

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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Senate Confirmation Session

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APPENDIX

SENATE

March 13, 1978

Senate called to Order by the President.
Prayer by the Honorable Bennett D. Katz of Augusta.

Honorable Mr. KATZ: As the snow melts and the air softens, the sun warms the fields, and the laughter of children is heard at play, the sky is bluer, our steps are lighter, and the early morning birds are noisily brave. The evidence is clear — it is overwhelming — spring is close at hand. Thank You God for giving us the blessing of the four seasons.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

Bill, "An Act to Amend the Maine Juvenile Code." (Emergency) (H. P. 2142) (L. D. 2163)
In the House, March 3, 1978, Passed to be Engrossed as amended by House Amendment "F" (H-1118).

In the Senate, March 9, 1978, Passed to be Engrossed as amended by House Amendment "F" as amended by Senate Amendment "A" (S-529) thereto and Senate Amendments "C" (S-518), "E" (S-523) and "F" (S-524) in non-concurrence.

Comes from the House, that Body having Adhered.

On Motion of Mr. Collins of Knox, the Senate voted to Recede and Concur.

Non-Concurrent Matter

RESOLVE, Authorizing Certain Employees of the State of Maine to Request an Extension of Employment After Their Mandatory Retirement Age, Years of Service or Age and Years of Service Requirement. (H. P. 2101) (L. D. 2140)

In the House, March 9, 1978, Conference Committee Report, Rejected and a Second Committee of Conference requested.

In the Senate, March 9, 1978, Conference Committee Report, Rejected and a Second Committee of Conference requested.

In the Senate, March 9, 1978, Read and Accepted.

Comes from the House, that Body having Adhered.

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

Mr. LOVELL: Mr. President, I would like to move that this Body Recede and Concur and speak briefly to the Motion.

The PRESIDENT: The Senator has the floor.

Mr. LOVELL: Ladies and Gentlemen of the Senate: This Bill has passed the other Body five times, and it is entered whereby a very good friend of mine and I very seldom ask this Senate for anything for myself, but when we passed the Mandatory Retirement Law, the date got set for public employees to July 1, 1978. Now we have a case that has come up here that will not cost the State anything because the man will have to pay his pension just the same, but he wants to work a little while longer. I remember, for example, of one particular case last year and we voted to abandon, not make it necessary to wear motorcycle helmets, motorcyclists, and one judge released thirty or forty cases. Here is just one case. The person is a game warden, good honest game warden, and it won't cost the state anything so I would ask that you recede and concur this morning and I would request a Roll Call.

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

Mr. HICHENS: Mr. President and Members of the Senate: It is with great reluctance that I get up to oppose this Motion. I too have all the sympathy in the world for the gentleman who has been related to this morning. Also the sponsor of the Bill in the predicament that he finds

himself in. But I do not think that we can justifiably go along with allowing a change or a breach in the law for the benefit of one person. Last year this Bill was passed. During the hearing a great many people who were in favor of that Bill objected to a change in the Law for the benefit of this one person, also stating that perhaps 20 or 30 other people might be eligible for an extension of the time.

As the good Senator from York has stated, this Bill has passed the House five times, and it has been rejected in the Senate four times, and if we reject it today, that will be the fifth time also.

As far as the good Judge who dismissed cases because the law had been passed not to take effect until at a later date, that judge was reprimanded. He was out of order, and I believe that we will be out of order today to go along with the House and recede. And so I hope that you will go along with me today and adhere to our former motion.

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

Mr. LOVELL: I would like to say that when this original Bill came in, it disturbed me a great deal, because I thought that we were going to shift the whole Mandatory Retirement Bill in the public sector back to January 1, 1978, but it is no such thing. We came out with a resolve and this resolve does not effect the Mandatory Retirement Bill at all. And it is only for one person, and nobody else can get in on this resolve but this one person. Now I am a kind-hearted, soft-hearted man, and I believe that we should help this one person if it is not going to cost us anything, and it is not because he is going to have to still pay his pension. Not even get hired back.

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

In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting.

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

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, could I ask for a parliamentary clarification. The Motion as I understand it is to recede and concur. What would that actually be doing in regards to the Bill?

The PRESIDENT: The Chair would advise the Senator that this would amount to Insisting and Joining in an additional Committee of Conference.

The pending question before the Senate is the Motion by the Senator from York, Senator Lovell, that the Senate Recede and Concur with the House.

A nay vote will be opposed.
The Doorkeepers will secure the Chamber.
The Secretary will call the roll.

ROLL CALL

YEA — Collins, D.; Collins, S.; Conley, Danton, Katz, Lovell, Martin, Merrill, Pierce, Pray, Snowe, Speers.

NAY — Carpenter, Chapman, Curtis, Farley, Greeley, Hichens, Huber, Jackson, Levine, McNally, O'Leary, Trotzky, Usher.

ABSENT — Cummings, Hewes, Mangan, Minkowsky, Morrell, Redmond, Wyman.

12 Senators having voted in the affirmative and 13 Senators in the negative, with 7 Senators being absent, the Motion to Recede and Concur does not prevail.

The Senate voted to Adhere.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

Aldo B. Ciomei of Stonington served from 1973 to 1977 on the Marine Resources Advisory Council, (H. P. 2218)

Calvin "Trug" Stinson, Jr. of Prospect Harbor served from 1972 to 1977 on the Marine

Resources Advisory Council. (H. P. 2219)
Jonathan Michaud of Van Buren has been selected to "Jazz Abroad", a band made up of outstanding band students, and will travel to Europe this summer on tour, (H. P. 2222)

Mark A. Scott of Boy Scout Troop 453 in Belgrade attained the rank and distinction of Eagle Scout on March 2, 1978, (H. P. 2223)

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

Joint Resolutions

Joint Resolutions in Memoriam:
WHEREAS, the Legislature has learned with deep regret of the death of Harold A. Dodge, an Outstanding citizen of South Bristol, (H. P. 2220)

WHEREAS, the Legislature has learned with deep regret of the death of Albert H. Barlow, an outstanding citizen of East Boothbay, (H. P. 2221)

Comes from the House, Read and Adopted.
Which were Read and Adopted, in concurrence.

