

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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June 14, 1978

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December 6, 1978

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APPENDIX

SENATE

March 1, 1978

Senate called to Order by the President.

Prayer by Father James P. Brewer, St. Mary's Catholic Church, Augusta.

FATHER BREWER: Heavenly Father, we call to mind the words of Your Son Jesus "wherever two or three are gathered together in My name there I am in their midst." We believe that You are present here in this Chamber as we pause to ask Your blessings on this day as it unfolds before us. We ask You to give us the strength and courage to carry out the responsibility that has been entrusted to us by Your people. Let it be ever present in our hearts and minds that we are merely human beings carrying out our human tasks for the benefit of all the people of this State. Help us to focus our attention on the issues at hand and not on others' personalities. We ask You to guide us in seeking out social justice for all. Father, there are times when things will not go our own way, give us the humility to approach the other side and seek out a working compromise that is fair and just. Guide us in trying to insure that all Your people may have the best opportunity to grow and develop, physically, intellectually and spiritually as You want them to. Help us so that Your great Human body may take shape. Help us personally to take part in this work, even if it is only to contribute a word to a discussion, or perhaps to do even more, if You wish it for we are Your instruments on this earth.

Lord, although our day will be filled with many projects, tasks and discussions we probably might not find the time to stop and talk with You so we dedicate all our work to Your greater honor and glory for we accomplish nothing without the power of Your Spirit. We present our prayer to You from whom all good things come. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Clarify Certain Definitions under the subdivision Law and to Set Out the Intent of the Legislature in Enacting that Law." (H. P. 1935) (L. D. 2006)

In the House, February 17, 1978 Passed to be Engrossed as amended by Committee Amendment "A" (H-1032) as amended by House Amendment "A" (H-1053) thereto.

In the Senate, February 28, 1978 Bill and Papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Mr. HICHENS: I move that the Senate Insist and Ask for a Committee of Conference.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that the Senate Insist and Ask for a Committee of Conference with the House.

The Chair would advise the Senate that the only motions available to the Senate at this point is to Recede and Concur or Adhere.

The Chair recognizes the Senator from York, Senator Danton.

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

On Motion of Mr. Speers of Kennebec, Tabled until later in Today's Session, pending the motion to Adhere.

Non-concurrent Matter

Bill, An Act to Provide Compensation and Benefits Agreed to by the State and the Maine State Troopers Association. (Emergency) (H. P. 2138) (L. D. 2165)

In the House, February 24, 1978 Referred to the Committee on Appropriations and Financial Affairs.

In the Senate, February 28, 1978, Passed to be

Engrossed without reference to Committee in non-concurrence.

Comes from the House, that Body having Insisted.

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

Mr. HEWES: Mr. President and Members of the Senate: I feel that the referral of this to the Committee on Appropriations is a sensible move. This is the first matter that I know of in which bargaining results have come before us after negotiations, and I do not know that the Committee on Appropriations and Financial Affairs will become too involved in the results of the bargaining but I think that that future precedent, these ought to be referred, these situations, ought to be referred to some Committee whether it is that Committee or some other Committee I do not know. I think that it makes sense to refer it to the Committee on Appropriations and Financial Affairs, and then I therefore move that we Recede and Concur.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves that the Senate Recede and Concur with the House. Is it the pleasure of the Senate? It is a vote.

Non-concurrent Matter

Bill, "An Act to Facilitate the Operation of the Spruce Budworm Suppression Act." (Emergency) (S. P. 678) (L. D. 2095)

In the Senate, February 27, 1978 Bill and papers, Indefinitely Postponed.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (S-487) in non-concurrence.

On Motion of Mr. Trotzky of Penobscot, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act to Establish Standards to Protect Maine Consumers Against Unsafe and Improperly Manufactured Cellulose Fiber Insulation." (Emergency) (H. P. 1998) (L. D. 2079)

In the Senate, February 23, 1978 Passed to be Engrossed as amended by Committee Amendment "A" (H-1045) in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-1101) thereto, in non-concurrence.

On Motion of Mr. Trotzky of Penobscot, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Permit Persons Other Than Arborists to Take Down Trees by Topping or Sections." (Emergency) (H. P. 1858) (L. D. 1925)

In the House, February 27, 1978 Passed to be Enacted.

In the Senate, February 28, 1978, Bill and Papers Indefinitely Postponed, in non-concurrence.

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

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

Mr. CHAPMAN: I move that the Senate Adhere.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now moves that the Senate Adhere.

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

Mr. O'LEARY: Mr. President, I would move that we Insist and Ask for a Committee of Conference and I would like to speak briefly to my Motion.

The PRESIDENT: The Senator has the Floor.

Mr. O'LEARY: Mr. President and Members of the Senate: Most of the debate in the Senate and the reasons for killing this Bill originally, I believe, centered around the fact that there is no insurance required. I think that if we have a Committee of Conference then they can arrive

at some method by which insurance is required in certain instances perhaps we would have a Bill that would be a good Bill for the people, and I would ask you to join with me.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Oxford, Senator O'Leary, that the Senate Insist and Join in a Committee of Conference with the House.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion of the Senator from Oxford, Senator O'Leary, that the Senate Insist and Join in a Committee of Conference please rise in their places to be counted.

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

13 Senators having voted in the affirmative and 16 Senators in the negative the Motion to Insist and Join in a Committee of Conference does not prevail. The Senate voted Adhere.

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 reconsider its action whereby it Adhered and I would hope that the Senate would vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby it voted to Adhere.

Will all those Senators in favor of the Motion please say yes. Will all those opposed please say no.

A Viva Voce Vote being had, the Motion to Reconsider does not prevail.

House Papers

Bill, An Act Concerning the Charter of the Guilford-Sangerville Water District. (Emergency) (H. P. 2161) (L. D. 2170)

Reference to the Committee on Public Utilities is suggested.

Comes from the House, Passed to be Engrossed Without Reference to Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: I move without reference to Committee, that this Bill be given its first reading at this time.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that this Bill L. D. 2170 be given its first reading at this time. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: This is the first time that this Bill has come to my attention and I think that it is very precipitous to do something as important as this. I realize that probably there is no quote, "dirty work afoot," but I just think that it is unnecessary to have something like this giving a group of people the right of eminent domain which has always been something that is strongly opposed by most of the members of the Public Utilities Committee when we go over these things.

I would hope that someone would table this until later in today's session, I would like to have the chance to look at it.

On Motion of Mr. Pray of Penobscot. Tabled until later in Today's Session, pending the Motion that one Bill be given its First Reading.

Bill, An Act Relating to the Transportation of Primary Wood Products. (H. P. 2162) (L. D. 2171)

Comes from the House, referred to the Committee on Transportation and Ordered Printed.

Which was referred to the Committee on Transportation and Ordered Printed in concurrence.

rence.

Communications

Committee on Human Resources
The Honorable Joseph Sewall
President of the Maine Senate
Senate Chamber
State House
Augusta, Maine 04333

Dear Mr. President:

The Committee on Human Resources is pleased to report that it has completed all business placed before it by the Second Regular Session of the 108th Legislature.

Total Bills received	4
Unanimous Reports	3
Ought to Pass in New Draft	2
Referrals	1
Divided Reports	1
Total number of New Drafts	3

Respectfully submitted,

Signed:

RALPH M. LOVELL
Senate Chairman

Which was Read and Ordered Placed on File.

House of Representatives

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

Dear Madam Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Establish and Apply a Policy on the Classification of Major Policy-influencing Positions Below the Head of State Department and Agencies" (H. P. 2051) (L. D. 2111)

The Speaker appointed the following members of the House to the Committee:

Messrs. CURRAN of South Portland
DIAMOND of Windham

Mrs. MASTERTON of Cape Elizabeth

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

House of Representatives

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on RESOLVE, Authorizing Certain Employees of the State of Maine to Request an Extension of Employment After Their Mandatory Retirement Age; Years of Service Requirement or Age and Years of Service Requirement (H. P. 2101) (L. D. 2140)

Messrs. KELLEHER of Bangor

DAVIES of Orono

SPROWL of Hope

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on file.

House of Representatives

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Amend the Crime of Assault on a Law Enforcement Officer" (S. P. 661) (L. D. 2032)

Messrs. COTE of Lewiston

CARRIER of Westbrook

SHUTE of Stockton Springs

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on file.

