

Mr. PRAY: Mr. President and Members of the Senate: I find the scenario of Alice in Wonderland and the Queen of Hearts quite interesting, because when I look at the cast of characters I see the cards as the bureaucracy of the State of Maine which is there to serve the people as organized and directed by the people elected to serve the people of Maine and I see the action of the Queen of Hearts as that of justification of those individuals that will serve in future Legislatures to serve the people in the State of Maine and I guess the question that the Senator from Penobscot, Senator Curtis is asking us, is whether or not we put faith in those individuals that will come down the road at these intervals of time that will review these agencies and decide if they should be terminated or continued. So I think the question is basically if we trust the Democratic system which we have, which elect people which we feel are responsible and those individuals who will weigh the evidence that is before them at that time when the review comes. I think that the Senator from Cumberland, Senator Morrill has well explained the viewpoint from the Performance Audit Committee and I think I concur wholeheartedly with him and I would just hope that the colleagues of this Body would do likewise.

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

Mr. CONLEY: Mr. President and Members of the Senate: I wish to concur with what has been said relative to this bill. My colleague, the Senator from Portland, Senator Merrill, certainly pointed out that this was a number one priority of the Appropriations Committee. Senator Morrell stated one of the top priorities of Performance Audit. It came as a unanimous Ought to Pass Report from the Appropriations Committee's Leadership. Leadership itself has unanimously endorsed this particular bill.

I do not personally believe that anyone has been more critical of departments in this body than I have in the past legislative session. I have singled out several departments who I feel well represented within these Chambers and do not really have to go through the process of review that is being considered in this type of legislation. There is an old saying down in my neighborhood, "That the wheel that squeaks the loudest, gets the grease," and it is about time that we made the greasy wheels all accountable, each and every one of them. And this bill is going to do it. Those four additional people that have been transferred from the Audit Department into the Legislative Finance Office will be responsible to the Appropriations Committee itself and also to Legislative Leadership, means a great deal to what is done and what is enacted and what cost figures are approved of by both the Appropriations Committee and each individual member of this Legislature.

The bill referred to, dealing with Agency Rules as sponsored by the Minority Floorleader in the other branch, received the full support and endorsement of the Minority Party in this body, as well as the Majority Party, in the other body, and I would suggest that this bill that we are discussing here today serves equally as im-

portant, equally as important, if we intend to get the job done on behalf of the taxpayers and not a bureaucracy. I would hope that the Senate would vote to pass this bill.

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 on this matter, 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 Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I would like to make one final point because in this 100th day, it may have been a telling one with you, what I am sure was an inadvertent misstatement on the part of the Senator from Penobscot, Senator Curtis, when he talked about here in this 100th day what would it have been like if we had had to do this review process.

You will notice that if you review the legislation as carefully as we began to do with the Senator from Penobscot, Senator Curtis, that the termination dates are all in June of the even numbered year. The purpose for that is, that the people who wrote this bill, wanted the Legislature to have a chance to do this justification work over the summer and in the Second Session so that we could begin the Second Session with a lot of the preliminary work on this justification done and I think that that goes to some extent to answer some of the concerns of the Senator from Penobscot.

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

Mr. CURTIS: Mr. President, if you read the legislation closely, you will see that everyone of the independent agencies which is going to be terminated under the terms of this bill as we enact it, if we enact it today, there is a one year grace period, which means that if we follow our usual scenario of waiting until the last possible minute to take action, that the agencies will be in a process of being wound down and it will indeed be the odd numbered year and I think that we will be looking at the 100th day if not June 30th before final decisions are made as to whether to terminate or continue the agency.

Finally, I would like to point out one more time, that we already have many methods of analyzing problems in State Government. We use these and we should use them more. If you have been following, as I have, and looking at the material that has been distributed on your desk this year, you will see many studies from committees that have been doing this very process of analyzing problems in agencies — I am looking at one here now, a 81 page analysis of the University of Maine, done by the Committee on Performance Audit, and I am not sure that the Legislature even today, is fully utilizing or even reading, some of the reports that are presently being prepared, and I wonder at the wisdom of requiring analyses of all branches of State Government every ten years and the amount of paper work that will be required by Legislatures in the future to analyze.

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

Mr. MANGAN: Mr. President and Members of the Senate: We have heard this afternoon just some minor comments on the fact that — look, after all, we did abolish the Executive Council after some evaluation of the Executive Council, and if I recall correctly the first legislative bill on the Executive Council to abolish it, came in around 1902 and only took about 73 years to abolish the thing.

As far as study orders, if the good Senator from the County of Penobscot would care to mosey on down to our friendly local library on

the second floor, he would find enough study orders there to fill up any library, in any state, studying any subject, on any state agency, and he would find that nothing has been done on any of these study orders or a good part of them. If we look at some of the others, one that went down the drain today was a study of substate districts, which involved districts and counties and what have you, so that when we get into the studies there is nothing that really comes down or focuses on any of the state agencies or their performance currently and this is the way to do it and I would urge you to pass this Sunset Legislation.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is Enactment.

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 — Carpenter, Chapman, Collins, D.; Conley, Danton, Farley, Greeley, Levine, Mangan, Martin, Merrill, Morrell, O'Leary, Pierce, Pray, Snowe, Speers, Usher.

NAY — Collins, S.; Curtis, Hewes, Hichens, Jackson, Katz, Lovell, McNally, Redmond, Trotsky, Wyman.

ABSENT — Cummings, Huber, Minkowsky.

18 Senators having voted in the affirmative, and 11 Senators in the negative, with 3 Senators being absent, this bill Passed to be Enacted.

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

Mr. MERRILL: Mr. President, I move reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, having voted on the prevailing side, now moves that the Senate reconsider its action whereby this Bill was Passed to be Enacted.

A viva voce vote being had,

The motion to reconsider does not prevail.

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

Bill, "An Act Relating to Expenditures of Municipalities for General Assistance." (H. P. 237) (L. D. 300)

In the House June 2, 1977 Passed to be Enacted.

In the Senate July 11, 1977 Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Adhered.

On motion of Mr. Speers of Kennebec,

The Senate voted to Adhere.

#### Non-concurrent Matter

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

In the House June 27, 1977 Passed to be Enacted.

In the Senate July 11, 1977 Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Adhered.

On motion of Mr. Speers of Kennebec,

The Senate voted to Adhere.

#### Non-concurrent Matter

Bill, "An Act to Provide for Local Registration of all Motor Vehicles." (H. P. 847) (L. D. 1038)

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

In the Senate July 11, 1977 Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Adhered.

Mr. LOVELL: Mr. President, I move that we

recede and concur and speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Mr. LOVELL: Mr. President and Members of the Senate: A member of the other body, from Sanford, has stated that Sanford, having a population of 17,000 and has a very good Town Clerk or City Clerk's Office, that are able to handle registration of all types of automobiles and since this is permissive legislation, and a town or city does not need to do it unless they want to, so I would thank you for receding and concurring with the other body.

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

Mr. GREELEY: Mr. President, I oppose the motion of the Senator from York, Senator Lovell.

There is no appropriation on the bill to carry out what the bill is supposed to do and that is to have a training program and as I said this forenoon, the Secretary of State's Office has been cut \$200,000.00 each year of the biennium and the way I understand it, he has got to do away with some services he is already doing. So I do not see any need of cluttering up the Statutes with legislation that you can not carry out.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I would urge you strongly to recede and concur.

Two years ago we passed a bill to allow for local re-registration and there were a lot of comments about it would not go well, the towns would not like it, and I think by and large, the towns have liked it very much, for the dollar they're getting. I would point out that, as the Senator from York, Senator Lovell, said, that this is permissive, it is permissive two ways, both on the Secretary of State to designate certain towns and I would think that the little towns in the State would not be given this option but rather just your larger cities that perhaps do not now have Registration Bureaus. I do not understand the position of having to have a fiscal note on this particular issue. The only difference that I see between this and re-registration, or the major difference, is the Title work. Title work, I will repeat myself again, as I did this morning. Title paper work is done by the dealer. All you do when you buy a new vehicle, is you sign it and it is then mailed to the Secretary of State's Office and the Secretary of State's Office will mail back the Title either to the owner or to the lien holder if you had a loan. Now if this is a second hand car, before I could accept that car in trade as a car dealer, I must verify the Title. Call the Secretary of State's Office which is exactly what your town office will have to do if this bill passed. So I do not see where the training comes in for any great amount of money, I just do not understand why.

And as far as cutting the Secretary of State's budget, which we may or may not have done, I do not remember, if we can cut the Secretary of State's budget back another \$200,000.00 and allow the people, for example, in Houlton to register their vehicles there rather than have to take a day off and drive to Caribou, I would be all in favor of it. We could cut another \$200,000.00. That was the intention of this legislation when it was initially enacted 2 years ago, was to keep down the number of state employees who are having to be put into the Registration Bureaus, the various bureaus in the state. Keep down this proliferation of new duties and new jobs and to try to pass some of this back to the local communities to see if they can handle it, and they handle it very well. I have a real problem trying to explain to my constituents why they can reregister their vehicle, but when I sell them a new vehicle why they cannot go down to the Town Office and register it. Now, I will just say it again, the question seems to be Title. Title work is done by the

dealership. Thank you.

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

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I honestly cannot understand why any member of the Senate would vote against this bill.