Communications

Committee on Labor
Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine 04333
Dear President Sewall:

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

Total Number of Bills	13
Unanimous Reports	10
Leave to Withdraw	2
Ought Not to Pass	0
Ought to Pass	3
Ought to Pass as Amended	5
Divided Reports	3
Total Number of Amendments	6

Respectfully,
CECIL H. McNALLY
Senate Chairman
Which was Read and Ordered Placed on File.

Committee on Natural Resources
March 10, 1978

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

It is with pleasure that I report to you that the Committee on Natural Resources has completed all business placed before it by the Second Regular Session of the 108th Maine Legislature.

Total Number of Bills Received	9
Unanimous Reports	8
Ought to Pass	1
Ought to Pass as Amended	4
Ought to Pass in New Draft	1
Leave to Withdraw	2
Divided Reports	1

Sincerely,
HOWARD M. TROTZKY
Senate Chairman
Which was Read and Ordered Placed on File.

Local and County Government
March 10, 1978

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

It is with pleasure that I report to you that the Committee on Local and County Government has completed all action necessary on the business placed before it by the Second Regular Session of the 108th Legislature.

Total Number of Bills Presented	10
Unanimous Reports	9

Ought to Pass 4
 Ought to Pass as Amended 5
 Ought to Pass in New Draft 0
 Leave to Withdraw 1
 Divided Reports 1
 Recommitted Bills 1

Sincerely,
 PHILIP C. JACKSON
 Senate Chairman

Which was Read and Ordered Placed on File.

Office of the Governor

March 10, 1978

Honorable Joseph Sewall, President of the Senate and
 Honorable John Martin, Speaker of the House
 Dear Joe and John:

This is to officially notify you that I am today nominating Joseph G. Hakanson of Westbrook to serve on the University of Maine, Board of Trustees. Mr. Hakanson has been nominated to replace Kenneth Ramage whose term has expired.

Pursuant to Maine State Revised Statutes Annotated Title 20 Section 2251, this nomination will require confirmation by the Joint Standing Committee on Education and confirmation by the Senate.

Thank you for your assistance.

Sincerely,
 JAMES B. LONGLEY
 Governor
 (S. P. 738)

Which was Read and Referred to the Committee on Education.
 Sent down for concurrence.

Committee Reports House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 20 of the Joint Rules:

Bill, "An Act to Exempt the Maine Athletic Commission from the Maine Administrative Procedures Act." (Emergency) (H. P. 1898) (L. D. 1955)

Bill, "An Act to Exempt Certain Procedures from the Maine Administrative Procedure Act." (Emergency) (H. P. 2114) (L. D. 2146)

Ought to Pass

The Committee on Natural Resources, on, RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (St. Regis Paper Company.) (H. P. 2136) (L. D. 2158)

Reported that the same Ought to Pass. Comes from the House, the Resolve, Passed to be Engrossed.

Which Report was Read and Accepted in concurrence, and the Resolve Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on State Government on, Bill, "An Act Relating to Abandoned Property." (H. P. 2043) (L. D. 2109)

Reported that the same ought to Pass as amended by Committee Amendment "A" (H-1136).

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.

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, Pending Adoption of Committee Amendment "A".

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Provide for Reform of the State Tax Laws." (H. P. 2216) (L. D. 2184)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 2023)

Signed:

Senator:

MARTIN of Aroostook

Representatives:

MAXWELL of Jay
 CAREY of Waterville
 POST of Owl's Head
 COX of Brewer
 TWITCHELL of Norway
 CHONKO of Topsham

The Minority of the same Committee on, Bill, "An Act to Provide for Reform of the State Tax Laws." (H. P. 2215) (L. D. 2183)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 2023)

Signed:

Senators:

WYMAN of Washington
 JACKSON of Cumberland

Representatives:

TEAGUE of Fairfield
 CARTER of Bangor
 MACKEL of Wells
 IMMONEN of West Paris

Comes from the House, the Majority Report Read and Accepted and the Bill, (H. P. 2216) (L. D. 2184) Passed to be Engrossed as amended by House Amendment "C" (H-1138) and House Amendment "D" (H-1138) and House Amendment "D" (H-1139) as amended by House Amendment "A" (H-1142) thereto.

Which Reports were Read.

On Motion of Mr. Speers of Kennebec, Tabled until later in today's Session.

Senate

Ought to Pass — As Amended

Mr. Curtis for the Committee on Judiciary on, Bill, "An Act to Revise the State Criminal Extradition and Criminal Codes." (S. P. 697) (L. D. 2144)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-531).

Mr. Collins for the Committee on State Government on, Bill, "An Act to Clarify the Administration of the Department of Manpower Affairs." (S. P. 683) (L. D. 2103)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-532).

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

Second Readers

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

House

Bill, "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine State Troopers Association. (Emergency) (H. P. 2200) (L. D. 2179)

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

House — As Amended

Bill, "An Act to Clarify the Status of Intermittent State Employees." (H. P. 2064) (L. D. 2122)

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

Bill, "An Act to Revise Maine's Aeronautics Laws." (H. P. 2055) (L. D. 2119)

Which was Read a Second Time.

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

Mr. CURTIS: Mr. President, I would like to offer Senate Amendment "A" (S-535) to this Bill and speak briefly to it.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now offers Senate Amendment "A" to L. D. 2119 and moves its adoption. The Secretary will read Senate Amendment "A"

Senate Amendment "A" (S-535) Read.

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

Mr. CURTIS: Mr. President, this is a minor

tax measure that I am providing as an Amendment to reduce a ten-fold increase in the tax on private airports from an annual fee of presently \$5.00 to \$50.00 which is proposed by the Bill to, as my amendment suggest, to return it to its present \$5.00 a year annual fee.

I am introducing this because the matter was brought to my attention by some private airport owners in Brewer who asked why they were being requested to pay ten times as much for a airport license for a private airport as they had previously and no satisfactory answer had been given me or to them so introduced the Amendment.

On Motion of Mr. Speers of Kennebec, Tabled until later in today's Session, pending Adoption of Senate Amendment "A".

Bill, "An Act to Transfer the Division of Motor Vehicles to the Department of Transportation." (H. P. 2079) (L. D. 2133)

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

Sent down for concurrence.