Orders

An Expression of Legislative Sentiment recognizing that:

Miss Kissy Walker, thirteen, of Augusta, has won the New England Regional Foul Shooting contest held at Nashua, New Hampshire, and will compete in the National Foul Shooting contest, to be held on March 11, 1978, in Kansas City, Missouri, (S. P. 721) is presented by Senator Katz of Kennebec. Cosponsored by Representatives: Bustin, Kane and Hickey of Augusta, Mitchell of Vassalboro.

Which was Read and Passed.

Sent down for concurrence.

(Off Record Remarks)

Committee Reports

House

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Amend the Charitable Solicitations Act to Change the Responsibilities of Religious and Small Organizations: (Emergency) (H. P. 2015) (L. D. 2090)

Reported that the Same Ought to Pass as Amended by Committee Amendment "A" (H-1100).

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

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

(Off Record Remarks)

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Amend the University of Maine Labor Relations Act." (H. P. 1919) (L. D. 1980)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1088).

Signed:

Senators:

McNALLY of Hancock

PRAY of Penobscot

REDMOND of Somerset

Representatives:

BUSTIN of Augusta

PELTIER of Houlton

FLANAGAN of Portland

ELIAS of Madison

TARR of Bridgton

DUTREMBLE of Biddeford

BEAULIEU of Portland

LEWIS of Auburn

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

Signed:

Representatives:

LAFFIN of Westbrook

McHENRY of Madawaska

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

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Clarifying the Definition of State Employee under the State Employees Labor Relations Act so as to Exclude Certain Attorneys Employed by the Attorney General's

Office. (H. P. 1940) (L. D. 2020)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1082).

Signed:

Senator:

PRAY of Penobscot

Representatives:

BUSTIN of Augusta

PELTIER of Houlton

FLANAGAN of Portland

ELIAS of Madison

McHENRY of Madawaska

DUTREMBLE of Biddeford

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

Signed:

Senators:

McNALLY of Hancock

REDMOND of Somerset

Representatives:

LAFFIN of Westbrook

TARR of Bridgton

LEWIS of Auburn

BEAULIEU of Portland

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed.

Which Reports were read.

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

Mr. McNALLY: I move for acceptance of the minority Ought to Pass Report and very briefly describe what it does.

The PRESIDENT: The Senator has the Floor.

Mr. McNALLY: This Bill clears up a matter of policy and the policy is that the Attorneys that are employed by the Attorney General should not be considered a part of a bargaining unit.

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

Mr. PRAY: Mr. President and Members of the Senate: To explain the Committee Amendment "A" and the process of which we have. You will note that the entire Committee felt that this entire Legislation should pass but we differed in the form in which it should pass. Presently, the AG staff is included in a larger group, a group of around 800 individuals that are employed by the State. Committee Amendment "A" would form their own separate unit, at which time they could vote for either — representation or no representation. If they voted for no representation it would be the same as the Minority Report at this time, but at some future time they decided that they did want to be included, or to have some collective bargaining rights, it would take another legislative act whereas the Membership themselves could vote at a future date on another year to have representation. So I think basically Committee Amendment "A" would allow these individuals if at some future time they change their minds not to go through the Legislative process of seeking inclusion but within their own membership, within their own select unit, could make that own decision for themselves. I would ask for a Division on the Motion.

The PRESIDENT: A Division has been requested. The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Perhaps I ought to explain a little more what caused me to sign this Minority Report.

In the first place, we had a letter from Mr. Mosher which was addressed to William Garso and it said that they had surveyed the status of the States which had collective bargaining and these States include all of New England, New York, New Jersey, Pennsylvania, Michigan, Indiana, Iowa, Wisconsin, Montana, and Minnesota, and the Assistant Attorney Generals participate in collective bargaining in only one of these States and that is Wisconsin. Wisconsin assistant Attorney Generals are part of the

Civil Service System and are not appointed at the pleasure of the Attorney General in this state. It was testified too in the Committee by a gentleman representing the Attorney General Assistants and also by a lady Attorney General. Now the Gentleman testified to the fact that they had a caucus and they voted not to be considered as a bargaining unit. And the lady, of course, equally adamant that they should be part of a bargaining unit.

Now I asked the question of some of you members and of the Maine Bar Association and they said yes and I said, that means that you have to go along with their rules and regulations, and they allowed that was so. And it seemed to me that for so short a time, for a temporary time, that they particularly would not be considered a bargaining unit any more than this petition that we have from a bunch of state police who said that they want to bring organization that the Commission officers of the department feel that they have a bargaining unit and we were told that it was not germane to the Bill.

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

Mr. CONLEY: Mr. President, I hesitate to speak on this particular Bill, but the only dislike I have for attorneys perhaps is that my son may become one.

But it seems strange to me that we get into the field of bargaining units and we have attorneys, unclassified state employees, seeking or not seeking really but being included within an amendment strikes me as sort of strange. The only thing that I can see down the road is perhaps the Supreme Judicial Court may one day, want to become represented by a bargaining agent and, therefore, I intend to support the Motion by the good Senator from Hancock, Senator McNally.

The PRESIDENT: Is the Senate ready for the question? A Division has been requested.

Will all those Senators in favor of the Motion of the Senator from Hancock, Senator Merrill, that the Senate accept the Minority Ought to Pass Report of the Committee please rise in their places to be counted.

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

17 Senators having voted in the affirmative and 6 Senators in the negative, the Motion to Accept the Minority Ought to Pass Report of the Committee does prevail.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Senate

Ought to Pass — As Amended

Mr. Chapman For the Committee on Business Legislation on, Bill, An Act Relating to Malpractice Insurance Companies. (S. P. 638) (L. D. 1997)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-500).

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

Ought to Pass in New Draft

Mr. Lovell for the Committee on Human Resources on, Bill, An Act to Provide Interpreter Service for the Hearing Impaired. (S. P. 616) (L. D. 1904)

Reported that the same Ought to Pass in New Draft, under same title. (S. P. 720) (L. D. 2169)

Which Report was Read and Accepted and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, An Act Providing for Notice to Parents

under the Child Abuse and Neglect Statutes. (H. P. 2143) (L. D. 2160)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1978. (Emergency) (H. P. 2141) (L. D. 2162)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1978. (Emergency) (H. P. 2140) (L. D. 2161)

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

House — As Amended

Bill, An Act to Correct the Inequitable Taxation of Mobile and Modular Homes (H. P. 1976) (L. D. 2059).

Which was Read a Second Time.

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

Bill, An Act to Revise the Administration and Toll System of the Maine Turnpike. (H. P. 2132) (L. D. 2157)

Bill, An Act to Clarify Admission Procedures at Pineland Center. (H. P. 2016) (L. D. 2091)

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

Bill, An Act to Make Trafficking in Five Pounds or More of Marijuana a Class C Crime under the Maine Criminal Code. (H. P. 1999) (L. D. 2080)

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

Sent down for concurrence.

Senate — As Amended

Bill An Act to Ensure the Safety of Minors Taking Canoe Trips while Attending Summer Camp. (S. P. 630) (L. D. 1989)

Which was Read a Second Time.

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

Bill, An Act to Clarify County Law Enforcement. (S. P. 671) (L. D. 2075)

Which was Read a Second Time.

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

Mr. SPEERS: With regard to L. D. 2075, as Chairman of the pretigious Committee on Bills in the Second Reading and the product of Maine Schools proving whereby that they can number consecutively, I present Senate Amendment "A", excuse me Mr. President, I move that the Senate reconsider its action whereby it adopted Committee Amendment "A"

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby it adopted Committee Amendment "A" to L. D. 2075. Is it the pleasure of the Senate? It is a vote.

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

The PRESIDENT: The Senator from Kennebec, Senator Speers, now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-502) Read and Adopted.

On Motion of Mr. Collins of Knox, Tabled for One Legislative Day, pending Adoption of Committee Amendment "A", as amended.

Orders of the Day

The President laid before the Senate:

Veto

Bill, "An Act to Increase the Amount which Qualifies a Financial Institution for Exemption from Insurance of Deposits on Accounts." (H. P. 1862) (L. D. 1920)

Tabled — February 27, 1978 by Senator Speers of Kennebec

Pending — Consideration

The PRESIDENT: The pending question before the Senate is shall this Bill become a Law notwithstanding the objections of the Gov-

ernor. According to the Constitution the vote will be taken by the yeas and nays.

The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: Mr. President and Members of the Senate: I would urge you this morning to vote to override the Governor's veto. I would not be consistently supporting this Legislation if I did not think that it was in the best interest of the citizens of Mechanic Falls or that in any way that it would jeopardize the people who do business with the Mechanic Falls Building and Loan Association.