First of all, it places no requirement on the Secretary of State. If he does not want to begin this program to allow this re-registration he does not have to. The first words of Section I of the bill, the Secretary of State may — he could set up a pilot program, he could set it up statewide, it is up to him what he sets up.

Secondly, it has to be done, if you read the next few words of the bill, with the approval of the municipal offices and finally, the talk here is about the expense to the Secretary of State's Office, even leaving out the question that he does not have to do it if he does not want to under the terms of this Legislation, sure he has to do the training if he does set up the program, but what it replaces is an activity that is currently carried on by the state. I used to joke with people that if you introduce a bill saying that the Commissioner of such and such shall do his job, that the bureaucracy would put a fiscal note on the bill. And what we have seen today is one step further. We have introduced a bill that says the bureaucracy will not have to do the job any more and they are trying to put a fiscal note on that. I just honestly cannot understand how the people of the Senate could say that even if the Secretary of State decides to do it, and he has to, and even if the town wants to do it, and the people want to go there and spend the extra dollar to avoid the inconvenience and save a little bit of their time, I find it hard to believe why any member of this Senate wants to vote against that concept. As I talk to people, they are awfully happy about this idea of being able to register in one place. I remember the first time I ran, they had the Motor Vehicle Registration place right near where I live, and the last few days when they use to have that registration hustle there at the end, and everybody had to go down to the Motor Vehicle Registration, I used to like to go down there and campaign. Some times I would hand out a little free coffee when it was getting cold and I would meet a lot of other people's constituents as well, but I still felt it was productive, and I could not find anybody who could find a reason why you ought to have to go to two places, to your City or Town Hall and then another place to register. And it has worked so well with re-registrations that I cannot think of one reason why we should not allow it on registrations as well. It is permissive for the Secretary of State, it is permissive for the town, you know the state is ultimately a service organization and this is one step ahead in service, in my opinion that can save the state some money in the long run, as it has already saved the state quite a lot of money as far as we have gone.

I will point out to the Senate that we were able to, for the first time, use the Motor Vehicle Division to collect casual sales tax partly because of the employee time we saved when we took the first step in this direction and that saved the state about three quarters of a million dollars. So that is how far we have gone with this program already. And I can not understand the opposition to it unless people are against saving the state money.



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

Mr. JACKSON: Mr. President and Members of the Senate: I am in opposition to this bill and I have three points that sort of concern me.

Number one is the Title law, we have only had the Title Law in this state approximately three years. There are still some problems with the law. I think, Number 1, that we should give this the opportunity, the Secretary of State's Office, the opportunity, to get all the wrinkles ironed out in this law and then possibly hand it down to the municipalities.

Number Two that I have as a question, is we say five areas, which the Secretary of State may designate next year and they might say, well, lets do twenty, and twenty-five and thirty. I sort of wonder what is going to happen to these girls, these registration offices we have through the state. I sort of wonder what is going to happen to the employees in these offices. We say that like, Portland, for example, if they want to make application to register new automobiles, I just wonder if there would be enough in the outlying areas to warrant keeping that office open, in Lewiston, Auburn or Caribou or Bangor or wherever the case may be. I wonder what we are going to do — relocation or find a new position for these employees.

The third part is, and that is probably the most important part, is the cost of this bill. We say one dollar to a municipality. Let us take Aroostook County, let us take Harrison, my hometown, let's take Fryeburg or York County, what does it cost to call Augusta. I mean a dollar — that is peanuts. And when you figure what the cost is in the time at the Secretary of State's Office to search that title and we will say all right, the Secretary of State's going to call you back, two phone calls. Now I say a dollar to a local municipality — I think it should be about five dollars. Then it might recover part of the cost.

Now these are some of the things that concern me and this is why I am in opposition to the bill, and I would assure you that once the municipal officials realize that on a new automobile or second hand automobile that is traded in and they have to call Augusta, to clear the title on this automobile, that they are not going to make any money. As a matter of fact, you are going to have to raise additional dollars at the local level to provide funds for this little program.

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

Mr. MERRILL: Mr. President, let me respond point by point to the points raised by the previous speaker.

First of all we have some question as to whether or not the Title Law is going to have an impact. I think the Senator from Aroostook, Senator Carpenter, addressed that point fairly well. If you do not think so though, just recall that this is permissive only as far as the Secretary of State is concerned. So if he thinks there are wrinkles that have to be worked out, he cannot put the program into effect until they are worked out, and I think probably the Secretary of State is in a better position to make that judgment than we in this Chamber are.

Secondly, what happens to the employees? Well, I do not think there is anyone who has taken the floor of this Senate any more times in this session to speak for state employees than myself. Much to the bother, I am sure, of many members of this Senate. But I have to say if you can find a more efficient way to carry out a function than that is the way you ought to do it. Now I do not think there is anybody in the Senate that takes the opposite position and if they do, I think maybe we ought to state so clearly and loudly right now. Say well, we found a better way to do it, that would be easier for the people and cost the state less money, but we

do not want to do it because it puts people out of work.

And finally, the cost of the bill and the telephone calls to Augusta, now I have registered quite a few cars before the Title Laws, when there were problems, and I had to make a call to Augusta. And the way they always use to work it at the State Motor Vehicle Registration was that they did not make the call for nothing. I had to give the money to make the telephone call. I do not think anything prohibits the town from doing that itself. And again, this is permissive as far as the towns are concerned. If the town finds that in giving away so many telephone calls they are not making any money on this, I am sure they will not continue to do it. So I do not know who we are protecting from whom. Are we protecting the Secretary of State from himself? Are we protecting the towns from themselves? Or are we protecting the people from themselves, that it will get so convenient that they will register too many automobiles. I just do not think there is one good reason not to enact this bill.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I just sent a note to the good Senator from Cumberland, Senator Merrill and asked if I was missing something in this whole debate and I must be, because the biggest argument that I have heard against this particular L. D. is the effect on the Title Law. Let me go through, just very briefly, what happens on a Title.

You buy a new car from me, a 1977 automobile, there is no Title. I have the Title to that vehicle, my dealership. I fill out a piece of paper and we send it to the Secretary of State. You sign it and I sign it. The Title comes back to you, if you are the buyer of the car or if there is a lien holder, if you borrow the money, the title goes to the First National Bank of Aroostook, lets say. All right, so no problem with new cars. A used car you buy from a dealer, again I must verify the title of the vehicle before I can take it in trade. No problem with title on this vehicle. The only time that the municipality, that I can see, is going to have to call and verify the title on a vehicle is when Joe Jones sells Sammy Smith his car. That probably will require a phone call, a computer punch over here in this big new beautiful building across the street, as to exactly what the status of the title is, because you cannot sell something until you own it. This is the only time that the Title Laws, that I see, are going to come into effect. And again, I will just pose the question, that if I am missing something, and I must not be doing my job right back home, because this is the way I deal with Title Laws in my every day business, when I am not down here in the Legislature. And I think this is a red herring that is being drawn across this bill. I think that perhaps all of us have stood, when we were campaigning, and talked about the bureaucracy, and we have too much bureaucracy in Augusta and Augusta is too far into our lives. Well, now you have got a chance, not necessarily to cut down on the size of bureaucracy, but maybe to help keep it from growing any larger. And I just hope we will put our vote on the line here in a few minutes and do just that.

When this bill was originally introduced in the 107th Legislature, it was brought up the very many, many, many things that these bureaus in Caribou, Bangor and Portland, the things that they do, and believe me, they have enough to do, that if you take this particular duty away from them, they are not going to close up and throw people out of work. Believe me, they have enough to do — and the number sticks in my head something like 60 different jobs they have to do, dealing with motor vehicles, registrations, drivers license exams, eye exams, the whole bit, that if we take this particular func-

tion away from a very few of them, because again it is permissive as to which municipalities shall have this right, do not worry about closing down any of the bureaus, because they certainly will not and do not worry about throwing anybody out of business. I think we should disregard the argument about the Title Laws, because I do not see that as a major problem and I am a person that deals with it every day of my working life. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.  
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Mr. MINKOWSKY: Mr. President and Members of the Senate: I guess among the bills that we have before the Transportation Committee, this is one of the most interesting ones that we actually had. And I think I would like to relate it to you from this particular point of view, my own municipality, the City of Lewiston.

We went into this type of a set up with the Secretary of State's Office back in January 1976, and our re-registrations is a very, very lucrative business to be involved in. The gross revenues during our segment of time was \$9,000.00. We did almost 95 percent of the re-registrations and we have a Motor Vehicle Registration Bureau in the City of Lewiston. After operating expenses, it netted the City of Lewiston \$8,500.00. As far as we are concerned, in discussing this with our treasurer, we have no objections at all of keeping the re-registrations. But there is a little bit of trepidation in reference to new titles, because there you are faced with sales tax collection, a special form for the odometer reading of the vehicle, and whatever has been said about the title of that particular vehicle. From this point of view, it would mean putting on additional personnel of at least two people, and it would not be any money to be made by the city in that particular area. I guess if you look at it from the viewpoint of convenience to the people in areas of the State of Maine that are not close or do not have a Motor Vehicle Registration Bureau, is a blessing to them.

The only thing I question about this particular bill, was the fee of one dollar, especially on new regular set up like we have in large municipalities, I am afraid the municipalities make it on the one dollar fee. But if it is a regular set up like we have in large municipalities, I am afraid the municipalities would go in debt. If we were to do this in the City of Lewiston according to this particular bill here, the feeling expressed by the Treasurer was very simple. "I do not have enough physical space to put the extra additional people in to and it would mean substantial staffing."