Senate

RESOLVE, Directing the Commissioner of Marine Resources to Notify Municipalities of the Minimum Size Limitation Provision of the Municipal Shellfish Conservation Program. (Emergency) (S. P. 736) (L. D. 2186)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Establish the Maine Corporation Takeover Bid Disclosure Law." (S. P. 665) (L. D. 2056)

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

Sent down for concurrence.

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 — March 9, 1978 by Senator Huber of Cumberland

Pending — Passage to be Engrossed

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

Mr. PRAY: Mr. President and Members of the Senate: There is an Amendment that has been written to this to correct the errors that were pointed out by the Committee Assistant to the Chairman of the Committee and checking this morning with Legislative Research, I find that the Amendment is completed and that it is in Senator Cummings name and would be sponsored as soon as she arrives back in the Chamber. So I would appreciate it if somebody would table this Bill either until later in today's Session or for one Legislative Day.

On Motion of Mr. Speers of Kennebec, Retabled until later in today's Session.

The President laid before the Senate:

Bill, "An Act to Facilitate Central Licensing and Concerning Membership on the Maine Athletic Commission." (Emergency) (H. P. 1908) (L. D. 1969)

Tabled — March 10, 1978 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

On Motion of Mr. Chapman of Sagadahoc, Retabled until later in Today's Session.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland, Re-cessed until the sound of the Bell.

(Recess)

(After Recess)

Senate called to order by the President.

(Off Record Remarks)

The President laid before the Senate.

House Reports — from the Committee on Taxation — Bill, "An Act to Provide for Reform of the State Tax Laws." (H. P. 2216) (L. D. 2184)

Majority Report — Ought to Pass pursuant to Joint Order (H. P. 2023);

Minority Report — Ought to Pass pursuant to Joint Order (H. P. 2023) (H. P. 2215) (L. D. 2183)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Acceptance of Either Report

The Chair recognizes the Senator from Cumberland Senator Jackson.

Mr. JACKSON: Mr. President, I move the Acceptance of the Minority Ought to Pass Report and would like to speak to my Motion.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves that the Senate accept the Minority Ought to Pass Report of the Committee.

The Senator has the Floor.

Mr. JACKSON: Mr. President and Members of the Senate: In all respect to the rhetoric that has existed in the past week or so, I am sure that this Body as well as the Members of the Body are going to join together and have a valuable tax relief program for the State. I think that this package that we will refer to as the "people's program" is the best package but I think that it needs some more work so to speak so that it would be acceptable to everybody. We provide for in this package in excess of \$12,000,000 worth of long term tax relief to the taxpayer citizens of this State. The other package extends about \$7.6 million of long term tax relief to the residents of this state.

I think that the taxpayers of the State deserve a tax break. I think that they deserve the tax break to the extent of the package that has been presented here this morning, the Minority Report. We also, in this package, desire to extend a one shot tax credit to the income taxpayer of the State of Maine who provided the bulk of the surplus that we have been discussing. Of up to \$25 per return. I do not think that is asking this Legislature too much.

I was talking with a fellow prior to going home Friday a young fellow who works in the State. He and his wife, as a matter of fact, work in the State. They are planning on moving from this State to possibly New Hampshire. The reason being no increase in wages ladies and gentlemen, the reason being is that he pays in excess of \$2,000, on the combination of his income in the State in income taxes to the State of Maine. Now ladies and gentlemen, we have heard testimony last year, and I think that my memory is correct that we lose approximately 35,000 young Maine residents to other states in the nation. It seems very difficult to understand maybe why. First of all you would think that possibly it could be the wage scale that we pay here in the State. I think that it even goes deeper than that, I think that with what this young man conveyed to me I think that this is probably a problem. Is that anybody that works here, is taxed beyond what he considers fair.

I would hope that the Members of this Body this morning would accept this report unanimously, both parties, and I realize that I am on a cloud when I say this but I would hope that they would. Thank you Mr. President.

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

Mr. MARTIN: Mr. President and Ladies and Gentlemen of the Senate: Allow me this morning to offer to you what the Democratic members of this body believe is a much better and broader tax package.

The Majority Report, L. D. 2184, results in the following permanent yearly tax relief. It provides for a sales tax exemption on new farm equipment. Sales tax exemption on trade in of

logging equipment. Sales tax exemption of fishing equipment. It also provides \$1,000,000 for jobs credit. A Bill which was sponsored by the Senator from Penobscot, Senator Pray, last year and was not accepted. It also provides for a homestead exemption rebate in the amount of \$30 to every home owner and \$20 to every renter in the State of Maine. It also exempts the sales tax on the first 500 kilowatt hours of electricity. It removes completely the sales tax of residential drinking water, and removes the sales tax on residential gas used for cooking and heating. It also provides Mr. President, elderly home owners rent and tax refund in the amount of \$1.4 million. And last but not least, it provides an income tax retirement credit of .125 million dollars. The total cost Mr. President of our package, is approximately \$18.4 million. Mr. President, I would request a Division.

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

Mr. SPEERS: Mr. President and Members of the Senate: I am very pleased with the explanation given to this Body by the good Senator from Aroostook with regard to the report which is not the report by the current motion refers to and my pleasure comes from the fact that there are so many of the items included in that report that were included in the Republican proposal for a tax relief program for the people of the State of Maine.

The Republican Tax Relief Program is a broad based program. It helps nearly everyone in the State of Maine and is based upon the sound principle that we do have projected a substantial surplus in State revenues for the State of Maine, and that with such a projected surplus we ought to be providing tax relief to the people so that we are not collecting from those dollars over and above what we are obviously going to need to run the legitimate services of State government. The Republican Program provides for some property tax relief. It provides for some sales tax relief and it provides for some income tax relief. There is an increase in the elderly householder tax and rent relief program. There is an income tax credit for the elderly equal to 20 percent of the federal income tax credit. There is a sales tax exemption for the use of residential gas used for cooking and heating rebate for sales tax paid for commercial farming equipment. A rebate for sales tax paid for commercial fishing equipment, and there is, I am very pleased to say included in this program, a provision for a sales tax exemption on the use of residential gas on the use of residential electricity up to the first 500 kilowatt hours.