The Governor's objection to the Bill primarily it is because of it is special interest legislation. Certainly it is special interest in the sense that this Bank is unique to the community and it is a unique institution. And in my estimation there is nothing wrong with preserving an institution which happens to be unique and special to the community which it serves. And has served the community well, exceedingly well, over the last 90 years without any problems whatsoever. And now because of Federal Regulations it could potentially go out of business, in a sense it is not the cost of insurance that is of concern to this Bank, but it is the cost of compliance in order to purchase this Federal insurance.

The banks net worth as percentage of assets is far above the State average. It has the highest deposit reserve ratio of any bank in Maine which is at 20 percent. The State average is 6.3 percent. The excellent reserves of this association are considered to be more than off set the lack of insurance of accounts by its shareholders. Primarily, and most importantly, this bank is a source of funds for homeowners in the Mechanic Falls area. This association makes loans at real estate mortgage base that would probably be put on an installment plan basis are not considered at all by a larger financial institution. Most of the banks assets are first mortgages.

In order for this association to financially afford insurance on depositors accounts with the Federal Insurance Corporation would have to have at least \$500,000. in assets. Currently the Association has only a \$180,000. The association does have Blanket Coverage Bond \$25,000. which covers robbery, forgery and breaches of fidelity. Also worthy of notice fact is that the bureau of banking is supportive of this Legislation. They recognize too that the bank would have to have at least \$500,000 in assets before it is feasible for them to purchase Federal insurance.

And I think also the Bureau of Banking recognizes this Association it's Community minded and public spirited and provides a very valuable service to the Mechanic Falls citizens. Therefore, I would urge you to vote to override the Governor's veto.

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

Mr. PIERCE: Mr. President and Members of the Senate: It is with some reluctance that I feel that I must rise to oppose the Senator from Androscoggin because I know that certainly in her remarks this morning she has the best interest of her constituents and Mechanic Falls Bank at heart. However, I think that there are several points that should be made before we do vote on the veto.

1. There is no Credit Union, there is no bank, in the State of Maine with the exception of this institution, that has an exemption from buying insurance. And they have this exemption up to \$250,000 which was granted two years ago by the Business Legislation Committee. Over my objection at that time because I did not feel that any one institution should be singled out to be granted this exemption, but they were given it and it was approved by the Legislature. They have come back this year and asked to double that exemption from \$250,000 to \$500,000. This bank and all of the people that I have met who deal with it and operate it are certainly a fine

group of people and I certainly do not question their motives and their will to have their bank grow.

They have changed the name from The Mechanic Falls Loan and Building to Mechanic Falls Savings and Loan Association. They have new bylaws. They have new your directors who are certainly full of enthusiasm and they have stated at the Public Hearing that they are actively seeking new large depositors and I think that they indicated that they have several large depositors lined up as soon as the law is changed. All of which is fine. But originally we granted this exemption on the basis that this was going to be a small town bank serving this community with this one purpose. Now they want to double the exemption and they want to grow and they want to grow into a larger institution which is alright, but that is exactly against the reason that they first got the exemption.

So I submit to you, if they do not want to remain below the \$250,000 mark and they do want to grow and compete with other banks then they must come into the real world of banking and I think that it is incumbent upon us to protect future depositors and I think the Governor and his message which is in the journal of February 27 really was right on target in his objections. In this day of consumer oriented legislation, do we want to do anything to increase the potential for default? And I think that this potentially although in all probability will not happen, but this potentially does increase that potential for default. Increases the potential for things which should not happen in a bank that could happen and therefore, I certainly today and I am going to agree with the Governor and am going to support his veto on this measure.

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

Mr. MANGAN: Mr. President and Members of the Senate: Yesterday afternoon I had to rush off to a bank for a few seconds because I have to secure for a client a \$48,000 mortgage and as I left the bank I was thinking about this Bill and I said, gee if this was a big city bank that would amount to the grand total of five mortgages. Now I knew a father back when they had a big massive tract and he let five of his kids subdivide the piece of property and left them all enough money to build houses and basically that came out to about quarter of a million dollars also \$250,000. I had a tough time imagining this father having to provide Federal Deposit Insurance, provide the cameras for his safe, provide all of the insurance liabilities, and all of the protections that they require. I think that it is too small. I understand the concerns of the Governor but I think that in this instance we can very easily make the exception. I would urge you to override.

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

Mr. SPEERS: Mr. President and Members of the Senate: My concern with this Bill as it was going through the Legislative Process was with the precedent that was going to be established and with the question of whether or not we were providing a general exemption and raising the exemption from the \$250,000 to the \$500,000 mark or any bank whether it would be this one or banks on into the future. Well, since the time that this has proceeded through the Legislative Process, some additional information has been made available and I now understand that this particular Bill and that this particular bank was in existence prior to the time that the general law was enacted which required all financial institutions to come within the preview of the FDIC. Therefore, there was a good reason for this particular institution to be grandfathered to be exempted from the preventions of that general law that was enacted I believe in 1975. We are not changing the general law in any respect and for the future, for the establishment of future institu-

tions, or the expansion of future institutions, there will be required the compliance with that general law. But because this particular institution was in existence prior to the enactment of the general law and because of the soundness that it has demonstrated even to the opponents of this particular measure, of this particular Bill, I will go along with the proponents of this Bill today and vote to override the veto.

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

Mr. LEVINE: I am a little confused and perhaps after I make a very short statement I might pose a question through the Chair to the Chairman of the Business Legislation Committee, Senator Pierce of Kennebec. Senator Pierce in his statements stated that this institution has come to the legislature two years after they first came and received the exemption in order to double that exemption and it is my understanding that when they came before the Legislature two years ago that they originally asked for the exemption of \$500,000. So I guess that the question that I would have to pose to Senator Pierce through the Chair is in fact a proper statement, did they originally ask for an exemption of \$500,000 and the Legislature cut them back so they are not in fact asking for it to be doubled at this time but asking only what they asked to receive last time.

The PRESIDENT: The Senator from Kennebec, Senator Levine, has posed a question through the Chair. The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: In response to the Senator's question about the exemption he is in error. They did not ask for \$500,000. The original request was for \$400,000. This would have granted an exemption to three banks in the state of Maine. We, therefore, the Committee therefore, cut it back to \$250,000 which meant that only one bank would be affected.

As to the grandfather argument, it would appear that perhaps the Majority Leader is groping for a reason to vote to override on this Bill, because I think his logic really does not make any sense. When we passed this law, we passed it to cover all banks in the State of Maine. Then this bank came back and asked for the exemption and it was granted. It really is as simple as that and if you feel that this bank should stay as it is and well enough alone and keep it the small town bank as it is, fine. If we do not pass this Bill, that is exactly what will happen. If we do pass the Bill, then very simple, the exemption will be doubled.

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

Mrs. SNOWE: Mr. President and Members of the Senate: I am sorry that I have to dispute the Senator from Kennebec, Senator Pierce, however, the Association did originally request \$500,000 exemption and the Board of Directors of the Bank are here and that was their original request. They recognize that anything that they expended over \$500,000 that they should in fact get Federal Insurance.

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

Mr. MORRELL: Mr. President, I am a Director of a National Bank that competes with the bank that we are discussing and because there may be an appearance of conflict, I would like to be excused from voting on this issue.

The PRESIDENT: The Senator from Cumberland, Senator Morrell, now requests leave of the Senate to refrain from voting on the issue because of the possibility of the appearance of conflict of interest. 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 Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I do not think that there is anyone in this Chamber who is anymore con-

cerned for protecting the people and protecting the consumers in Maine than I am. But I think that all of us are moved at times to wonder to what how far that obligation carries to us. In the last couple of days we have protected people from installing stoves improperly and today we protected people from insulation that is not made properly, and now we are being told that we have to sustain this veto to protect the people from the Mechanic Falls Savings Bank. And from all the evidence that I have heard from all the discussion that I had with people connected with the bank and from listening to the Chairman of the Business Legislation Committee debate this bill. I just do not think that is a compelling reason for us to sustain the veto.

Maybe the more difficult argument to deal with is the fact that we are making one exception and I think that it troubles a lot of people that make rules, and like to see those rules applied even handedly and completely and totally and I think that one of the things that maybe can characterize the State of Maine say from the State of New York, is that maybe from time to time we are able to deal with things on a human scale and if that is the shortcoming if that is a weakness if that is a failing that we four worlds rustics have, I think that it is one that we should preserve. And I think that this is a perfect case to make an exception. When I think of this bank, I told Assistant Minority leader yesterday, when I think of this bank, I think of Senator Danton's restaurant down there on fast food road and Senator Danton is an endangered specie, not only politically, which we all know, watching him up here but in business. He is surrounded by these national giants. If he had any sense he would know that he lost already. And a lot of small businesses are in that state. But I think that the state is better off because we have these smaller enterprises. I am concerned about the day when there is not any Mechanic Falls Savings Bank and there are not any Senator Danton's restaurants and if that is the small symbolic statement that we can make here today as opposed to a overridden desire to have everything be uniform and the same as it would probably be in New York and New Jersey and that is the option I think we should take and I urge the Senate to override the veto today.