I think one of the previous speakers, and I believe it was Senator Jackson, who spoke of a larger fee. I think possibly this can be adjusted by the Secretary of State's Office. But I would suggest very strongly that the allocation of this particular bill to the Secretary of State's Office, for training, because it is quite a comprehensive area to indoctrinate these people into, to make them do this job properly. Insofar as the City of Lewiston would be concerned, I would hesitate, insofar as this particular matter is concerned, except for re-registrations, because we are within a half mile of our Motor Vehicle Registration Bureau. So at the present time, I think, Mr. President and Members of the Senate, I will listen to further debate on this, but I thought you might be interested knowing exactly what our experience has been since this law has been in effect, since 1976.

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

Mr. CONLEY: Mr. President and Members of the Senate: I will be very brief.

If it will help ease the good Senator from

Androscoggin, Senator Minkowsky, I believe he is fully aware of the fact, this is purely enabling legislation as it has been said for the 400th time and if there is a community that does not want to become or does not wish to become involved in it, they do not have to.

And secondly, as far as the Secretary of State's Office, the Secretary of State has withdrawn any objection whatsoever dealing with this particular matter.

Again, it is purely enabling legislation, it allows those residents of yours within a given community to be able to register their vehicles there, in that community, without having to be chugging off someplace to do likewise.

The PRESIDENT: Is the Senate ready for the question?

A Roll Call has been ordered.

The pending question before the Senate is the motion by the Senator from York, Senator Lovell, that the Senate recede and concur with the House.

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.

#### ROLL CALL

YEA — Carpenter, Collins, D.; Collins, S.; Conley, Curtis, Danton, Farley, Hewes, Huber, Levine, Lovell, Mangan, Martin, Merrill, Minkowsky, Morrell, Pray, Redmond, Speers, Usher.

NAY — Chapman, Greeley, Hichens, Jackson, Katz, McNally, O'Leary, Pierce, Snowe, Trotzky, Wyman.

ABSENT — Cummings.

20 Senators having voted in the affirmative, and 11 Senators in the negative, with 1 Senator being absent, the motion to recede and concur does prevail.

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

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I now move reconsideration.

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

A viva voce vote being had,

The motion to reconsider does not prevail.

#### Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing that: The Girls' Softball Team of Hermon High School has won the State Class "B" Championship. (H. P. 1826)

Edmond and Mary Boots of Blue Hill are celebrating the 65th anniversary of their wedding. (H. P. 1833)

John F. Bowe of Blue Hill is celebrating the eighty-fourth anniversary of his birth. (H. P. 1834)

Abraham Bronn, of Palermo, Maine, has achieved the high personal honor and distinction of Eagle Scout as a member of Troop 222. (H. P. 1835)

Edward "Ted" White III of Auburn, has been selected Scoutmaster of the Year for the Northeast Region of the United States. (H. P. 1837)

Come from the House, Read and Passed.

Which were Read and Passed in concurrence.

#### Joint Resolution

A Joint Resolution in Memoriam

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Edward W. Atwood, Esq., of Portland. (H. P. 1836)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

#### Enactor

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

"An Act Concerning Minimum Wage Law." (S. P. 250) (L. D. 777)

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

Mr. HUBER: Mr. President, I move that L. D. 976 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber now moves that the Senate remove from the Special Appropriations Table "An Act to Provide for the Prevention of Alcohol Abuse." (L. D. 976) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate suspend its rules and reconsider 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. HUBER: Mr. President, I now present Senate Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 976, and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-425) Read and Adopted.

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

Sent down forthwith for concurrence.

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

Mr. HUBER: Mr. President, I now move that L. D.'s 857, 1031, and 1340 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table, "An Act to Raise the Tax on Beer, Wine and other Alcoholic Beverages to Provide Funds for the Operation of Alcohol 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." (L. D. 857)

"An Act to Provide Certified Interpreter Services for the Deaf and Hearing Impaired." (L. D. 1031)

"An Act to Reduce Traffic Accidents and Fatalities by Providing for the Establishment of Education and Treatment Programs for Persons Convicted of Operating under the Influence of Alcohol." (L. D. 1340) Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that these three bills and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that L. D.'s 857, 1031 and 1340 be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, I would ask that L. D. 857 be set aside.

The PRESIDENT: L. D. 857 will be set aside.

Is it now the pleasure of the Senate that L. D.'s 1031 and 1340 and their accompanying papers be indefinitely postponed? It is a vote.

Sent down forthwith for concurrence.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, I would ask for 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 on L. D. 857, please rise in their places to be counted.

Less than one-fifth having arisen a Roll Call is not ordered.

The pending question before the Senate is motion by the Senator from Cumberland, Senator Huber, that L. D. 857 and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: I request a Division.

The PRESIDENT: A Division has been requested. Will all those Senators in favor of the motion to indefinitely postpone this bill, please rise in their places to be counted.

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

21 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 Speers.

Mr. SPEERS: I move that L. D. 857 be sent forthwith to the House.

The PRESIDENT: The Senator from Kennebec, Senator Speers now moves that L. D. 857 be sent down forthwith for concurrence. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I would like to inquire of the Chair whether action was taken on L. D. 1031 and L. D. 1340.

The PRESIDENT: The Chair advises that both those bills are indefinitely postponed and will be sent down forthwith for concurrence.

#### Communication Office of the Governor

July 11, 1977

Honorable Joseph Sewall  
President of the Senate  
and

Honorable John L. Martin  
Speaker of the House  
Dear Joe and John:

This is to officially notify you that I have withdrawn the nomination of William B. Manheimer to the Maine Guarantee Authority dated June 30, 1977 and have reposted his name effective this date.

According to the law governing confirmations, the Joint Standing Committee on State Government must hold its public hearing within 20 days of the posting date.

I am reposting Mr. Manheimer's name today in order to cooperate with your request that a public hearing take place when the Legislature reconvenes later this month.

Sincerely,

Signed:

JAMES B. LONGLEY  
Governor  
(S. P. 604)

Which was Read and Referred to the Committee on State Government.  
Sent down forthwith for concurrence.

(Off Record Remarks)

On motion of Mr. Speers of Kennebec,  
Recessed until the sound of the bell.

(After Recess)

Senate called to order by the President.

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

Mr. TROTZKY: Mr. President, is the Senate in possession of L. D. 777, An Act Concerning the Minimum Wage Law?

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

The Chair recognizes the same Senator.

Mr. TROTZKY: Mr. President, I move that the Senate reconsider its action whereby L. D. 777 was Passed to be Enacted.

The PRESIDENT: The Senator from Penobscot, Senator Trozky, now moves that the Senate reconsider its action whereby L. D. 777 was Passed to be Enacted. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would urge the Senate to vote against reconsideration.

The PRESIDENT: The Chair will order a Division.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, this bill, I think I ought to explain it a little bit to the Senate, this bill come about when the application for the Fair Standard Labors Act as applied to the public was ruled that certain public employers did not have to pay overtime after forty hours. Now this bill, once it is passed, this legislation will require all public employers, including schools, towns, water districts, counties, sewage disposal districts, the Maine Turnpike Authority, as well as the State, to pay overtime after forty hours a week at premium rates of time and one half to all employees who would not be exempt under the Fair Labor Standard Act, and it would also extend coverage to several church camps, half-way houses, Y Camps and others receiving public funds. That is all this bill does.

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

Mr. PRAY: Mr. President, I would like to have the Secretary read the Committee Report.

The PRESIDENT: The Secretary will read the Committee Report.

Which Report was Read.

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

Mr. MANGAN: Mr. President, a question through the Chair for anybody who may care to answer, relating to most of the larger municipalities who have fulltime Fire Departments. For example, I know that Lewiston is working 52 hours a week currently, would this require the City to pay minimum wage on the first forty and time and one half over forty or what ramifications have we got on this? What about teaching contracts, certainly some teachers work 18 hour days during the school year. How do we gauge this?

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I am not an attorney and most of the informatin that I have been reading to you came from the Maine Municipal Association, but I assume that any contract that has been negotiated would still be the thing that you go by in negotiated contracts.

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

Mr. CONLEY: Mr. President, I again believe that most State and Municipal Employees today are being represented by a bargaining unit and I see no reason in the world why this bill should not pass and I think any state employee, municipal employee certainly should have the

same rights as public employees, and deserves the right to be protected.

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

Mr. TROTZKY: Mr. President, I would like to pose another question through the Chair. What about during the summer, if a lifeguard is hired by the city for a municipal swimming pool and works over 40 hours. Does that mean the city has to pay time and a half?

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

Mr. CONLEY: Mr. President, I had the very happy occasion of going to the beach yesterday as most of you can see, and I was at one of our state parks, one of the most beautiful ones that we have in the State, located in Southern Maine, which fortunately got something out of the budget some years ago, and approximately I would say 2 or 3 thousand people on that beach, and all of them paying the increased rates that we brought up all of a sudden from \$1.00 to \$1.50 a day and \$10.00 to \$15.00 a year for annual passes. I want you to be aware of the fine things we do here, and lo and behold, on the beach were two beautiful blonds stretched out bathing in the sun. And I happened to spot an orange bathing suit, and I said, "My God, that fellow is wearing the same color bathing suit as a lifeguard. And sure enough he got up about a half hour later and there it was — GUARD written down the side. So I am not worried about paying him time and a half and I think the supervisors should keep their eyes on their employees. I think that those individuals are generally hired on a contract basis, so many hours a day and they're gone.