This has been of extreme concern to the people of the State of Maine and I would like to show this Body over 3,000 names of individuals who have expressed a concern with regard to the sales tax paid on electricity in this State. Maine is the only state in New England which does not provide some kind of tax exemption on the use of electricity. The Republican Program goes beyond just that and it does provide for significant income tax relief to the people who have been hit most seriously with past income tax increases. These are the people who have paid to the State of Maine the dollars that make up the substantial portion of the surplus that we have objected. And it is to these same individuals, to a large degree, that the Republican Program attempts to provide some relief.

For that purpose Mr. President, I hope that this Body, will exceed to the motion of the good Senator from Cumberland, Senator Jackson, and accept the Minority Report in L.D. 2184. Mr. President, I request a Roll Call.

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

Mr. CONLEY: Mr. President and Members of the Senate: I fully realize as I assume everybody that came here this morning realizes, that we are going through what I consider to be a therapy session of adopting a tax relief for the

citizens of this State. And I am sorry that it has to be that way because in all honesty I felt that several weeks ago, that both the political parties of this Legislature were working in a spirit of trying to run the Legislature collectively. I said at our caucus this morning that Joint Leadership had before them the chairman of the Appropriations Committee to work hand in hand and to adopt a program, many of them suggested by the Chief Executive of this State, and collectively try to work toward a package that would be agreeable by all, and again I would say that I felt we were working in that direction. The Majority party of this Branch of the Legislature and I do not mind saying it publicly, took advantage of the alleged compromise caught the Minority Party of this Branch with its pants down. I applaud you for the great effort that you made in the news media and on the tube, but unfortunately the government is made up of more than 21 members 22 members of one branch of government. That we have another house to deal with Thank God and between both Houses I think that generally the Democratic process does work, and I am not going to spend your time this morning arguing which program is the better program. I think that generally are all aimed in one direction and that is to bring some type of tax relief to the citizens of this State. But in all honesty, I find the Republican proposal a little bit ludicrous. I think all of the sales tax exemptions that have been mentioned by the Majority Floor Leader and also were areas that we agreed on prior to the public denunciation or announcement of a particular plan. But I think that we have to look at the sort of the meat and potatoes within the republican package, and that primarily deals with the corporate income tax reduction as well as reduction within the personal income tax.

I noticed this morning that the good Senator from Penobscot placed upon our desks the break down of the alleged proposal of the Republican proposal. And it talks primarily about the adjusted income of a family of four, and we look under the \$10,000 annual adjusted income we find out that the citizens of this State making that much money get exactly zero credited to them, and we can go down the line to \$15,000 adjusted income for a family of four, they get \$6. back; \$20,000, \$14. back and then we get into the Republican Party, \$50,000, \$112. back, and then the \$100,000, \$309. back. It is my understanding that the average income in this State is somewhere around \$8,000. So under this proposal before us, it is clearly obvious that the people that I represent, I consider to be the backbone of this State not necessarily blue collar workers but guys that are out in the public works, or jobs of that kind, they get absolutely no relief whatsoever.

We take a look at what is happening, within the sales tax and the income tax that has been going on the last several years, we find the income tax is through inflation because payrolls are adjusted according to inflation in many cases, the state income tax has grown immensely. The sales tax, because of the increase costs of food and clothing, and other necessities, again the State reaps the harvest, but what happens on the local level in dealing with property tax. There is only one way to raise property tax, and that is by increasing it on the local level, and many people that make this average income of \$8,000 a year get hit with a heavy burden.

I do not believe that either of the two plans that are here today are going to pass either House, as an enactment. But it is my hope that before we leave here and terminate this session, that cool minds shall prevail. That we can sit down and try to pass a program that will not only be acceptable to us but acceptable to the taxpayers of this State.

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

Mr. TROTZKY: Mr. President and Members

of the Senate: I passed out to everyone of you on your desks this morning this first sheet, which the Democratic Minority Leader just referred to stating that a person with an income of under \$10,000 gets nothing on the 4 percent reduction but \$10,002 to \$15,000, \$6.; \$20,000, \$14.; \$50,000 a \$120. and \$100,000 \$309. and one of the leaders of the other party stated that this is the difference between the two parties. However, the real difference between the two parties is that the Republican Party looks into the 4 percent reduction in its total perspective, and the perspective going back to 1975.

I have handed out another sheet to you on your desks and I would like to analyze this. In 1975, this state was in a financial crisis, basically over funding for education. We passed at that time, a \$18,000,000. increase in the personal income tax. It was passed by a 2/3's majority of both Houses, and the Republican Leadership, at that time, compromised and went along with the income tax increase feeling that we should put the burden on the shoulders of those that could most ably bear it. At this time now, the State has excess revenues and the excess revenues are coming mainly from that income tax, and it is our responsibility to relieve that burden, somewhat on the people whose shoulders we put it. Now if you look at this impact analysis of the 4 percent income tax reduction here going back to '75, I broke it down a family of four, taxable income of \$10,000, \$25,000, and \$50,000 and you will notice that 1975 through '77, we reduced the tax from \$60. to \$39. or a 35 percent decrease, we went to \$25,000 and we increased the tax 46 percent from \$460. to \$674. for a family in the \$25,000 income and then for the family with \$50,000 income we raised the tax 91 percent from \$1,460 to \$2,788 and now what does this Republican 4 percent reduction do? One can look at it under the first sheet, or one can look at it in its total perspective. What it does is first of all reduces the income tax for the \$10,000 income to \$37. it takes the person making \$25,000 and reduces it by \$27. to \$647. which is still a 40 percent increase over the 1975 tax that person paid. And then to the high income individual what it does is it drops his tax from \$2,788 to \$2,676. Now I think, and that is still an 83 percent increase from 1975.

Now lets take a look maybe at the middle income groups within the State of Maine. The middle income people within the State of Maine, are not eligible for any government help. They do not get help in sending their children to college, they probably do not get food stamps, they do not get a lot of the free help that lower income groups get. This income tax that we passed in 1975 fell most heavily on the middle income groups in the State of Maine.

Now I then did another analysis, I went to Taxation Department on Friday and the other sheet that I passed out I was interested in how this 5.12 million was going to be distributed. If you look at that first sheet it appears that it is all going to the so called wealthy of our State. But if you look at this other sheet that I passed out those making incomes from 2 to \$15,000. will get back 28 percent of the 5.2 million. Those making incomes under \$30,000 will get back 70 percent of that \$5.12 million.