The PRESIDENT: Is the Senate ready for the question?

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor. The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President, I have a request to pair my vote with one Senator from Cumberland, Senator Jackson. If he were here would vote yes to override the veto and I would vote no to sustain the veto.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, requests the leave of the Senate to pair his vote with the Senator from Cumberland, Senator Jackson, who if he were here would vote yes and the Senator from Sagadahoc Senator Chapman, would vote no. Is it the pleasure of the Senate to grant this leave? It is a vote.

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

Mr. PIERCE: Mr. President, parliamentary inquiry. Is pairing proper on a veto?

The PRESIDENT: The Chair would advise the Senator that any Senator in the Chamber must be counted as a function of the two-thirds requirement. So I guess the Chair would suggest to the Senator from Sagadahoc, Senator Chapman, that to be perfectly proper on this issue if he wants to be on the record as voting in one position or another he might leave the Chamber before the vote is taken.

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

ROLL CALL

YEA — Carpenter, Conley, Cummings,

Curtis, Danton, Farley, Greeley, Hichens, Huber, Levine, Lovell, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Snowe, Speers, Trotzky, Wyman, Sewall.

NAY — Collins, D.; Hewes, Katz, McNally, Pierce, Redmond.

ABSENT — Chapman, Jackson, Morrell, Usher.

22 Senators having voted in the affirmative and 7 Senators in the negative, and 43 being absent, and 22 being more than two-thirds of the membership present, it is the vote of the Senate that this Bill become a law notwithstanding the objections of the Governor, and the Secretary will present the Bill to the Secretary of State.

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

Mr. MERRILL: Having voted on the prevailing side, I move reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves the Senate reconsider its action whereby it overrode the veto of the Governor.

With all those Senators in favor of reconsideration please say yes. Will all those opposed please say no.

A Viva Voce Vote being had, the Motion to reconsider does not prevail.

The President laid before the Senate: Bill, "An Act to Expand the Elderly Low Cost Drug Program." (Emergency) (H. P. 1912) (L. D. 1973)

Tabled — February 27, 1978, by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

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

Mrs. SNOWE: Mr. President, I now offer Senate Amendment "B" to Committee Amendment "A" (S-501) and move its Adoption.

The PRESIDENT: The Chair understands that the Senator from Androscoggin, Senator Snowe, now moves that the Senate suspend its rule, in order to reconsider its action whereby it Adopted Committee Amendment "A". Is it the pleasure of the Senate? It is a vote.

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

Senate Amendment "A" (S-501) Read.

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

Mrs. SNOWE: Mr. President and Members of the Senate: Just briefly. The Amendment would allow older citizens to apply for eligibility to low cost drug programs throughout the year rather than a specific present application period of August 1 to October 15. Presently, an older person could become eligible for low cost drugs in January, but cannot actually receive those drugs until August when the application period opens.

My amendment allows older people to receive low cost drugs as soon as they are eligible rather than wait for an arbitrary application period to open.

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

Mr. CONLEY: Mr. President and Members of the Senate: I wanted to address this particular Bill and I think everyone should know exactly how sometimes we pass Legislation that we do not really go far enough.

The good Senator from Androscoggin, Senator Snowe, has pointed out the time period of August through October the 15th was sort of a deadline filing for people who want to take advantage of this particular Drug Program. The 15th of October was not necessarily the deadline because the Department allowed a six month extension period for anyone who was handicapped or ill to file an application for the program, and then more than likely receive it. So in essence what we had on the books what

we had being administered was a program that was going for pretty close to 9 months. Or 8½ months with a lockout period of 3½ months. The Amendment that is being presented here today, is one that is certainly supported by my party who has been concerned about this since the day this Bill first came before this Body and in fact we had one of our Senators draft an Amendment by the Research Committee that was done in error.

We fully support the Amendment and we hope that not only will this program be opened up to the elderly on the Drug Program but there is no reason in the world why we shouldn't amend the present program of tax relief dealing with the elderly because if everyone still files within the given framework of the time allocated which is extremely similar to the same dates of August 1st to October 15th, it is not going to cost the State any more and so then, well it may cost more if everybody takes advantage of the program but the fact is that they are not taking advantage of the program. If someone went out and did a wholesale public relations job for the elderly, telling them that they must file within this given framework then the State may be confronted with a financial program, but if we are going to pass these programs we should be realistic and recognize the fact that many of our senior citizens who are eligible and because of lack of knowledge have not filed to take advantage of these particular programs, the State could some day be faced with a very financial serious financial problem.

So I would hope that perhaps the Appropriations Committee or perhaps even the Committee on Health and Institutional services may possibly review that if not this year at least at the beginning of the next year.

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

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate: As a Senate member of the Committee on Aging I am very happy to see this Bill for prescriptions to people that really need them and we have many thousands of people and as a pharmacist I can tell you that it is absolutely true. They cannot afford to buy their medicine and buy their food and pay their taxes and this Bill is a great help to aging people. I do qualify under it but that is perfectly alright. I am old enough to but I have a little more money than is necessary. But nevertheless, I would like to see this Bill passed unanimously. Thank you.

On Motion of Mrs. Snowe of Androscoggin, Tabled until later in Today's Session, pending Adoption of Senate Amendment "B"

The President laid before the Senate:

HOUSE REPORT — From the Committee on Natural Resources — Bill "An Act to Clarify the Investigation Powers of the Department of Environmental Protection under the Oil Conveyance Program." (H. P. 1959) (L. D. 2041) Ought to Pass as Amended by Committee Amendment "A" (H-1070)

Tabled — February 28, 1978 by Senator Speers of Kennebec

Pending — Acceptance of Report

On Motion of Mr. Speers of Kennebec, Re-tabled until later in Today's Session.

The President laid before the Senate:

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. (Emergency) (H. P. 2089)

Tabled — February 28, 1978 by Senator Huber of Cumberland

Pending — Passage to be Engrossed

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

Mr. HUBER: Mr. President, I offer Senate Amendment "A" to L. D. 2089, (S-503) and move its Adoption.

The PRESIDENT: The Senator from Cum-

berland, Senator Huber, now offers Senate Amendment "A" to L. D. 2089 and moves its Adoption. the Secretary will Read Senate Amendment "A".

Senate Amendment "A" (S-502) Read and Adopted. This Bill, as amended, Passed to be Engrossed in non-concurrence. Sent down for concurrence.

The President laid before the Senate:

RESOLVE, For Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1978. (Emergency) (H. P. 2105) (L. D. 2142)

Tabled - February 28, 1978 by Senator Jackson of Cumberland Pending - Motion of Senator O'Leary of Oxford to Recede and Concur

On Motion of Mr. Speers of Kennebec, Re-tabled for One Legislative Day.

The President laid before the Senate:

Bill, An Act to Clarify Certain Definitions under the Subdivision Law and to Set out the Intent of the Legislature in Enacting that Law. (H. P. 1935) (L. D. 2006)

On Motion of Mr. Danton of York, the Senate voted to Adhere.

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 and hope that the Senate votes against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves reconsideration.

Will all those in favor of reconsideration please say yes.

Will all those opposed please say no.

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

The President laid before the Senate:

Bill, An Act Concerning the Charter of the Guilford-Sangerville Water District. (Emergency) (H. P. 2161) (L. D. 2170)

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

Mrs. CUMMINGS: Mr. President, as I have not yet had a Report, I would appreciate it if someone would table this again until later in today's session.

On Motion of Mr. Speers of Kennebec, Re-tabled until later in Today's Session.

The President laid before the Senate:

Bill, An Act to Ensure the Safety of Minors Taking Canoe Trips while Attending Summer Camp. (S. P. 630) (L. D. 1989)

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

Mr. O'LEARY: Mr. President, the good Senator from Somerset, Senator Redmond had an Amendment to help clear up some of the language and it is being incorporated in an Amendment at this time, and I would appreciate it if somebody would table it until later in today's session.

On Motion of Mr. Speers of Kennebec, Re-tabled until the Afternoon Session.