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

Mr. PRAY: Mr. President and Members of the Senate: I thought we would perhaps end this Legislative Session, without myself having to rise against my good friend, the Senator from Penobscot, Senator Trozky, yet, again he seems to have picked out one of my bills to talk on.

In response to his question that he just raised, I would think that the public safety, the welfare of the people of Maine, would be in the best interest to pass legislation which would discourage anybody to work any lifeguard over 40 hours. Imagine what it would be like to any individual to sit out there in that hot sun 40 hours a week and particularly at the end of a long hot day, his energy being drawn out of him by that sun, and then having to swim out there and save some swimmer that might be in trouble. So I would think that passing this legislation would promote the welfare and safety for those individuals that might be swimming on some of our public beaches.

I would just like to read from the Statutes here the Declaration of Policy in regard to minimum wage under Title 26. "It is the declared public policy of the State of Maine that workers employed in any occupation should receive wages sufficient to provide adequate maintenance and to protect their health and welfare compensated with the value of services rendered." Up until the Supreme Court made their ruling, it was believed that these individuals did fall into the Fair Labor Standard Act and this bill only corrects what the Supreme Court has since that time, since the original interpretation, what the Supreme Court has interpreted a different way than the lawmakers had intended it, and it is the simple reason for this bill, and I think it is a good piece of legislation. If we feel that individuals in the public sector and in the private sector both do an equal amount of work, then they should receive the same considerations. And that is what this bill does.

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

Mr. HEWES: Mr. President, yesterday, one

of the employees who works as a laborer at a park in Southern Maine came to our home. He was very upset because he is working, as I understood him, seven days a week, and I am sure if this passes and he has the same job next year, he would receive time and a half, for the over forty hours that he puts in.

You know, we have a high rate of unemployment in Maine at the present time. We have youth that are unemployed. I picked up a hitchhiker Friday and he said he had been all over and was unable to find work. I submit that if the youth did not have to be paid the minimum wage, more of them would obtain work and be off our streets and not be causing trouble later on. Issac Watts said two and a half centuries ago that "For Satan finds some mischief still, for idle hands to do." I think it is in the best interest of our youth if we do not pass this bill and I hope you will vote to reconsider and vote to indefinitely postpone it.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to inquire through the Chair from any member of the Labor Committee or any member of the Legislature who may care to answer. Is it not true that young people under our minimum wage laws do not receive 100 percent minimum wage but only receive 2/3's or 3/4's.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, it all depends on your definition of young.

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

Mr. DANTON: Mr. President, you have to be 19 years old or younger and a student to qualify for that 3/4's of minimum wage.

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

Mr. MANGAN: Mr. President, one more inquiry through the Chair, to anybody who may care to answer.

The other question that I have always had a problem with has been the question about Deputy Sheriffs in most of the counties. If I recall correctly, the legislation says that they will be working 24 hours a day, that they will be on duty 24 hours a day. If this is the case, do we pay them for their duty time or their actual working time?

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

Mr. PRAY: Mr. President and Members of the Senate: I cannot answer the question raised by the Senator from Androscoggin, Senator Mangan, but I want to relate as to what I said before, and I guess kind of in response to the comments made by the Senator from Cumberland, Senator Hewes.

First of all, if an individual is going to do a day's work then he should receive a day's pay. If we are going to say in the private sector that an individual works over forty hours a week that they qualify for time and a half for over those forty hours, then I think it is only fair that we do that in the public sector as well.

If the Senator from Cumberland, Senator Hewes's concern is the lack of employment for the young people today then I would think that legislation like this would promote more employment opportunities because no individual, no employer, public or private, wants to expend their dollars and time and a half for an individual that they can hire at straight pay. I think any business man who gets into a situation where he has an accumulated number of hours of overtime, he can see that those dollars that he set aside to pay for the wages, that he is not getting the full benefit of what he has set aside, be it \$2.30, \$3.00 an hour or \$5.00 an hour, or

whatever he paid, because then he is up to time and a half provision of that, whatever his base pay is. If an individual is concerned about the Sheriff's Department, that an individual working 24 hours a day and they are required after 40 hours they are going to be paying these boys time and a half, then they can take consideration of hiring a couple more deputies for the same amount of money that they are going to be paying out, to pay this individual to work 60 hours a week, paying him time and a half on 20 hours. And a lot of counties do this, at this time they have a number of part time deputies to fill in on these long weekends. So we are again down to the question of equity and fairness.

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 the Senate reconsider its action whereby it enacted L. D. 777.

The Chair will order a Division.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: A Roll Call has been requested on the motion to reconsider. 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 on this matter, please rise in their places to be counted.

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

The pending question before the Senate, is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate reconsider its action whereby it enacted L. D. 777.

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 — Collins, D.; Collins, S.; Curtis, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Lovell, McNally, Pierce, Redmond, Trotzky.

NAY — Carpenter, Chapman, Conley, Danton, Farley, Levine, Mangan, Martin, Merrill, Minkowsky, Morrell, O'Leary, Pray, Snowe, Speers, Usher, Wyman.

ABSENT — Cummings.

14 Senators having voted in the affirmative, and 17 Senators in the negative, with 1 Senator being absent, the Motion to reconsider does not prevail.

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, Items 1 to 40, with the exception of Item 11 that has already been taken off, and item 26.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate remove from the Unassigned Table, Items 1 to 40, with the exceptions of Item 11 and Item 26. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. SPEERS: Mr. President, I now move that these items be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that these Joint Orders be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like to have item 8 set aside.

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

Mr. CARPENTER: Mr. President, this procedure is a little unusual, I wonder if the Majority Leader would explain exactly what is happening.

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

Mr. CONLEY: Mr. President, perhaps I could explain.

The discussion of Leadership, we have decided that the best thing to do with Joint Orders, was to indefinitely postpone them, each and every one of them, to send a questionnaire to every member of the Senate and the House, a copy of all the Orders, for the questionnaire for them to fill out as to the priority of those Orders that should be studied. And Legislature Leadership has agreed to set up a subcommittee of four members of the ten members of the Leadership to go through the responses and tabulations of questionnaires received, and to make their referrals to the Legislative Council. At that time Legislative Council will then put into motion those Joint Orders they feel should be studied. I would only spell out that the reason for following this procedure is that, I believe, the figures for the cost of Joint Orders being studied in the last session of the Legislature was nearly one-third of a million dollars. The only way that we feel we can keep some sort of financial control on this ball of wax, is to address the problem in this manner, and we hope that any speciality or favoritism if any one feels has not been, or has been neglected or turned down, that he could petition the Legislative Council. But I can assure you that the Council is going to look very hardly on all of them.

The PRESIDENT: Is it now the pleasure of the Senate that these Joint Orders with the exception of Item 8, 11 and 26 be indefinitely postponed? It is a vote.

Sent down forthwith for concurrence.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill, in reference to Item Number 8, (L. D. 472).

Mr. MERRILL: Mr. President and Members of the Senate: I do not rise today to praise this Joint Order, but to bury it. I thought this was a real good idea and I still do, and a lot of people around the state thought it was a good idea too. Just to draw your attention to the history of this Joint Order, this Joint Order would have had us establish a toll free telephone number that people could have called up and given us their ideas on during this legislative session that we are winding down today. So, I do not know if there would be much sense in passing it at this point of operation.

But I would like to say in seriousness, that I am sure that something like this will never happen without leadership wanting to go along with it because what happens if they do not is this. But I do hope that plans are made for the next session that it will be considered. I know that from the people that I heard from around the state on this issue, that this is something that the people feel fairly strongly about. A lot of us are pretty hard to get hold of on the weekends, when we are at home, and I think it just makes available the fact the ability for people to call us for nothing up here and tell us what is on their minds. I think it will be a step in the right direction. I hope it will be considered for the next session and put into effect, and I feel sort of sorry that what has happened to it has happened to it, but I hope it will be considered next time and I sort of have mixed feelings about it as we take it off today, I feel it would be sort of fun to pass it and have us set up the toll free telephone line for the day when we come back to handle vetoes. I am sure there will be a lot of people who will want to get hold of us.

The PRESIDENT: Is it now the pleasure of the Senate that Item 8, Senate Paper 472 be indefinitely postponed? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I move that we take from the Unassigned Table, Item 26.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate remove from the Unassigned Table Item 26, H. P. 1785. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, it would have been inappropriate to have included this item with all the rest because this item has been returned to the Senate in non-concurrence, and therefore a motion to indefinitely postpone would have been out of order. But I would now move that the Senate adhere which will accomplish the same thing as all the rest of the Joint Orders on the Table.

The PRESIDENT: Item 26, H. P. 1785, the Senator from Kennebec, Senator Speers, now moves that the Senate adhere. Is it the pleasure of the Senate? It is a vote.

#### Senate Committee Report Ought to Pass

Mr. Huber for the Committee on Appropriations and Financial Affairs on Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (Emergency) (S. P. 605) (L. D. 1898)

Reports, pursuant to Joint Order (S. P. 600) that the same Ought to Pass.

Ought to Pass Report of the Committee Read and Accepted.

The Bill Read Once.

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

Mr. O'LEARY: Mr. President, it seems that I do not have a printed copy of this bill in my book, when will we receive this copy?