I feel that there is a difference in the two tax Bills and I feel that the Republican Party is looking at right now what is fair to all the people in the State of Maine, and consequently what we are trying to do, is return to those people some of the money and it is a very small amount, if you look at that impact analysis a very small amount of what we levied on them in 1975 during a financial crisis.

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

Mr. PRAY: Mr. President and Members of the Senate: I would like to thank the Senator from Penobscot, Senator Trotzky, for his fine explanation as to where the monies come from and where the money is going, perhaps I should

just say where the monies are going. Since he spent so much time at the Bureau of Taxation and he dug so deep into the facts and statistics and the information that he has given us here today, I note with interest that individuals over \$30,000 are going to receive a 30 percent of the money back. I would like to know if the Senator from Penobscot, Senator Trotzky, could tell us what percentage of the individuals who pay taxes who are going to receive 30 percent of it back are in the \$30,000 bracket or over. I am sure that if he has the information he will find that that percentage of Maine population is far less than 30 percent.

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

Mr. HEWES: Mr. President and Members of the Senate: One reason that I am so firmly enthused about the pending motion, I think that it is giving a break to our youth. It is helping toward creating jobs, We see here today students from the University of Maine and students from a school in Portland, the unemployment rate in Maine is higher than in neighboring New Hampshire and we are very similar in our geographic makeup both about the end of the line here in the United States. We do not have natural resources such as coal and iron as they have in other parts of the state, but I feel that there is a need for more jobs in Maine. Now investors invest in any business. They check with accountants of circumstances of an area. It is my understanding that nation wide accounting firms, I can name two anyway that are located in Maine have offices in Portland, when they analyze for big companies where they should settle they do not recommend that these companies settle in the State of Maine, because our social-economic situation is not favorable toward a profit. The American system is based on the profit motive and before someone is going to build a new factory be it in Maine or Alaska or anywhere in the United States, they are going to investigate what are their opportunities. What is the incentive for building new industry. I am not speaking about the industries that are peculiar to Maine by that I mean forest industries or marine industries relate to our coast. I am talking about some industry that we do not presently have in Maine that is considering locating somewhere and they are going to consider what are the tax advantages and what are the tax obligations of their new industries and of their employees. The Senator from Penobscot who just spoke and the Senator from Cumberland, the Minority Leader of the Senate, I think are overlooking the fact that by lowering the income tax, rate, be it corporate income tax, or personal income tax rate, you are going to encourage people outsiders or Mainers to stay here or outsiders to come here. In my opinion the graduated income tax the State of Maine presently has is insidious tax which discourages industry. Although we love our fine quality of life in Maine we need jobs we hope that you young people that are here today will ultimately settle in the State of Maine and yet there have got to be jobs that will pay you decent wages or salaries so that you can enjoy the State of Maine. I urge you to vote for the pending Motion.

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

Mr. KATZ: Mr. President, I notice that the Senator from Penobscot, Senator Trotzky, was speaking some of the figures that he quoted jogged my memory a little bit. The Republican approach gives a permanent 4 percent reduction that adds up to \$5.12 million a year. That figure kind of sounded familiar to me and I sit here and it occurs to me that this \$5.12 million is almost exactly what school financing has been lapsing into the general fund for the past two years.

When we decided to increase the cost of education from 38 percent to 50 percent everyone in the State who was listening realized that we

had to raise the income tax, but just as a little bit of history. When we then enacted (L. D. 1994) and did not raise the income tax, we were running into deficits. So we did two things, we decided to construct a deficit proof school funding mechanism and that we did. And subsequently, we compromised on a very substantial increase on the income tax. We have been lapsing about \$5 million a year of unspent general fund appropriations because we have not been spending that much money on education. We have known it. It has been a conscious policy to enact Legislation that guarantees that there would be a surplus in the education account. Something over \$5 million last year as I recall it and it seems to me it is going to be about \$5 million this past year, the previous year, and we do not know what is it going to be in the second year of this biennium, but you will recall in our debate I suggested that the difference between \$173 and \$168 million the difference that existed between the Legislature and the Governor in our approach might turn out to be no difference at all, because it is very, very likely that we are going to lapse as much as \$5 million the second year of this biennium.

Simple justice should permit us to correlate these facts. We have overtaxed from the general funds \$5 million a year specifically for education. And now we find that the money is accumulated to the point that we are going to distribute it. Simple justice would indicate that we give it back to the people that we took it from. Simple justice. I think that the Governor recognized this in his program and the Republican caucus recognized it in his program, and I hope that if indeed we do accommodate the position of the two parties that this fact of simple justice will not get lost. There are in the State, I am told, people who make \$50,000 a year. I wish that we had more of them. Wish we had an awful lot more of them because it would indicate that we were attracting the kind of business and economic development that it takes to make this State tick. Resentment against somebody making \$50,000 and I wish that all of you reach that plateau someday, resentment against this group of people has no place in this debate their are precious few of them. Have you ever seen a profile of who pays taxes in the State of Maine? Once you get by \$25,000 a year it is a very, very small and very select group. Very small. You could double the tax on these people and you would not get enough to meet half of the social welfare programs all of us have got stuck up our sleeve.

After the Republican program is enacted, if it were enacted, the tax on this lucky \$50,000 a year man is still going to be double what it was just a couple of years ago. Well I guess that we have an impasse between the two Houses because I predict that the Senate today will accept the Republican program. But I hope and plead that as we reach the point of accommodation we retain the inherent fair play that we nicked the income tax to pay for a deficit proof school funding mechanism we have accumulated this surplus and we ought to remember who paid it in there when we distribute this surplus.

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

Mr. LEVINE: Mr. President and Members of the Senate: Far be it from me to interfere with the predictions of the good senator from Kennebec, Senator Katz. I would like to make a few remarks right now to refute the remarks of the senator from Cumberland, Senator Hewes.

First of all, he spoke about getting people into the State of Maine in businesses because of the corporate tax structure, and in 1975 there was a study done through Michigan State University through their Economic Geography Department to show that that was fifth on the list of priorities for new businesses locating in a State and the quality of life for their employees was second. Which makes that rather a moot point. In the second place, if Senator Hewes

has been reading through various means through the national media as of the last few years, I am sure he understands as well as many of us do here that the number one tax problem as seen by people within the individual states is a problem in property taxation, rather than income taxation.