The President laid before the Senate:

Bill, "An Act to Expand the Elderly Low Cost Drug Program." (Emergency) (H. P. 1912) (L. D. 1973)

The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: Mr. President, I now move that we suspend the rules for purposes of reconsideration.

The PRESIDENT: The Chair would advise the Senator that the pending question before the Senate at this point must be disposed of first.

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

The Chair understands that the Senator from Androscoggin, Senator Snowe, now moves that the Senate suspend its rules. Is it the pleasure

of the Senate? It is a vote.

The Chair recognizes the Senator from Androscoggin, Senator Snowe.

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

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

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

Mrs. SNOWE: Mr. President, I now move that we indefinitely Postpone House Amendment "A".

The PRESIDENT: The Senator from Androscoggin now moves that the Senate Indefinitely Postpone House Amendment "A" to Committee Amendment "A." Is it the pleasure of the Senate? It is a vote.

Committee Amendment "A," as amended, Adopted. This Bill, as amended, Passed to be Engrossed, in non-concurrence. Send down for concurrence.

The President laid before the Senate:

House Report — From the Committee on Natural Resources — Bill, "An Act to Clarify the Investigation Powers of the Department of Environmental Protection under the Oil Conveyance Program." (H. P. 1959) (L. D. 2041) Ought to Pass as Amended by Committee Amendment "A" (H-1070)

On Motion of Mr. Speers of Kennebec, Re-tabled until the Afternoon Session.

All matters previously acted upon were ordered sent forthwith.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland, Re-cessed until 4:00 o'clock in the afternoon.

Recess

(After Recess)

Senate called to order by the President.

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

Papers from the House

Joint Orders

Expressions of Legislative Sentiment recognizing that:

Lt. Deputy Chief John Doak of the Caribou Police Department is retiring after 32 years of dedicated service, (H. P. 2157)

The Buckfield High School girls' basketball team, coached by Donald Thompson, won the State Class D Basketball Championship for the 3rd straight year, (H. P. 2160)

The Hermon High School Girls' Basketball Team has won the Eastern Maine Class B Championship for 1978, (H. P. 2158)

Comes from the House, Read and Passed. Which were Read and Passed in Concurrence.

Senate Paper

Mr. Sewall of Penobscot, (Cosponsors: Mr. Huber of Cumberland, Mr. Conley of Cumberland and Mr. Danton of York) present:

Bill, "An Act Creating a State Capitol Commission." (S. P. 722)

Reference to the Committee on State Government is suggested, which was referred to the Committee on State Government and Ordered Printed. Sent down for Concurrence.

Orders

An Expression of Legislative Sentiment recognizing that:

the Greenville High School Girls' Basketball Team has won the Eastern Maine Class D Championship for 1978, (S. P. 723) is presented

by Senator Pray of Penobscot, Cosponsored by Masterman of Milo.

Which was Read and Passed. Sent down for concurrence.

Committee Reports

House

Ought to Pass — As Amended

The Committee on State Government on, Bill, "An Act to Improve the Short-term Investment Capabilities and Debt Management of the State." (H. P. 1975) (L. D. 2061)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-1098).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-1098). Which Report was Read.

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

Mr. HICHENS: I would like to present an Amendment to the Committee Amendment.

The PRESIDENT: Would the Senator defer his motion for one moment, until we accept the Committee Report.

Which Report was Accepted. The Bill Read Once. Committee Amendment "A" Read.

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

Mr. HICHENS: Mr. President, I would like to present Senate Amendment "A" to Committee Amendment "A" and move its passage.

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

Senate Amendment "A" (S-505) Read.

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

Mr. COLLINS: Mr. President, I have not had time to examine this Amendment. I would hope that somebody might table this until the next Legislative Day. On Motion of Mr. Speers of Kennebec, tabled for One Legislative Day, pending Adoption of Senate Amendment "A."

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Requiring Net Cost Comparison of Life Insurance Companies." (H. P. 1973) (L. D. 2058)

Reports that the same Ought Not to Pass.

Signed:

Senator:

FARLEY of York

Representatives:

WHITTEMORE of Skowhegan

BOUDREAU of Portland

HOWE of South Portland

JACKSON of Yarmouth

PEAKES of Dexter

SPROWL of Hope

KILCOYNE of Gardiner

ALCOUPIS of Bangor

RIDEOUT of Mapleton

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

Signed:

Senator:

PIERCE of Kennebec

Representative:

CLARK of Freeport

Abstained:

Senator:

CHAPMAN of Sagadahoc

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

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

Mr. PIERCE: Mr. President and Members of the Senate: Before you today is L. D. 2058 which was sponsored by a Representative from the other Body on behalf of the Governor. If this Bill looks vaguely familiar to one which we

debated at length last Session, it is because it basically deals with the same subject matter, but has been somewhat changed and hopefully improved.

We had the unique experience in the Business Legislation Committee this year in dealing with this Bill to have the privilege of having the Governor come before us in public hearing and testifying on behalf of this Legislation. I believe that it was the first time in the three years that he has been Governor that he has so testified at a public hearing and I think that it would be only proper that both the Co-Chairman of the Committee and myself pass along the thoughts of the Governor to the Members of both Bodies concerning this piece of Legislation.

Several points which the Governor made which I would like to bring out. First of all, obviously I think we all yield to the Governor as one of the foremost expertise in insurance in the State of Maine. And he feels, needless to say, I think, extremely strongly about this Legislation. And he posed several rhetorical questions to the opponents of this Legislation at the public hearing.

First he asked how they justified opposing such a Bill which would allow such a small minority of companies to overcharge the working men and women of the State of Maine.

The people who are least able to pay, and least able to understand the complicated contracts which are put before them by this small minority of companies. And he asked if whether or not these companies would sell this same type policy to their brothers or sisters, or to their neighbors. And I think that the answer which he elicited from them was quite obvious.

Secondly, he wondered if they should practice caveatemptor — "Let the Buyer Beware" — whether or not in this day and age that was fair to the consumers of the State of Maine.

And thirdly, he asked whether or not these companies should be opposing a piece of Legislation which prohibited the selling of a product so inferior that most companies in Maine would be dictated by their own boards of directors not to sell such a product or merchandise. The Governor pointed out that this was a Bill which will help not only the consumers of this State, but also the insurance industry as well.

Basically, the thrust of the Bill which deals with the surrender cost of a life insurance policy which is one of the privileges that you have by purchasing such a policy and this surrender value is the cost to the purchaser, the cost is the difference between what he has paid for coverage, less what has been returned in cash. And this cost varies widely between companies. As much as almost 200 percent difference between various companies and presently in the State of Maine this is completely uncontrolled. This proposed legislation would potentially at the maximum effect less than 50 of the 270 companies selling life insurance in the State. And these 50 write only about 6 percent of the total life insurance sold. And it should also be pointed out that this Bill if enacted would put none of these companies even the ones effected out of business. It gives them a two year lead time, in which to correct these practices and in which to bring their cost into line with the majority of the rest of the companies in the State and to correct their overcharging.

And finally, the Governor pointed out and asked whether or not perhaps we here in the state were being fair to the companies presently abusing Maine consumers, then we were being fair to the people of the State of Maine. I guess, obviously, I cannot emphasize too strongly the importance that the Governor places on this piece of Legislation. He has presented it to us two years in a row now, he does feel that it is vital he feels that it is an important step forward both for the industry and consumers within the State of Maine, and feels most strongly that this Legislation should be

enacted during this Session.

The Majority Report Accepted in concurrence.

**Senate
Leave to Withdraw**

Mr. Pray for the Committee on Health and Institutional Services on Bill, An Act to Provide for Continued Accreditation of Bangor Mental Health Institute. (Emergency) (S. P. 632) (L. D. 1991)

Reports that the same be granted Leave to Withdraw.

The Report was Read.

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

Mr. PRAY: Mr. President and Members of the Senate: I would just like to take this opportunity for those of you who may have missed the news last night or in today's paper that the Bangor Mental Health Institute has received a two year unrestricted certification. Which is the fullest accreditation which an institute could receive and I would just like to take this moment to thank those individuals who last Session opposed the attempts by the Chief Executive to close down that facility.

Which Report was Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Mr. Collins for the Committee on Judiciary on, Bill, An Act Relating to the Classification of Drug Offenses. (S. P. 676) (L. D. 2094)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (S. 504).

Which Report was Read and Accepted.