The PRESIDENT: The Chair advises the Senator that no copies of this bill are yet available. They have been sent to the printers and have not come back from the printers and we will simply have to operate on the good faith and assurance that the Appropriations Committee is not trying to do anything untoward.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I am surprised that the good Senator from Oxford, Senator O'Leary would question what might be in this bill which the title to me is perfectly clear.

More seriously, this bill as passed by the Appropriations Committee contains \$10.00 per week increase for Commissioners who were inadvertently left out of the Part II Budget. It also includes some comparatively minor language concerning L. D. 1676 which is An Act Providing for Budgeting of State Expenditures of Federal Funds. The language is technically required but does not change the effect of that bill.

Under suspension of the rules, the Bill Read a Second Time.

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

Mr. CONLEY: Mr. President, I offer Senate Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now offers Senate Amendment "A" and moves its adoption.

The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-427) Read.

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

Mr. CONLEY: The funding in this amendment takes care of the two positions for the purpose of distribution of emergency fuel funds as supplied by the Federal Government.

Senate Amendment "A" Adopted.

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



Mr. KATZ: Mr. President, I offer Senate Amendment "B" (S-428) and this has been reproduced.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now offers Senate Amendment "B" to L. D. 1898, and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: The various Bond Issues that we have already enacted came from various committees and there was no attempt to separate them and put them up to the voters at the appropriate times and that is the function of this amendment.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to move the indefinite postponement of this amendment. This amendment was considered by the Appropriations Committee and rejected by a vote of that committee and I suppose what is appropriate to one person and not appropriate to another varies; however, these Bond Issues somewhere in the neighborhood of \$55 million worth have been passed by this Legislature at the same time and I believe that they should be voted upon by the people at the same time. Now, there may be a concern on the part of some that this will seem like a great deal of added bonded indebtedness for the people to look at all at the same time, that was the argument that was presented when this item was brought before the Appropriations Committee and I think that it is quite a sum of money to ask the people of this state to authorize, and I think that it is appropriate that the people should have an opportunity to see it in its full impact and not to divide up the two over two separate elections where maybe it will be more difficult for them to see what is in fact been voted upon by this 108th Legislature. I think that they should understand the full impact of the bonding decisions that have been made by this Legislature and vote accordingly, and if that leads them to make priority judgments as to which are most important, that which are different from ours in the Legislature, then I welcome that decision on their part and would not do anything to frustrate it.

Now, I have the history here of votes in referenda on Acts that the Legislature over the years when various Bond Issues have been put out, and I honestly can say that I do not think that there is any pattern. Sometimes a great many have been put out, and all of them approved, but sometimes a great many of them have been put out, some have been approved and some have not. I think the voters had the ability to make the decision on these things of merits and I would just hope that they would get them all at one time so that they can understand the full impact of the indebtedness that we are asking the people to accept because the Senate is fully aware of the fact that the reason these go to the people is because they do indebt, do create debts that have to be paid for in the future and in order to bind future legislators, and the people who have to pay for these in the future, it has been the feeling of course, in the Constitution that the people have to vote on.

So I would hope that we would defeat this amendment through the vote of the Appropriations Committee and have these go out all at one time as we here, pass them all at one time.

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

Mr. KATZ: Mr. President, it may be true that the Appropriations Committee voted against this approach. It is my understanding that it had been previously recommended by leadership.

You can say with some certainty that a

special election has the lowest turnout of voters. A primary election has the second lowest and a general election, has the highest. Now, if you take a look at what is not included in this amendment the Airport Bond Issue, this year, generates 90% Federal money. Next year it will generate 80 percent Federal money as I understand it. There is a time limit to that. The Chairman of the Highway Committee tells me that there is a reason to put the Highway Bond Issue out at this specific time in the Special Election. There is one other Bond Issue included in that and I think it has to do with pollution and there is a reason to put that out in the Special Election. The other Bond Issues would benefit from a larger voter turnout and this was the motivation to putting it out; as a matter of fact, if I had my way they would have been all deferred until the General Election and with the greatest possible turnout. It is not a question of being candid, it is a question of trying to get the greatest possible voter turnout to express itself on Bond Issues which really do not have any timely concerns.

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

Mr. MERRILL: Mr. President and Members of the Senate: You should read through all the Bond Issues that are listed in this referendum and I think that you will start their arguments among yourselves about which ones should be first and which ones should be last.

I appreciate the arguments of the Senator from Kennebec, Senator Katz but I really think they are offset. I do not know how many people are going to turn out this November with Uniform Property Tax on the ballot, maybe quite a few more than we usually expect in a Special Election but I really think that concern is offset by the need to have these considered by the people and by the press of the state all at one time. This is quite a bite to take, and it should not be divided up I do not think. I think that that is important. I voted for these Bond Issues and it is not from the position of wanting to kill anyone of them that I say that, but I do think that the voters and the press ought to take a look at these all at one time and recognize that if they vote for them all either as one item or on two separate occasions or whatever that they are going to be indebting the state close to an additional \$60 million and I think that that issue should not be overlooked by an amendment which divides up consideration no matter how good the motivations of that division.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the adoption of Senate Amendment "B" to L. D. 1898.

The Chair will order a Division.

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

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: 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 Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: It was at noontime today that this was brought to my attention and I am sure of most of Leadership as to the problem of the situation that is now before the Senate of the dates on all of these Bond Issues going out. I

was unaware at that time that this question had come before the Appropriations Committee. I was unaware of the fact the Appropriations Committee had rejected breaking the Bond Issues up, that they should go before the general public in the manner prescribed, and my personal feeling is I perhaps feel the same way as the members of the Appropriations Committee; that perhaps the public should be fully aware of the number of Bond Issues and the number of dollars that they are indebting the state to within the next few years. Because of the fact that I was again unaware that the Appropriations Committee had taken a position on this matter, then I feel that as one member of leadership that I can, although I have not always been in agreement with the Appropriations Committee particularly when it came to the Part II Budget, because it did not follow the recommendations of leadership; however, it was informed at the recommendations of Leadership. On this particular occasion I honestly feel no real concern to feel compelled to support the Amendment which is now presently before the Senate.

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

Mr. KATZ: Mr. President, two more comments, in the first place, the exact bonded indebtedness of the state is before the public when it votes. It is right there on the ballot. It shows everything that has been passed before and it shows the implication of these so in the second go-round, the members of the voting public will know exactly what they are getting into. I think this is probably a decision of leadership, not the Appropriations Committee. If there is one criticism that I have heard again and again and again from my constituents, it is "why do you snore us with so many questions all at one time which we do not understand, which are coached in legal language"? I think it is inhumane to throw all these Bond Issues at the public at one time when such a small turnout of the public is probably going to be out and I do not think it is being done in an orderly fashion. The only way we happen to get into this pickle was because there are so many committees involved, I guess there must have been three, four, or even more committees that nobody coordinated this and we just realized it today.

So if you believe, and many of you argue very forcefully that we should turn the Bond Issues and Constitutional Amendments out at the time of the largest voter turnout, I think you realize that there is some significant rationale behind this amendment of trying to defer some of them for a larger voter turnout.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like the members of the Senate to reflect for a moment on the reason that the total bonded indebtedness is printed at the top of the ballot. The reason that it is there is rightly pointed out by the Senator from Kennebec, Senator Katz, is so the people can know how much we are indebted when they make the decision about further indebtedness just as you, as a home owner, or as a family member would want to know how much you are in debt, before you further encumbered your finances in the future. If that is the case then, let us recognize the decision that we are making when we send some Bond Issues out before the others because if how you vote on one Bond Issue is affected by the total indebtedness of the state and we send some out first to be voted upon and not to be considered at the same time the others are considered and then we might fully expect that some people will vote on the first three and then will reach the level of bonded indebtedness that they think is sufficient or maybe a little bit more than sufficient for the state and will vote against the others.

The point that I am making is then that the order in which we send these out is very important possibly in which one should be passed; and I believe that the people should look at these as we have looked at them, all at one time and to decide whether or not if they do not want to encumber the state an additional \$55 million dollars which ones are the most important and the least important. It may be the ones that would come up second are the least important to the people of Maine, but it may be some of the ones that would come up first and would otherwise be voted are the least important to the people of Maine and this gives them a chance to make a decision as we make a decision by the means of the Appropriations Table on all of them looking at all of them at the same time, and I think that is an important enough principle to overcome the objections of the Senator from Kennebec, Senator Katz, which is the number of people who happen to turn out at one election or another. We could really have quite an affect on which Bond Issues get passed and which ones did not if that was our purpose in the future, by when we send these things out to vote and I would like to see all of these considered simultaneously as we considered them here, and let the people if they will, establish their own priorities.

The PRESIDENT: The pending question is the motion by the Senator from Cumberland, Senator Merrill, that the Senate indefinitely postpone Senate Amendment "B".

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, Curtis, Hewes, Jackson, Levine, Mangan, Martin, Merrill, Morrell, O'Leary, Pray, Usher, Wyman.

NAY — Chapman, Collins, D.; Collins, S.; Danton, Farley, Greeley, Hichens, Katz, Lovell, McNally, Minkowsky, Pierce, Redmond, Snowe, Speers, Trotzky.

ABSENT — Cummings, Huber.

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

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

The PRESIDENT: The Senator from York, Senator Farley, changes his vote from nay to yea.

The Chair recognizes the Senator from York, Senator Danton.

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

The PRESIDENT: The Senator from York, Senator Danton, now changes his vote from nay to yea.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

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

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

15 Senators having voted in the affirmative, and 15 Senators in the negative, with 2 Senators being absent, the motion to indefinitely postpone does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt Senate Amendment "B"?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

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

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

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

The pending question before the Senate is

adoption of Senate Amendment "B" to L. D. 1898.