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

Mr. HEWES: Mr. President and Members of the Senate: Just in rebuttal to the comments of the good Senator, Senator Levine, I would submit that the State of Maine has got to be competitive with other states. We want industry here and I agree quality of life is more important than the corporate tax issue. I am also talking about the personal income tax issue. You have two separate ones. Corporate income tax and personal income tax. Which as you said are priorities. Perhaps they are not top priority, but they are something to be considered and when it is close as to whether you go to Maine or New Hampshire or perhaps Massachusetts, Connecticut some little issue, some priority issue such as the amount of the personal income or corporate income tax could be the factor that would tip the scales against settling in the state of Maine against jobs for the people of Maine. I think that the Republican program which proposes incentive for locating in Maine and jobs for Maine is the better system.

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

Mr. LEVINE: Mr. President and Members of the Senate: Perhaps I should clarify the statements that I just made.

First of all, it is my understanding that the State of Maine has a very low corporate income tax structure. It is much below the national average. That is the first point that I should make and the second point I should make as we are talking about taxation, yes taxation is a major issue but I would repeat my statement, that the number one tax issue with the people and each individual state in this country has become the property tax rather than the income tax, and, therefore, you can well understand my support for the Democratic proposal which returns this money to property tax owners.

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

Mr. MERRILL: Mr. President and Members of the Senate: I have to admit to being a little less enthusiastically involved in the process of the last week and a half than some of my counterparts here in the Legislature. It is not because I am not excited by some of the possibilities that we have before us, maybe it is because I dropped in and before this session began and talked to the good senator from Kennebec, Senator Katz. One day in his small and humble establishment that he operates down here in the City of Augusta, and he handed me what I thought was some good advice. And that was that if at all possible we and especially myself and people in a similar position as myself ought to avoid partisan wrangling in this session if we could, and I think that we have done a pretty good job about it up until now and I suppose that a little bit of chest beating that we have gone through in the last week which I am sure had been done over the senator's objections being consistent in his advice to all people, is probably a necessary therapy session as it is referred to by my own leader. But I think maybe we can put a little bit more reasonable perspective on some of this discussion that we have had so far today.

First of all there is no doubt in anybody's mind that there are things that should be done and can be done and I think will be done this year to improve the equality in our taxes. Many of the ideas that are in both of these packages, have been discussed for a long time. The removal of the sales tax on water and a certain amount of electricity is certainly something I support. As a matter of fact, I think that it was

the first Bill I ever dropped in the hopper when I came to the Senate. The removal of sales tax on farming and fishing equipment is something that I wholeheartedly support. As a matter of fact I was the first witness when the hearing was held on this Bill before the Taxation Committee, and recommended this as one of the highest priority steps that we could take. I am also glad to see that we are going to try to create some special recognition on our income tax laws for the head of households which I think have been taxed unfairly. And I am excited that some of these ideas and especially the jobs credit and I suppose there is enough credit for the jobs credit to go around. Will have the effect of stimulating the economy in the State of Maine. There is no fact which so describes so closely brings us to the real reason that we have some tax problems then the fact that there is in this State of Maine then our neighbors in the North East. We take about \$13.20 for every hundred dollars earned. If the statistics that I read are correct. It is also true that we raise less per capita than our North East neighbors. As a matter of fact, we raise about a \$1,000 per capita less now and the reasons for this is obvious, I think, because the people are earning less. So we take a higher percentage and we have a smaller percentage to spend. So if we are concerned with tax relief in the long run we ought to be concerned as both programs are with stimulating the economy of this State.

That brings me to a subject that touches me pretty closely and I think we ought to try to put an end to it if we can here today. This notion that Maine's tax structure is keeping economic development out of the State. I do not think that it is true. And I do not think that it is reproductive to characterize our tax structure in that way. As a matter of fact, it would seem to me to be better salesmanship if we are really concerned with bringing industry into this state to accentuate the positives. Now recently, before this legislative session started, I got in touch with the 22 businesses that had come to Maine in the last year. And we talked to those businesses about what was instrumental in their decisions and what they considered. Not one of those businesses mentioned the tax situation that we have here in this state as a factor in their considerations.

I might also say that when we are compared to New Hampshire there is a difference between New Hampshire and us that ought to be obvious to the senator from Cumberland, Senator Hewes and everybody else. The State of New Hampshire, at least part of it is closer to Boston than we are. And the economic development that New Hampshire has seen in the last few years has been splash out from the State of Massachusetts and it has helped the economy of that part of the state of New Hampshire. I suggest to the senator that if he went to the northern part of the State of New Hampshire he would see some of the same sort of economic woes that we have in parts of the State of Maine. As a matter of fact, as I traveled about the state, especially in the southern part of the state, I have seen an interesting phenomena. I met all sorts of people at coffees in travelling around in southern Maine who work in New Hampshire and live in Maine and I have asked them why this is so, and they said that they moved to Maine to get away from New Hampshire taxes. That's right, they moved to Maine to get away from New Hampshire taxes which are very, very high in property taxes, because that state does not make the effort that we make to help out with the cost of schools and other things. So we have all these citizens down in the southern part of the state contrary to what we would be told by the Chief Executive, contrary to what we were told today by the senator from Cumberland, Senator Hewes, who have moved to Maine because of our taxes. Evidently these people felt more concerned about the property tax on which New Hampshire is so reliant then on the

income tax that has been so much discussed here today.

Now I cannot get my blood flowing about the idea of taking more money from the people who are lucky enough to earn a lot and certainly I do not, it does not raise great objections in my mind to giving them tax relief any more than anybody else. But I think that we ought to put our tax structure in a little bit of perspective so that we can deal with it at least honestly. We not only have the income tax in this state which admittedly is quite progressive but we also have other taxes on which we are more reliant in terms of the number of dollars we collect. Mainly if you look at the state tax structure those include the property tax, which is regressive, at least as it effects the average working person and we have the sales tax which is at best proportional. All of the studies that I have seen of Maine taxes show that at best even with the very progressive effect of the income tax, at the best our tax system is simply proportional. In other words, on average we take the same percentage of the income of the person who earns \$5,000 as we do the person who earns \$50,000 and \$100,000. Now maybe we should make some adjustments maybe there are good reasons to I do not want to lock myself in a hard and fast position here today on this debate. But to characterize that system in its totality is unfair. I think is a little different then my own perspective of what a fair tax structure would be. As a matter of fact, I think that a proportional taxation system is probably desirable for the state. But I think that we ought to recognize that when we discuss the income tax that it is in a context and not discuss it out of a context.