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

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

Mr. HEWES: Mr. President and Members of the Senate: I note that possession of heroin is moved from a Class D to a Class C Crime and I wonder, I just wonder if somebody might just give us the basis for changing the mere possession of heroin from Class D to Class C.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, has posed a question through the Chair to any Member of the Judiciary Committee who may care to answer.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, it has been the policy of the legislature in general in dealing with drugs to treat the user, the addict less severely than the pusher, the trafficker, the person marketing the product and making a profit. And this was the reason that originally heroin was a Class D status for mere possession. Of course the penalties for pushing are much more severe, some of the severest penalties in the nation.

But for two years the officials in the State who deal with drug traffic have been urging us to lift the penalties on some of the more troublesome substances. The original Bill submitted to us would have raised penalties on quite a number of narcotics the Committee pruned the Bill, considerably. Part of the Bill we pruned on fraudulent substances because the opinion furnished by the legal expertise was that it was already covered under existing Laws. Some of the other substances were left out because there was no evidence brought to us that they were a real problem. The reason for boosting heroin in particular was that there have been a number of arrests for heroin possession and the undercover works, particularly, were persuasive in explaining to us that having the Crime, a penalty higher would give them more leverage in finding out sources and in bargaining with these users so as to get them to lead them to further evidence and I think that is really probably the only justification that you could make for picking out these three items.

The other thing that influenced us I think was the testimony of Doctor Young of Bangor a State Chemist who probably has to handle more drugs in analysis for court work than anyone else and he spoke about the particular high instances of PCP, sometimes called angel dust and this is an extremely dangerous substance and an awfully lot of kids are getting it and sometimes getting it when they do not really know that that is what they are getting. This is one of the great horrors in the drug traffic that so many of these substances have been adulterated and mixed and a youngerster who has no experience and no chemical facility, of course, to analyze is in very great danger of even death in some cases.

So these three were selected as being the ones that were troublesome. The whole schedule was originally adopted after very careful study and it was the feeling of the Committee that we ought not to change the schedule unless there was evidence brought in that there was increasing use and we saw a way in which we felt that we could really help enforcement by moving up the penalty.

Committee Amendment "A" Adopted.

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

Enactors

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

An Act to Provide Funding for Programs to Aid School Administrative Units to Identify and Provide Special Educational Programs for Gifted and Talented Children. (H. P. 1934) (L. D. 2005)

On Motion of Mr. Huber of Cumberland, placed on the Special Appropriations Table.

Emergency

An Act Clarifying the Statutes Relating to Municipalities. (H. P. 1921) (L. D. 1982)

This being an emergency measure and having received the affirmative votes of 27 Members of the Senate, this Bill 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 Relating to the Funding of Education. (H. P. 1943) (L. D. 2022)

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

Mr. SPEERS: Mr. President, with reference to the L. D. 2022 the Education Funding Act of 1978. I want to commend the Committee on Education, the Members here in the Senate, particularly the Chairman of that Committee, Senator Katz, for the work that they have done on this particular piece of Legislation.

I think that Committee has kept faith with the vote that was cast on December 5th by the people of the State of Maine. And as a result of that vote, the Chief Executive of this State who had advocated the repeal of the Uniform Property Tax presented to this Legislature, a piece of Legislation that substantially you see before you on your desk this afternoon, and it was that piece of Legislation that the Education Committee worked on and molded and presented for our consideration and which we have for enactment this afternoon.

One major feature of the Bill that we have before us tonight, is the fact that there is a level of funding attached to it which will make this Bill a deficit proof Bill for educational funding for the coming year. This Bill is funded to the maximum exposure of the State of Maine. Now the good Senator from Kennebec, Senator Katz, made the point a number of times as this Bill has been going through the Legislative Process, that we do not expect that the full amount appropriated under this piece of Legislation will actually be utilized. There are a number of local contingencies that may or may not be exercised depending upon the

local decision and if they are not exercised there will be a surplus in the particular Bill that you see before you this afternoon. But it is the responsible approach to this Legislation to be taken to enact Legislation on the basis of the possibility that every contingency will be acted upon at the local level, and that if it is acted upon, if all those contingencies are voted by the local level that the funds will actually be appropriated and actually be available on the part of the state to meet those various contingencies.

Education Funding has contributed in the past to the surplus that we see in the general fund today and over the past two years, there has been perhaps \$10 million which has lapsed from the Education Funding back into the general fund.

In the past also, however, we have seen Legislation enacted that has not fully funded for every contingency on the local level and because the localities have chosen to exercise those options to a further extent than was anticipated by the Legislature in enacting past legislation, we have seen, give and rise, a number of educational deficits and those deficits in turn have given rise to increase in taxation on the people of the State of Maine.

And for that reason, I feel that the Education Committee has been very responsible in taking the approach that it has taken and in insisting that we fully fund to the maximum exposure possible that could be presented to the State of Maine. It is far better to end up with surpluses in education financing than to be faced with the possibility of deficits which can result in tax increases in the future.

Mr. President, I move the enactment of this piece of Legislation.

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

Mr. CONLEY: Mr. President, I believe that this is a such a significant piece of Legislation on the enactment, I request that it be done by Roll Call.

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

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

The pending question before the Senate is the Enactment of L. D. 2022, An Act Relating to the Funding of Education.

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

YEA — Hichens and McNally.

ABSENT — Jackson and Usher.

29 Senators having voted in the affirmative and 2 Senators in the negative, with 2 Senators being absent, this Bill was Passed to be Enacted having been signed by the president.

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

Mr. KATZ: Mr. President, in moving for reconsideration of our action just taken, I would like to point out a couple of things of a personal note.

In the first place, I sincerely hope that this Senate does not see this Bill back here again this Session. I want to call it to the Senate's attention, that every single Amendment that has been offered to this Bill in both Houses of the Legislature has been defeated and in every case, the Committee on Education in opposing these Amendments was supporting specific positions of the Governor. This is the first time a Bill has gotten through both Houses on school

finance without any House or Senate Amendment, and the Governor's position has been upheld in every case where an Amendment has been proposed.

I then would only like to thank the Leadership of this Legislature and Members of the Senate in particular for the support and extremely trying time. I think that we have lived up to our responsibilities to the people of the State of Maine in reflecting their will in the referendum and although I would be the first one to suggest that this Bill is not school funding of my choosing, it is a good Bill, it is a honest Bill and the people of the State can make it work for the advantage of our children.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I move that the Senate reconsider its action whereby this Bill was Passed to be Enacted.

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

Will all those Senators in favor of reconsideration please say yes.

Will all those opposed please say no.

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

Which was by the Secretary presented to Governor for his approval.

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1978. (H. P. 2121) (L. D. 2149)

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1978, (H. P. 2120) (L. D. 2148)

These being emergency measures and having received the affirmative votes of 27 Members of the Senate, these Resolves are Finally Passed 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 Concerning the Charter of the Guilford-Sangerville Water District." (Emergency) (H. P. 2161) (L. D. 2170)

Tabled — Earlier in the day by Senator Speers of Kennebec

Pending — Motion of Senator Pray of Penobscot that Bill be given its First Reading.

Under suspension of the Rules, this Bill given its First Reading and Tomorrow Assigned for Second Reading.

The President laid before the Senate:

Bill, "An Act to Ensure the Safety of Minors Taking Canoe Trips while Attending Summer Camp." (Emergency) (S. P. 630) (L. D. 1989)

Tabled — Earlier in the day by Senator Speers of Kennebec

Pending — Passage to be Engorssed

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

Mr. REDMOND: Mr. President, under suspension of the rules, I move reconsideration of Committee Amendment "A."

The PRESIDENT: The Senator from Somerset, Senator Redmond, 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. REDMOND: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" and I move its Adoption.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption. The Secretary will read Senate Amendment "A."

Senate Amendment "A" (S-496) Read and

Adopted. Committee Amendment "A," as amended, Adopted.

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

Mr. TROTZKY: Mr. President, I move that L. D. 1989 be indefinitely postponed and I would like to speak to my Motion.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky has the Floor.

Mr. TROTZKY: Mr. President and Members of the Senate: As I said earlier that safety on canoe trips depends on counselors, Trip Leaders who have maturity and good judgement and should be left in the hands of Maine camp directors who have a good safety record. There are thousands and thousands of canoe trips taken all over the State throughout the many, many past summers and as I said, they have a good safety record. I do not believe a judgment can be written into certification procedures or Legislative requirements. The first question on any canoe trip is whether to launch the canoe and I think experience determines that, not courses offered by the Department.

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

Mr. PRAY: Mr. President and Members of the Senate: Just to echo the remarks of the Senator from Penobscot, Senator Trotzky, he stated that the safety of the children should be left in the hands of the Maine Camp Directors. It was the Maine Camp Directors who wrote this Amendment.