A yes vote will be in favor of adoption. 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.; Greeley, Hewes, Hichens, Katz, Lovell, Minkowsky, Morrell, Pierce, Redmond, Snowe, Speers, Trotzky, Sewall.

NAY — Carpenter, Conley, Curtis, Danton, Farley, Jackson, Levine, Mangan, Martin, McNally, Merrill, O'Leary, Pray, Usher, Wyman.

ABSENT — Cummings, Huber.

16 Senators having voted in the affirmative, and 15 Senators in the negative, with 2 Senators being absent, Senate Amendment "B" is adopted.

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

Sent down forthwith for concurrence.

#### Enactors

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

"An Act to Exempt Turbojet Fuel used for International Flights from Sales Tax." (S. P. 9) (L. D. 14)

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

Which 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:

Bill, "An Act to Establish More Convenient Hours to Permit Easier Access to Small Claims Court." (H. P. 431) (L. D. 538)

Tabled — Earlier in the Day by Senator Conley of Cumberland

Pending — Motion of Senator Huber of Cumberland to Indefinitely Postpone

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

Mr. CONLEY: Mr. President, I dislike trying to take advantage of the good Senator from Cumberland while he is not in his seat and I would just as soon have somebody table this until he comes into the room; however, seeing that he is coming into the room I think we will proceed with our discussion on this.

Mr. President and Members of the Senate: We have long debated this particular bill and it is really nothing that is going to shake the world one way or the other if it passes or not, but it is such an insignificant piece of legislation that I think it is perhaps one of those bills that should give weight to the individuals who have to work generally from 8 to 5, on five days a week, Monday through Friday. It simply states that a small claims court shall be open one day a month for the purpose of being able to give those individuals the right to be in court and to present their case, and that is all it does and therefore, I wish that the Senate would consider this matter it has been debated on several occasions obviously it is successfully defended on many occasions. That is why it is in the position it is in today; but I again will only say that when the Legislative Leadership took this bill up as far as passage or defeat of it, it was very similar to the way it was debated in this Chamber, that no real prevailing side could prevail, it ended in a deadlock.

So I would hope that the Senate would vote against the pending motion to indefinitely postpone so we could enact it and all go home, rather than wait for it to come back in nonconcurrency.

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, to indefinitely postpone this bill, L. D. 538, and all its accompanying papers.

The Chair will order a Division.

Will all those Senators in favor of the indefinite postponement of L. D. 538, please rise in their places to be counted.

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

21 Senators having voted in the affirmative, and 8 Senators in the negative, the motion to indefinitely postpone does prevail. Sent down forthwith for concurrence.

The President laid before the Senate:

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

Tabled — Earlier in the Day by Senator Huber of Cumberland

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:

Joint Order — Relative to repealing and replacing Joint Rule 22 (H. P. 1832)

Tabled — July 11, 1977 by Senator Speers of Kennebec

Pending — Passage

Which was Passed in concurrence.

The President laid before the Senate:

Resolve, to Appropriate \$8,956 to the Town of Milbridge to Reimburse it for Burglary Loss. (H. P. 1759) (L. D. 1891) (Emergency)

Tabled — Earlier in the Day by Senator Wyman of Washington

Pending — Motion of Senator Speers of Kennebec to Reconsider whereby Resolve Failed of Final Passage.

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

Mr. WYMAN: Mr. President and Members of the Senate: A few days ago you gave me great support on a bill and for the bill and I appreciate it.

Now in the peanut age when peanuts are mentioned so much and are so popular, I have a bill that is not even as large as a peanut. It only amounts to one-hundredth of a cent from each dollar out of the State Budget. You can see this one cent so one-hundredth of a cent could hardly be seen. The bill calls for approximately \$8,000.00 for the Town of Milbridge due to the fact that the safe in the Town Office was blown and \$18,000.00 worth of food stamps were stolen. We had a new town manager and although insured, the stamps were insured for only \$10,000 leaving the remaining \$8,000.00 plus uninsured. Now, we have at various times made substantial appropriations on exceptions which really amount to the same thing, but under this bill on exemptions, which really amount to the same thing, but under this bill, we are asking for only one-hundredth of a cent for each dollar out of our total appropriations. Now, there are those who say that this will start a new principle, but we have been making small appropriations such as this for years and I am sure we will continue to do so. Furthermore, if a schoolhouse is vandalized I am sure there is bound to be found a way to take care of it without special appropriations; however, there are few town safes blown. In fact, this is the only one of which I am aware and I am sure that passage of this bill would not bring on a rash of safe cracking or blowing.

So I do hope you will support me on this peanut sized appropriation. Thank you.

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



Mr. FARLEY: Mr. President, I urge passage of this bill on sheer stick-to-it-ness and determination, I wish the Senate would go along with the Senator from Washington County, Senator Wyman.

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

Mr. MANGAN: Mr. President and Members of the Senate: We have just provided an awful lot of money for the benefit of the Bangor International Airport without even a whimper. I would suggest that this would just be a toss in the bucket compared to that amount of money and I would urge the members of the Senate to support this appropriation.

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

Mr. HUBER: Mr. President and Members of the Senate: This may be peanuts to Senator Wyman, but the Appropriations Committee has been doing severe damage to bills even smaller than this. I remember one with an appropriation of \$94.00 in the first year and perhaps \$34.00 in the second year which was killed here this morning.

It seems to me this bill sets a very bad precedent in that uninsured food stamp losses would be reimbursed from the General Fund and it seems to me it would be incentive not to insure food stamps and simply leave them out in a box in front of Town Hall where they would, I am sure, mysteriously disappear and be converted into General Fund money.

I think this is a bad precedent and I hope this bill does not pass.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I agree with the remarks of the good Senator from Washington, Senator Wyman in the part that he says he thinks this might establish a very bad precedent. I know that the bank in one of my areas was robbed here a while ago and there was quite a bit of money lost there and I do not know whether this would be construed to be in the same light or not, but I would hope that at least we could table this bill until whatever Senator, I am not sure which one it is, represents the Town of Gray, might step forward because I believe a very similar instance took place over the weekend or just within the last week where food stamps were stolen from the Town of Gray. I just think this would establish a very bad precedent and I hope we do not pass this bill.

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

Mr. HUBER: Mr. President, despite the fact that I represent Gray, I still think it is a bad precedent.

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

Mr. HEWES: Mr. President, I would like to support the positions of the Senator from Cumberland, Senator Huber, and the Senator from Aroostook, Senator Carpenter. We all love the good Senator from Washington County, we know it is his home town, but we should be voting on the merits of the bill, I think, and not on the personality of the particular representative who lives in the Town of Milbridge. It is not just a precedent for a case where food stamps are stolen from a safe after the safe had been blown, it is a precedent of claims being made for food stamps that disappeared mysteriously and as such as we love the good Senator from Washington, I think we ought to do justice and concur with the House in not passing this bill.

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

Mr. SPEERS: Mr. President and Members of the Senate: I also agree with the remarks of the good Senator from Washington, Senator Wyman, when he says that this bill probably will not establish a rash safe cracking across

the State of Maine, because I think that if this does pass, probably all the towns will leave their safes wide open.

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

Mr. O'LEARY: Mr. President, it may not establish it, but I think it happened in the Town of Mexico, three or four years ago. We lost \$27,000.00 and I am going to support the good Senator from Washington on this vote and then perhaps, try to amend it.

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 reconsider its action whereby this resolve failed of final passage. 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 please rise in their places to be counted.

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

#### Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing that: Mr. and Mrs. Lucien Vermette of Sanford celebrated their 50th Wedding Anniversary on June 23, 1977. (H. P. 1839)

The Honorable Roland Gauthier is retiring from the House of Representatives after having served in the 94th and in the 102nd to 108th Legislatures, and after having served as House Chairman of the Joint Standing Committee on the Judiciary. (H. P. 1838)

Come from the House. Read and Passed.

Which were Read.

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

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate: Since both of these Orders are Sanford people, I would state that I have known Mr. and Mrs. Lucien Vermette, and they have traded in my drug store for a good many years and they are a very fine couple. I hope they go another fifty years and have a hundredth anniversary.

Roland Gauthier, I have almost campaigned with him and have known him and he has traded with me for the last forty years and I think he has been a very fine representative. So I think Sanford has been represented well here this afternoon. Thank you.

Which were Passed in concurrence.

#### Reconsidered Matter

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

Mr. PRAY: Mr. President, in reference to L. D. 14, I move that the Senate reconsider its action whereby this bill was Enacted.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate reconsider its action whereby it enacted, L. D. 14, An Act to Exempt Turbojet Fuel used for International Flights from Sales Tax.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, I would oppose the motion to reconsider this bill.

This weekend I opened a newspaper and found in John Day's column the statement "New York born and educated Senator Howard Trotzky, Republican of Bangor." Immediately I started getting a lot of calls from my constituents asking me was I born in New York City. Well, I would like to speak for the record today and make it very clear so that there is absolutely no misunderstanding in this Senate, that this Senator was born in New York City. I would also like to say that LaGuardia Airport and John F. Kennedy International are doing very well. The issue today is to allow Bangor Inter-

national to do very well by being able to compete with the other airports around.

So I would hope that the Senate would not reconsider this bill.