Now, who contributed to the surplus. We have heard that discussed a great deal. Well, if we measure who contributed to the surplus on the bases of what sources of revenue exceeded projections, then there is no doubt that the income tax payers of this State were the major contributors to the surplus that we now have before us, but if we look at the total number of dollars that the State has collected, all the dollars that went into the amount of money that we presently have, sales taxpayers contributed more money towards the surplus proportionally then any other form of taxation. So I suppose that the characterization has some merit, but I do not think that it should be dispositive of the issues.

Finally, I would like to say one other thing. This has been discussed as a whole new thing you know the governor describes the process that we are going through here with this tax relief as something that has never before happened in the state of Maine. Well, that is good rhetoric. I do not think that it is historically true. As a matter of fact, as I review the record of the Legislature that preceded my coming to Augusta, it seems to me that there was a great deal of time spent in that year which preceded coincidentally or not a gubernatorial election with politicians who were anxious to convince their constituents that they were giving them money. 1994 was passed as a property tax relief, property tax adjustment bill, and that same session of the legislature we took the sales tax off heavy industrial equipment and as you all recall from the last session previous to this, it was voted by that legislature that inventory would not be taxed at a future date. So the idea of politicians getting together before a gubernatorial election and convincing the constituents that they are giving them something when they hand them back their money is certainly not new or historic, probably we have not seen the last of it and probably we should not but we ought to probably reflect on it in that context. If there is anything that is has convinced me that I have been right in thinking that the method by which this state goes about appropriating money and leveling taxes it is the procedure that we have gone through in the last few weeks. Here we sit

today discussing how much tax relief we want to give out. How much money we want to give back and we have yet to really come to some logical conclusion about how much money it is going to cost to run state government this year. What a prudent manager of the state accounts would want to leave for a surplus. We spend, I think, when you add it all up, with federal monies and everything combined close to a billion dollars a year in this state. I do not know what is prudent to leave for a surplus, but I am not sure that when we get done with the machinations that are going on here today that we will have acted prudently. I am not completely convinced that the next legislature will not face some of the same sorts of problems and that we all faced when we came to the 107th. The process as it seems to me, operates in a backwards fashion. And I do not know what is going to be done about it certainly nothing in this session of the legislature. But I think that maybe we could all move a little prudently as we try to find the favorite political group to appeal to by offering some sort of tax relief and keep in mind the fact that there are many costs of state government I think that have not been met over the last few years and that are going to have to be met at some point in the future. Certainly we all know that the people who work for the State of Maine are going to be arriving at sometime whenever the Executive Branch will start negotiating in good faith, and package that is going to cost a considerable amount of money. We all know that look closely at the problems facing our penal institutions that we are facing some major expenditures there in the future. Either that or we are going to have to start not sending the people who commit crimes against the State Prison and to South Windham and we all know that we face a lot of expenses around the corner. And I am not at all sure that even with the best efforts of the Appropriations Committee that we really have done a good job of isolating those.

So I would like to suggest to the Members of the Senate that we try to keep the rhetoric a little cool today and leave ourselves some flexibility so that we cannot only arrive at something that takes advantage of the possibilities that we have to provide some stimulus to the state and some increased tax equity relief but maybe we will be in a position of acting prudently and leaving behind a sufficient amount of money so that the people that succeed us here won't have to turn around and enact a tax increase to pay for our large quest.

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

Mr. HEWES: Mr. President and Members of the Senate: I would like to respond to the senator from Cumberland, Senator Merrill. I do not think that this Republican plan is some plan, gimmick that is trying to placate a certain pressure group. I submit that the proposal that is pending on the floor now is a fair, prudent, reasonable tax plan, and I certainly hope that it passes.

I do not understand the logic of the senator from Cumberland, Senator Merrill. He says in one breath that people move to Maine because of taxes and then he further indicates that business, industries would not locate in Maine because of taxes. Why wouldn't a business not locate in Maine if they felt that the tax advantage was theirs in some other state just as he says he has talked to people that live in Maine because they feel as far as the individual goes the tax structure is more favorable to them to live in Maine rather than in New Hampshire or some other state. With respect to bringing out perhaps unfavorable aspects of Maine, I am a strong booster of the State of Maine but in this debate today, we have to discuss the pros and cons. I submit that our State of Maine's tax structure, is such that industry and businesses are discouraged from locating in Maine, and I would like to have jobs for the youth of Maine so that in years to come Maine will be a pros-

perous state and our unemployment ranks will not be among the highest states in the country.

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

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

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

The pending question before the Senate is the motion by the senator from Cumberland, Senator Jackson, that the Senate accept the Minority Ought to Pass Report of the Committee.

A yes vote will be in favor of accepting the Minority Ought to Pass Report.

A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAY — Carpenter, Conley, Danton, Farley, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Usher

20 Senators having voted in the affirmative and 12 Senators in the negative, and no Senators being absent, the Motion to Accept the Minority Report does prevail.

The Bill (H. P. 2215) (L. D. 2183) Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate:

Bill, "An Act to Revise Maine's Aeronautics Laws." (H. P. 2055) (L. D. 2119)

Tabled — earlier in the day by Senator Speers of Kennebec.

Pending — adoption of Senate Amendment "A" (S-535)

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

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 — Passage to be Engrossed.

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

Mrs. CUMMINGS: Mr. President, I offer Senate Amendment "A" (S-537) and move its adoption.

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

Senate Amendment "A" (S-537) Read and Adopted. This Bill, as amended, Passed to be Engrossed without reference to Committee in non-concurrence. Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act to Facilitate Central Licensing and Concerning Membership on the Maine Athletic Commission." (Emergency) (H. P. 1908) (L. D. 1969)

Tabled — Earlier in the day by Senator Chapman of Sagadahoc.

Pending — Passage to be Engrossed.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: As you recall last week we had limited debate relevant to this particular Bill and I was quite concerned with many aspects of the Bill particularly relevant to the Maine Athletic Commission.