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

Mr. O'LEARY: Mr. President, I would like to commend the good Senator from Somerset, Senator Redmond, for all the effort he put in on this Bill and I think that perhaps there are a lot of questions that remain unanswered.

One of them is an allegation made in the Sunday Maine Telegram about those who are six in number even going to the movies or such, I can assure you Mr. President and Members of the Senate, there is nothing of that in this Bill, In this Bill under section 2052, it just straightens out the language on a Junior Maine Guide Curriculum Board. It changes the Board from five down for four. I wish that they had left it at five. However, I must say that in their wisdom, I believe that the Majority of the Committee on Fisheries and Wildlife which the Senator heads up had their reasons, I shall not argue that.

But section 2054 is the meat of this whole Bill and I would like to explain it and it applies only to boys and girls summer camps located in Maine and those that are duly licensed by the Department of Human Services and located in another State. It does not apply to those who are not duly licensed that come in here from out of State. That is an oversight, but I can live with that, because the Committee has made some tremendous stride but I think there is a part in here that may confuse someone as to how to get these permits.

Now the Amendment which the good Senator just presented and has been adopted to the Committee Amendment provides that they will have this whole summer where they will not be restricted in any way from what they are at the present time. And now the Maine Camp Directors Association has some very good programs and there is no problem with that. I believe that they have an idea of what we would like to see in rules and regulations that these persons who will have Trip Leaders Permits will have in these courses will be given right at the Maine Camp Directors campground. Nowhere else. They do not have to come from Presque Isle to Augusta for certification. Once the program is approved by this Board all they have to do is when they send in for the Trip Leaders Permit, is a statement from the camp director of that camp saying that this person is qualified under our program and that that is program accepted by the Board.

Now we are not establishing a new Board. A new Board is already in place. We are cutting it

from five down to four under this Bill, so there is no added expense. I think that is important. However, there may be some question about the Maine Junior Guide Trip Leader's Curriculum Board. However, we will find that we have Maine Guides who are not as qualified as those who are Junior Maine Guides and under the Junior Maine Guide section anyone that can pass a certain test between the years of 14 and 18 can be a Junior Maine Guide and his qualifications are more qualified than those of a regular Maine Guide. Now it is not necessary that this person pass a Junior Maine Guide test. All he has to do is pass a program that he is going to be working on all this summer and he as a camp counselor is for a fee of \$5 given a permit to be a camp counselor and through this summer he will if he is interested in the next year be a certified trip leader, can go through whatever the camp directors think is the proper curriculum and the next year be a certified trip leader. There are no more restrictions being added. It is not that complicated. It is giving the camp more incentive to train their personnel so they will save the lives of these boys. They will be more acquainted with the woods and waters of this State.

So I hope that you will not go along with the Motion to indefinitely postpone. I think that the good Senator from Somerset, Senator Redmond, has done an admirable job with the Bill. It is a difficult question I know, instead of giving the whole loaf of bread the other day, I got three slices, I am satisfied. Thank you.

The PRESIDENT: Is the Senate ready for the question? The Chair will order a Division.

The pending motion before the Senate is the Motion by the Senator from Penobscot, Senator Trotzky, that L. D. 1989 and all its accompanying papers be indefinitely postponed.

Will all those Senators in favor of Indefinite Postponement please rise in their places to be counted.

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

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

Mr. O'LEARY: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: As a parent I think that it is in my jurisdiction to speak that I know that many a parent when they are sending their children off to another State to camp to some place that they are not going to be in charge, that they look very carefully into the qualifications of the people who are going to be in charge of their children during the summer. It is impossible for them to know the actual experience of the counselors or the Leaders, and what I am afraid of this Bill is that it will give in the minds of the parents the false sense of security. They will think that because a camp can say that your child is going to be led into the woods, he or she is going to be led in canoes and rivers and waters by someone who has been licensed by the State as being competent that they will take that as meaning that the person is truly competent. In my mind competence cannot be tested and it cannot be learned from a book. It is something that is learned by experience and I really think that this has hidden dangers in it that more than offset any of the safety precautions that are supposed to happen.

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

Mr. PRAY: Mr. President and Members of the Senate: Yesterday I read into the record

the items statute and relationships to title 12 subsection 2054. If the intent of the previous speaker and the Senator from Penobscot, Senator Trotzky, was to, as I understood their statements to do away with this permit, then it would be better to keep this Bill alive and then offer an amendment which would repeal section 2054 that we now have because it basically does what the Senator from Penobscot, Senator Cummings, has just stated. We now have a permit program where an individual sends \$5 to Augusta, receives that permit under no qualifications, presently, an individual who sends their child to summer camp in Maine may say you know what type of qualifications do you people have and they say we have gone through the State through the Department of Fisheries and Wildlife to receive a permit for Camp Trip Leaders. Now if the parent is negligent in his duty or responsibility and does not follow up and say what does that program include just saying well if the State issues a permit there must be some type of qualifications and not to show my ignorance and you know asking or continuing the conversation further along this avenue, I just accept the fact that since the State has issued some type of permit, they must have some type of qualifications for it. The present statute has none, except for a \$5 bill.

The PRESIDENT: Is the Senate ready for the question?

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

Mr. O'LEARY: I think that it was pretty clearly stated by the good Senator from Penobscot, Senator Cummings, about a parents concern on this application and it was pretty well answered by the Senator from Penobscot, Senator Pray. But there are still some people that think that this applies to the YMCA, the YWCA, to fathers who take out the neighbors children, to someone who wants to go duck hunting in the marshes. It does not apply to them in any way. It applies only to those camps that belong to the Maine Camp Directors Association, and the others that are registered with the Department of Human Services here in the State of Maine. They endorse this. This is their proposal and the Committee on Fish and Game has gone over it very carefully and this is a good item for the Maine Camp Owners when they do their advertising. It is well received by the people in Connecticut and the people in Connecticut have a very stiff requirement and I do not imagine here in the State of Maine that we would try to meet the qualifications that are needed or are necessary in Connecticut.

I know for a fact that I have one man in my area that was concerned. He takes a group of boys along with him down what is called the Ellis River. There is no White Water, he cannot swim, but he wears a life preserver and he asks the others to do it. I have all the confidence in the world that this man is not covered under this Bill, I am not covered under this bill, my boy who is 18 if he and another group of about seven or eight want to go there is nothing in here to inhibit them in any way. The Bill would be good for the Maine Camp Directors Owners Association and I think that it is a step forward and I just hope that you will vote not to indefinitely postpone this bill.

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

Mr. REDMOND: Mr. President and Members of the Senate: Being the Chairman of one Fisheries and Wildlife Committee, I cannot sit here and let this Bill die as it seems that it is the direction that it has taken at the present time without making a few comments.

We have heard this Bill thoroughly. The entire Committee has burned oil and spent many hours debating it. The major issue was always one that we should avoid loading our Camp owners with too much red tape and the kids going to camp with too many requirements. I think that we have overcome that. I

cannot see any reason why we want to do away with this piece of Legislation. If there are any questions in your minds regarding this Bill, I wish that you would feel free to ask any of the Members of the Committee on Fisheries and Wildlife. We would be glad to answer them. In the meantime I wish that you vote not to indefinitely postpone this Bill.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I would like to ask a question of Members of the Committee. In order for an inexperienced person to get a permit to lead camp trips they should have to take a camp trip leaders safety course, what I would like to know what is, what is the course, how long it is, what is it going to cost the camp to send someone there? These questions which have never been answered.

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

Mr. SPEERS: Mr. President, I would like to pose a question through the Chair. What is the cost?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the chair to any knowledgeable Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: The way the Bill was written is it establishes a Board, or it expands the Board that we presently have, we have a Junior Guide Board which consist presently of five Members. Committee Amendment "B" left it at five, Committee Amendment "A" changed it to four which included one of the Maine Camp Directors Association on it. And it allowed this Board to set up regulations or to accept curriculum that present camps operate on at this time calling around to a number of camps in the State of Maine, we found out the most of these camps offered first aid programs, they offered water safety programs, and this Board, could look at the curriculum already being offered by these summer camps and either approve or reject but instead of the Legislature spelling it out we gave the authority to the Board, to evaluate these situations because these individuals in the Department of Human Services, who presently license summer camps and have regulations relating to them, the Department of Fisheries and Wildlife which is being asked to enforce it and presently being asked to enforce it and the Maine Camp Directors Association, those individuals who have an interest at this time in it and we also asked for one member from the general public that these individuals would sit down and make those decisions.