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

Mr. PRAY: Mr. President and Members of the Senate: I apologize. I also want to urge my colleagues to vote against the motion.

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

Mr. CONLEY: Mr. President, I am not so sure if I am more concerned about the fact that John Day talked about Senator Howard Trotzky, New York born Republican and the immigrating of another million of Howard Trotzkys as I am to one fact not perhaps that the State may be losing a million Don O'Learys. I think the article spelled out that the Don O'Learys of this state were the salt of the earth and I hope that we can continue to have the salt of the earth well-represented not only in Maine but also in the Maine Senate. I too would vote against reconsideration of the bill.

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

Mr. PRAY: Mr. President and Members of the Senate: I kind of feel perhaps as if I should apologize to the Senator from Penobscot, Senator Trotzky. I did not mean to make this a controversial.

A viva voce vote being had,

The motion to reconsider does not prevail.

(At Ease)

The Senate called to Order by the President.

(Off Record Remarks)

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

Mr. PRAY: Mr. President, last week when we left here, we left roughly around 9:30 at night, and we said we would be coming back in an hour and a half, I hope that we will be coming back this time.

On motion of Mr. Huber of Cumberland,  
Recessed until 10:00 this evening.

(Recess)

(After Recess)

The Senate called to Order by the President.

(Off Record Remarks)

Out of order and under suspension of the rules, the Senate voted to consider the following.

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

Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (Emergency) (S. P. 605) (L. D. 1898)

In the Senate July 11, 1977 Passed to be Engrossed as amended by Senate Amendments "A" (S-427) and "B" (S-428).

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

On motion of Mr. Huber of Cumberland,  
The Senate voted to Recede and Concur.

#### Enactors

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

"An Act to Provide Lifeline Electrical Services." (H. P. 1669) (L. D. 1867)

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

Mr. JACKSON: Mr. President and Members

of the Senate: I move the indefinite postponement of this bill and all its accompanying papers and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. JACKSON: Mr. President and Members of the Senate: This bill has been debated at length various times through its course through the Legislature. This is probably the last time we will see this bill.

There is one concern that I have is that what we are doing is transferring our so called burden, which, many people feel is a burden, of the electricity from one group of people to another group of people. That is not my philosophy. The original bill, the Committee Amendment, had the appropriation from the General Fund, which would have been acceptable. But to defer this payment from the General Fund onto the other rate payers of the electrical services, I think will create an undue hardship to many, many people in this state. Many of these people, this bill in its amended version, says that \$6,500.00 or under their yearly income, there are many people that are younger than 65 years old that do not make \$6,500.00. They have mortgages, they have automobile payments, they have insurance payments and to add this additional burden to those people, at this time, I think is unjustified. We have passed in the last week and a half, different programs which assist the elderly; namely, the half million dollars plus that we appropriated for the free drugs, we expanded on the Rent and Relief Fund Act. So I think, overall, that maybe we have not done enough for our elderly people but we have attempted to do it. But to transfer this from one age group to another age group, I think is wrong at this time.

That is why I am making the motion to indefinitely postpone this bill and I would urge the rest of the members of this body to support that motion.

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

Mr. MERRILL: Mr. President and Members of the Senate: This item was debated at length earlier in the session today. I would hope that we could enact this today in concurrence with the other body.

I would ask that when the vote is taken, that it be taken by the yeas and nays.

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

Mr. CONLEY: Mr. President and Members of the Senate: It seems to me as though just prior to going to supper we debated this bill and it was passed to be Engrossed overwhelmingly by this body.

You know, a couple of years ago we had an outfit called Sobin Chlor Alkali that was in here looking for a tax exemption. And that tax exemption was given by this Senate. And that tax exemption was obviously passed on to other consumers who had to pay for that exemption. The same time we passed on an exemption to Martin Marietta, down in Rockland. So we could continue to keep that plant going, continue to have Maine citizens work, fulfill employment, not to put additional burden upon that community. That tax exemption was picked up by every citizen in this state. I supported those two bills and I heavily support this one.

Once again I ask the Senate to be fair in its decision making and once again to support this bill.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I will not belabor the issue. We have been out about three or four hours I guess since we debated it the last time around: We passed it. I believe it was 19-12 on an engrossment. Since that time I have seen the Representatives of the various Utility Companies scurrying around the hall, and I kept

wondering why they were still here, now maybe I know.

The Senator from Cumberland, Senator Jackson, has pointed out that we have provided a few little tidbits, is what I would call them for our elderly people, and I guess if we do go along with the Senator from Cumberland, Senator Jackson, tonight, and indefinitely postpone this bill, what we are saying is that they are as important as Martin Marietta, or Bangor International Airport. The total tax commitment for the State of Maine has not decreased any that I have seen and so obviously, somebody is going to have to pick up the tab for what we did here earlier as far as Bangor International Airport. I do not mean to pick on any particular issue, but it is a fact of life that you give a tax exemption or a tax credit in a particular area unless you decrease the total tax commitment then somebody else has to pick it up. I think that the elderly people, the low income elderly people in this state are at least as important as any of the tax exemptions that we have passed in this session or any session since I have been here. I certainly hope that we go on record tonight as proving that point. I think the issue is very clearly before us, I think it will be extremely hypocritical of the Senate, and I am very pleased that the Roll Call is not going to come on Enactment or on a motion to reconsider, I am very pleased that the motion will be indefinitely postpone. Because I want to make sure that I am aware six months from now when things are a little fuzzy in my mind just exactly what the motion was, and just exactly who voted to kill and who voted to keep this bill alive. There are 14 special rates. There are rates for street lights, there are a lot of rates that say the more you use the less you pay. Again, I think it is very hypocritical for this Senate to say that if you conserve electricity, or if you happen to be old, or if you happen to be poor, then you do not deserve a special rate.

I certainly hope you will vote against the motion to indefinitely postpone. Thank you.

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

Mr. CHAPMAN: Mr. President, I request that the Senate grant permission for me to pair my vote with the Senator from Penobscot, Senator Cummings, who if she were here would vote yea, and I would vote nay.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now requests leave of the Senate to pair his vote with the Senator from Penobscot, Senator Cummings, who if she were here would vote yea and the Senator from Sagadahoc, Senator Chapman would vote nay. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I request leave to pair my vote with the Senator from Waldo, Senator Greeley, who if he were here would vote yea, and I would vote nay.

The PRESIDENT: The Senator from Kennebec, Senator Speers now requests leave of the Senate to pair his vote with the Senator from Waldo, Senator Greeley. Who if he were here would vote yea, and the Senator from Kennebec, Senator Speers, would vote nay. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I think it is time for that annual phraseology that goes something like, "If I were he and she were me, she would vote 'nay' and I would vote 'Yea'".

The PRESIDENT: The Chair thanks the Senator.

Is the Senate ready for the question?

The PRESIDENT: The pending question before the Senate, is the motion by the Senator from Cumberland, Senator Jackson, that L. D. 1867 and its accompanying papers be indefinitely postponed.

A yea 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.; Curtis, Hewes, Huber, Jackson, Katz, Lovell, McNally, Minkowsky, Morrell, Pierce, Pray, Redmond, Snowe, Trozky.

NAY — Carpenter, Conley, Danton, Farley, Hichens, Levine, Mangan, Martin, Merrill, O'Leary, Usher, Wyman.

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

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

The PRESIDENT: The Senator from Penobscot, Senator Pray, changes his vote from yea to nay.

15 Senators having voted in the affirmative, and 13 Senators in the negative, with 4 Senators pairing their votes, the motion to indefinitely postpone does prevail.

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

Mr. CONLEY: Mr. President, it is amazing what a supper hour will do and how powerful the lobby is in the Maine Senate.

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

Mr. MORRELL: Mr. President, having voted on the prevailing side I move reconsideration and hope you will vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Morrell, having voted on the prevailing side, now moves that the Senate reconsider its action whereby it indefinitely postponed L. D. 1867.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I request that when the vote is taken it be taken by 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 Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I think it is an absolute disgrace, what has happened here since we went to supper. The results of a Roll Call vote was given just prior to the last vote being taken and overwhelmingly this bill passed in this body to be engrossed. Now there have been some members of this Senate that have remained quite consistent during the Roll Call, and my remarks are not meant or addressed to them.

Once again I reiterate, that at the time the public hearing was given on this bill and the pilot project was passed by preceding legislature of the Lifeline, it went through six or seven counties of this state, and the reports that came to the committee and presented at the Joint Standing Committee on Public Utilities Committee, overwhelmingly endorsed this program for these people in need of this break. I cannot for the love of me understand how we can continue to give tax break upon tax break,

upon tax break to corporations in this state and we do little to shift the burden upon those who can least afford to pay it.

I ask that in the closing moments of this session, and try to prick the conscience of those individuals, if they think what is being done is fair to the citizens of this state who expect little in return at the closing hours.

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

Mr. KATZ: Mr. President, many votes are perplexing to those of us who are not involved in conversations out in the corridor. There were conversations in the corridors today, no member of the lobby was involved, I just made a spot of six Senators while we were sitting here. The vote was changed by the conscious feeling of some members of this body. Not outside. And that is literally the truth. There are always disagreements among men and women of good faith and there was a clear disagreement on this issue. I would not want to give the people of the state any impression other than the fact that this decision was made within the Senate tonight. Because that is the truth.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I do not really have any good expectations that I am going to change any votes, but I, like the last speaker, the good Senator from Kennebec, Senator Katz, want to make sure that the people in this Chamber and the people who may read about this vote later, make sure they understand how I feel on this issue. I very easily could get every bit as upset and as emotional as the Senator from Cumberland, Senator Conley but I will attempt not to.