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

Mr. CONLEY: Mr. President and Members of the Senate: The cost of this Bill may be far more than anything weighed in dollars and cents, it may very well be the cost of some lives of some youngsters in our State vacationing. And I look upon this Bill as a very serious Bill and one that I think is reasonable enough to become into Law. I think that Senator Redmond from Franklin County, the good Senators from Penobscot who have spoken on this Bill, the Sponsor of the Bill, Senator O'Leary, who brought this Bill to us back in December, and had one thing in mind and that is the safety of youngsters who are going to come to Maine to enjoy our lovely vacationland. And I think that we should look a little bit more serious on this measure than to just give it the deep six.

The PRESIDENT: Is the Senate ready for the Question?

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Trotzky that L. D. 1989 and all its accompanying papers be indefinitely postponed.

A yea vote will be in favor of indefinite post-

ponement.

A nay vote will be opposed.

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

ROLL CALL

YEA — Chapman, Collins, D.; Collins, S.; Cummings, Danton, Greeley, Hewes, Hichens, Katz, Lovell, McNally, Morrell, Pierce, Snowe, Trotzky, Wyman

NAY — Carpenter, Conley, Farley, Levine, Martin, Minkowsky, O'Leary, Pray, Redmond, Speers

ABSENT — Curtis, Huber, Jackson, Mangan, Merrill, Usher

16 Senators having voted in the affirmative, and 10 Senators in the negative, with 6 Senators being absent, the Motion to Indefinitely Postpone does prevail.

Sent down for concurrence.

See action later today.

The President laid before the Senate:

House Report — From the Committee on Natural Resources — Bill "An Act to Clarify the Investigation Powers of the Department of Environmental Protection under the Oil Conveyance Program." (H. P. 1959) (L. D. 2041) Ought to Pass as Amended by Committee Amendment "A" (H-1070)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Acceptance of Report

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

Mr. TROTZKY: Is it in order to move indefinite postponement at this moment?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. TROTZKY: I move that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves that (L. D. 2041) and its accompanying papers be indefinitely postponed. Is it the pleasure of the Senate. It is a vote.

Sent down for concurrence.

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

Mr. LOVELL: Mr. President, I would move reconsideration on (L. D. 1989) and hope that the Senate will vote against me.

The PRESIDENT: The Senator from York Senator Lovell, having voted on the prevailing side, now moves that the Senate reconsider its actions whereby it indefinitely postponed (L. D. 1989). Will all those Senators in favor of reconsideration please say yes.

Will all those opposed please say no.

The motion to reconsider a Viva Voce Vote being had does not prevail.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President, is the Senate in possession of Bill, "An Act to Revise the Administration and Toll System of the Maine Turnpike." (H. P. 2132) (L. D. 2157)

The PRESIDENT: The Chair would answer the Senator in the affirmative. The Bill having been held at his request.

Mr. DANTON: Mr. President, I move the Senate reconsider its action where this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from York, Senator Danton, now moves that the Senate reconsider its action whereby L. D. 2157 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. DANTON: Mr. President, I now offer Senate Amendment "B" to L. D. 2157 S-507.

The PRESIDENT: The Senator from York, Senator Danton, now offers Senate Amendment "B" to L. D. 2157 and moves its adoption. The Secretary will Read Senate Amendment "B".

Senate Amendment "B" (S-507) Read.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate: I am looking at the Senate Amendment "B" that has just been submitted and the sentence that it removes and as I see it, the big difference is that the Senate Amendment "B" would have the Legislature authorize in January prior to the revision of a toll rates act on the Commissioners the recommended toll rates and I question of the good Senator, what if the Legislature is unable to agree upon the toll rates in January prior to the revision, what will then happen? The Amendment does not indicate whereas the L. D. as it stands, L. D. 2157, as it came out of Committee, it just has the review by the Legislature. It does not state when. And I would ask the Senator if he would explain what would happen, if the Senate could not agree.

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

Mr. DANTON: Mr. President and Members of the Senate: What this Amendment does as you may know that the Bill when it first came out, we had to act within 40 days, and we took that whole section out. That was on the toll barriers that the Legislature would have to take and vote where the toll barriers would go. And what this does is puts what the amount of the tolls at the different barriers will be will also be reviewed by the Legislature. And that will be in January, right without any time period. It is 100 days that we are in Session and if we do not act on that, it will be like the rest of the Bill the Commissioner will make the determination.

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

Mr. HEWES: Mr. President in reply to the Senators comments as I read his Amendment it says, that it is subject to approval of the Legislature during the January prior to the revision so I interpret the Amendment to amend that the Legislature would have to act in January and not during the rest of the Session thereafter.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: Members of the Transportation Committee have discussed this particular amendment with Senator Danton and we did not find any serious objection with it since all he is really asking is that you have Legislative approval prior to the change in the rates.

But I would like to point out to the Senate at the present time that all this Bill does is actually study up until 1980 the Legislature can do anything that it wants between now and 1980 with this piece of Legislation. There is nothing binding on the part of anybody, and I do not see any deleterious, any serious impact with this particular Amendment now being offered by Senator Danton.

I would address myself to other Amendments as they come forth, but this one here only asks that like many other sections of that particular Bill, that it have Legislative approval prior to various changes, and I do not think the way things have worked out that it is very serious insofar as the Department of Transportation justifying to the Legislature, what the rates on the turnpike should be after the conversion date and that might not be until really 1982 or 1983.

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

Mr. LOVELL: Are we discussing Senate Amendment "A"?

The PRESIDENT: The Chair would advise that we are discussing Senate Amendment "B" (S-507).

Mr. LOVELL: My personal feeling is, Mr. President and Members of the Senate, if we can take in \$13,000,000 clear on the turnpike and it costs \$5,000,000 to maintain it and we are going to make \$8,000,000 a year. We ought to

pay the Government back \$10,000,000 so we can pay the government back in two years at \$4,000,000 a year and have all that extra money to spend on roads in Aroostook County and all over the rest of the State. I would like to see the turnpike stay just the way it is now and I will pay my toll and very happy, because over half, almost half the tolls come from out of state people now I do not know just what part of this Bill is, this particular Amendment, but I will listen.

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

Mr. KATZ: Mr. President, I am not as upset about that about Aroostook County not that they do not deserve our help but the Bill as it is written very clearly defines what the purpose of the tolls is and it is very restrictive. The Bill says that the tolls shall be fixed and adjusted so as to provide a fund sufficient for the cost and it enumerates just what those costs are. So I think that there is great stricture on the Commissioner as to how much he would suggest.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I am quite sure that I can alleviate the fears of the good Senator from York that under the setup that we have proposed, that all those monies will be used exclusively for the turnpike and the turnpike only and will not be used for any other portions of the State of Maine. This is why we set up a separate Turnpike Division of the Department of Transportation and it is going to be a self-sufficient Division. And that money cannot be used anywhere else.

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

Mr. LOVELL: Mr. President, I would like to ask now if we are going to have three barriers one in York, one in Lewiston, and one in Augusta, the majority of the traffic on the Maine Turnpike and I have used the Maine Turnpike ever since it was built, the majority of the traffic runs from York to Portland and we are only going to have one barrier so that is going to lower the amount of money that the Maine Turnpike takes in so we are not even going to have enough to maybe support the turnpike, because when you get up around Lewiston and Augusta there is not that many persons.

The PRESIDENT: For what reasons does the Senator rise?

Mr. DANTON: Point of order Mr. President, Because I think that the good Senator from York, Senator Lovell, is discussing the merits or demerits of Senate Amendment "A" that has not been offered yet. Mine is Senate Amendment "B" it is just a little clean up language on the Bill that some Members from the other Body and the Committee and I agreed to, that I offered in this Body. That is all that my Amendment does is to have Legislative review of what the tolls will be after the Commissioner recommends them to us. That is all my Amendment does.

The PRESIDENT: The Chair thanks the Senator

Senate Amendment "B" Adopted.

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

Mr. FARLEY: I now offer Senate Amendment "A" S-506 to L. D. 2157 and move its adoption.

The PRESIDENT: The Senator from York, Senator Farley, now offers Senate Amendment "A" to L. D. 2157 and moves its adoption.

Senate Amendment "A" S-506 Read.

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, I move Indefinite Postponement of this Amendment.

The PRESIDENT: The Senator from York, Senator Lovell, now moves that the Senate Indefinitely Postpone Senate Amendment "A".

On Motion of Mr. Minkowsky of Androscog-

gin, Tabled for One Legislative Day, pending the Motion to Indefinitely Postpone.

On Motion of Mr. Speers of Kennebec, Adjourned until 10:00 in the morning, Thursday, March 2, 1978.