You know we hear a lot about politicians, we hear a lot about trading, hear a lot about the last days of the session. I did not attempt to trade anything for this bill. It might have been possible, I do not know, we have had a lot of close votes in the last two or three days and it might have just been possible, but I have a little more faith in legislative process.

I think maybe why I am the most upset tonight is that there are members in this Chamber who lied to me and I do not care for that. I had a firm commitment on my behalf on this particular issue and I was naive enough to take an hour and a half off and go and have dinner tonight. And it appears that perhaps I should have stayed. I am very sorry for what we did. I would reiterate the words of my leader, the Senator from Cumberland, Senator Conley. Every time we pass a tax exemption or any thing of that sort, we are doing nothing more than shifting the burden to the same people who have to pay sales tax, they have to pay excise tax and pump their money into the General Fund. They have to buy clothing, they have to buy vehicles and we do not hear too much about that. When it comes time to pass tax exemptions, and we had quite a few passed and put on the table at least, some members of this body went on record as favoring a lot of exemptions to sales tax, it was a joke around here, we called Taxation Committee the Tax Exemption Committee. A lot of them are put on the table. Thankfully not too many of them are funded. It is the same kind of a shift, Ladies and Gentlemen, same kind of a shift. Some of them were funded. We funded one, not three hours ago, right here in this Chamber.

I would hope that the members of this body would reconsider their position. Thank you.

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

Mr. SPEERS: Mr. President, I would request permission to pair my vote with the Senator from Waldo, Senator Greeley, who if he were here would vote no and I would vote yes.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now requests leave of

the Senate to pair his vote with the Senator from Waldo, Senator Greeley, who if he were here would vote nay and the Senator from Kennebec, Senator Speers, would vote yea. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President, I request permission to pair my vote with the Senator from Penobscot, Senator Cummings, who if she were here would vote nay and I would vote yea.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now requests leave of the Senate to pair his vote with the Senator from Penobscot, Senator Cummings, who if she were here would vote nay and the Senator from Sagadahoc, Senator Chapman, would vote yea. 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, I would pose a question through the Chair, if those of the two Senators present, asking to pair their votes, had communicated with the Senators that they wish to pair their votes with.

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

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President, in answer to the Senator from Cumberland, Senator Conley's question, I talked with the Senator from Penobscot, Senator Cummings, on the telephone an hour or so ago.

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

Mr. SPEERS: Mr. President, I did not think it was going to be necessary to answer that question but since the question was posed, I will answer in the affirmative.

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

Mr. MERRILL: Mr. President and Members of the Senate: We have a chance today on voting on reconsideration to grant a special rate to those individuals who use a small amount of electricity. I think that that is a trend in the right direction. I think it is a trend in the direction we have to go. I would hope that the Senators, when they consider the question of shifting the burden, to consider all those years that we have had a rate structure that has gone the opposite way. We have asked the people who have used very little electricity to, in effect, to subsidize those people who have used a great deal. And I think in these times of energy shortage, this Senate would do well to reverse that, even be it with a small group of people, and I would hope that the trend would broaden. Over the next few years, we could ask those who use a great deal of electricity, to pay higher rates, because those are the people who put the burden on all the people who use public utilities in the State to pay more. Those are the people who demand that we burn more fossil fuels. Those are the people who demand that we build more nuclear power plants, and this is a small step in the direction of granting lower rates to people who use less electricity. I would hope that we would today reconsider our vote and those Senators who have switched their position would switch again, and we would not send this bill back in nonconcurrence, and that we would pass it at this time. I would hope that we would do that, if we do not, then you can rest assured that we will be Roll Calling this item later on in the evening.

The PRESIDENT: The pending question before the Senate, is the motion by the Senator from Cumberland, Senator Morrell, that the Senate reconsider its action whereby it indefinitely postponed L. D. 1867.

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 — Carpenter, Conley, Danton, Farley, Levine, Mangan, Martin, Merrill, O'Leary, Pray, Usher.

NAY — Collins, D.; Collins, S.; Curtis, Hewes, Hichens, Huber, Jackson, Katz, Lovell, McNally, Minkowsky, Morrell, Pierce, Redmond, Snowe, Trotzky, Wyman.

11 Senators having voted in the affirmative, and 17 Senators in the negative, with 4 Senators pairing their votes, the motion to reconsider does not prevail.

#### Enactors

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

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

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

#### Paper from the House Joint Order

ORDERED, Senate concurring, that when the House of Representatives and Senate adjourn, they both adjourn to nine-thirty in the morning on Monday, July 25th; at which time the House of Representatives and Senate shall meet for one legislative day for the purpose of considering possible objections of the Governor to any Bill or Resolve presented to him by the Legislature under the Constitution, Article IV, Part Third, Section 2. (H. P. 1840)

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

#### Communication

July 6, 1977

May M. Ross  
Secretary of the Senate  
State House  
Augusta, Maine 04333  
Dear Mrs. Ross:

I am pleased to authorize and direct you to serve on a full-time basis when the Legislature is not in regular or special session, as provided in Section 22 of Title 3 of the Maine Revised Statutes Annotated, for the 108th Maine Legislature.

Sincerely,

Signed:

JOSEPH SEWALL  
President of the Senate

Which was Read and Placed on File.

#### 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 and for Other Purposes for the Fiscal Years Ending June 30, 1978 and June 30, 1979. (S. P. 605) (L. D. 1898)

This being an emergency measure, and having received the affirmative vote of 24 Senators, and 4 Senators in the negative, and 24 being more than two-thirds of the members present, this Bill Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

(At Ease)

(Off Record Remarks)

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

Mr. CONLEY: Mr. President and Members

of the Senate: It was just brought to my attention that the bill that I debated and members of this Senate debated a few moments ago, as being one of great concern to many of us and perhaps not so much of a concern to others, and I belittled members of this Senate for what I said was prostituting their votes in a very short period of time since supertime. At least we voted! We voted on the bill and I am ashamed to state that the bill is back here in this body stamped adhered by the House of Representatives without them ever seeing the bill. I hope that is quickly remedied and that this body gets an opportunity to exercise what it is sent here to do!

On motion of Mr. Huber of Cumberland,  
Recessed until the sound of the bell.  
(Recess)

(After Recess)

The Senate called to order by the President.

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

Bill, "An Act to Provide Lifeline Electrical Services." (H. P. 1669) (L. D. 1867)

In the House July 11, 1977 Passed to be Enacted.

In the Senate July 11, 1977, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Mr. JACKSON: Mr. President, I move the Senate adhere.

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

Mr. MERRILL: Mr. President, I would make the motion that takes precedence and hope that the Senate would vote for it and that is the motion that the Senate would Recede and Concur, and ask that when the vote is taken, it is taken by the yeas and nays.

The PRESIDENT: A Roll Call has been requested.

Is the Senate ready for the question?

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 Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President, I request permission for me to pair my vote with the Senator from Penobscot, Senator Cummings, who, if she were here, would vote no and I would vote yes.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, requests leave of the Senate to pair his vote with the Senator from Penobscot, Senator Cummings, who, if she were here, would vote nay, and the Senator from Sagadahoc, Senator Chapman, would vote yea. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I request leave to pair my vote with the Senator from Waldo, Senator Greeley, who, if he were here, would vote nay, and I would vote yea.

The PRESIDENT: The Senator from Kennebec, Senator Speers, requests leave of the Senate to pair his vote with the Senator from Waldo, Senator Greeley, who, if he were here, would vote nay, and the Senator from Kennebec, Senator Speers, would vote yea. Is it the pleasure of the Senate to grant this leave? It is a vote.

The PRESIDENT: The pending question before the Senate, is the motion of by the

Senator from Cumberland, Senator Merrill, that the Senate recede and concur with the House.

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.

**ROLL CALL**

YEA — Carpenter, Conley, Farley, Hichens, Levine, Mangan, Martin, Merrill, O'Leary, Pray, Usher.

NAY — Collins, D.; Collins, S.; Curtis, Hewes, Huber, Jackson, Katz, Lovell, McNally, Minkowsky, Morrell, Pierce, Redmond, Snowe, Trozky, Wyman.

ABSENT — Danton.

11 Senators having voted in the affirmative, and 16 Senators in the negative, with 4 Senators pairing their votes, and 1 Senator being absent, the motion to recede and concur does not prevail.

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

Mr. MERRILL: Mr. President, is the motion to Insist and Join in a Committee of Conference in order at this time?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the same Senator.

Mr. MERRILL: Mr. President, I would so move.

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

Mr. CONLEY: Mr. President, does the move to recommit take precedence?

The PRESIDENT: The Chair would advise in the negative.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, whereas the motion has been made to Insist and Join in a Committee of Conference, I would ask a parliamentary inquiry, as to whether or not the other body has asked for a Committee of Conference.

The PRESIDENT: The Chair would advise the Senate that the record does not show that.

The motion to insist, however, would be in order.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that the Senate Insist.

The Chair will order a Division.

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

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

11 Senators having voted in the affirmative, and 17 Senators in the negative, the motion to Insist does not prevail.

The Senate voted to Adhere.

**(Off Record Remarks)**

On motion of Mr. Huber of Cumberland,  
Adjourned until 9:30 in the morning, Monday,  
July 25.