This morning I am prepared to offer an amendment that will correct what I feel is an injustice or discriminatory attitude in this particular legislation.

The Amendment goes far beyond the Maine

Athletic Commission simply because in looking at the entire Bill itself I found other writers in there which I felt did not have a justifiable public hearing and the explanation under the emergency preamble was rather vague, but first let me get back to the discussion of the Amendment Mr. President. In general, I do remove the emergency preamble from this piece of legislation. I do delete the appropriations and increase the membership on the Maine Athletic Commission to four members instead of five. The original Bill increased it to five in the amount of \$14,400. But the major change there as I still keep the fourth member on the Commission as a member of the public at large. And also deletes what I was concerned with last week, and that was rather relevant to the House Amendment, which is H-1128, which I consider a very discriminatory factor and that was under subsection 2955 under the refusal and revocation of license. I still feel that this is very discriminatory and really does not do justice to the small licensed fight promoter or wrestler in the State of Maine.

In checking around somewhat, I found that there was really no need to increase the Maine Athletic Commission personal services in the amount by two more people or the total amount of roughly \$5,500. So also the Amendment calls to strike out section 11 the appropriation, in the amount of \$5,500. And since we are not making this a five member board, even though they claim that they have got \$14,400 in the statement of fact, through title 8, Chapter 5 under the wrestling provision, that there be no necessity also to include the additional cost of \$4,400 beginning July 1, 1978.

I respect the work that the Committee has done relevant to this particular Bill, but when I look at the entire Bill itself, I get very, very apprehensive because another factor in the Bill which I will discuss with you Mr. President and Members of the Senate, we discussed, we had quite a debate in reference to the arborist in the State of Maine, and there is an area in here and this is why I did not mind taking off the emergency preamble. There is created and established at the arborist examining board within the Department of Business Regulation to carry out this chapter. I felt that this area here and if I understood Senator Pierce from Kennebec correctly, there were not to many people in attendance, and I think that my first idea at the time insofar as the Boxing Commission is concerned, I can see why. It is more or less a closed corporation for some of these birds. But when I start looking at the arborist Bill under subsection 4142, then I feel that maybe this should have been a bill in itself with a public hearing. As I read on further, I get on section 9 of the subsection 2953 relevant to the itinerant photographer's license and we have many small businessmen in the State of Maine who are itinerant photographers and in this particular piece of legislation, which I think is a bill in itself, which I also believe should have a public hearing it says, "an application for an itinerant photographer's license should be made by a person of legal age in writing upon a form prescribed by the Department of Regulation." But also it goes on to say further, "any person who practices a profession of an itinerant photographer in the state whether as a principle, and agent, or a servant, and whether engaged in soliciting or in one or more of the operations involved in the making of photographic pictures reproduction, shall turn a license as provided by paying, therefore, a biennial fee of \$200. Now we have many organizations around the State of Maine that do have itinerant photographers who are willing to take pictures, and I think that this is going too far insofar as compelling photographers in the State of Maine to be paying a biennial fee of \$200. And I do not believe that there was any photographers at that particular hearing the best that I could find out about it. The entire Bill itself, as far as I am concerned Mr. President and

Members of the Senate, is an atrocity, but my major concern today was not to kill the entire Bill, but just to amend out that section relevant to the Maine Boxing Commission which I think I have described but if you look at that title, "An Act to Facilitate Central Licensing," that is not even relevant to what that Bill contains and I think this is an injustice. In fact, it is very misleading. But Mr. President and Members of the Senate, I would like to submit to you Senate Amendment "A" (S-534) which I think I have described in detail.

The PRESIDENT: The Chair understands that the Senator moves that the Senate reconsider its action whereby it adopted Committee Amendment "A".

On Motion of Mr. Speers of Kennebec, Tabled until later in today's Session, pending reconsideration.

All matters previously acted upon were ordered sent forthwith.

On Motion of Mr. Huber of Cumberland, Recessed until 4:00 in the afternoon.

Recess

After Recess

The 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
Non-concurrent Matter**

Bill, "An Act to Support Improvement of Air Passenger Service." (H. P. 2048) (L. D. 2110) In the House, February 16, 1978, Passed to be Engrossed.

In the Senate, February 23, 1978, Failed of Engrossment, in non-concurrence.

Comes from the House, that Body having Adhered.

On Motion of Mr. Huber of Cumberland, the Senate voted to Adhere.

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office. (H. P. 1886) (L. D. 1943)

In the House, March 9, 1978, Failed of Final Passage.

In the Senate, March 9, 1978, Finally Passed, in non-concurrence.

Comes from the House, that Body having Insisted.

On Motion of Mr. Collins of Knox, the Senate voted to Adhere.

Joint Order

An Expression of Legislative Sentiment recognizing that: The Saints of St. Dominic Regional High School of Lewiston have, with their able coach, Yvon Pellerin, won the State Scholastic Hockey Championship for 1978, (H. P. 2227)

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

Joint Orders

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government report out a bill, "An Act Extending the Time for Apportionment of County Taxes from March to April in the Year 1978."

Comes from the House, Read and Passed. Which was Read and Passed in concurrence. (H. P. 2226)

WHEREAS, no direct state assistance is made available for maintaining or improving these air strips; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation shall study, review and evaluate the subject of revenues produced at private air strips throughout the State, the need for maintenance or improvements of these air fields and the desirability of state assistance at these locations; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1978 and submit to the Legislative Council within the same time period its findings and recommendations including copies of any recommended legislation; and be it further

ORDERED, that upon passage of this Order in concurrence, the Clerk of the House shall forward a suitable copy of this Order to the Senate and House chairmen of the committee. (H. P. 2225)

Comes from the House, Read and Passed On Motion of Mr. Speers of Kennebec, Tabled, pending Passage.

Joint Resolution

A Joint Resolution In Memoriam: WHEREAS, the Legislature has learned with deep regret the death of Clyde R. Chapman, Esq., of Belfast, a distinguished judicial servant, (H. P. 2224)

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

Communication

Committee on Business Legislation
March 13, 1978

The Honorable Joseph Sewall
President of the Senate

State House
Augusta, Maine 04333

Dear President Sewall:

It is with pleasure that I report to you that the Committee on Business Legislation has completed all business placed before it by the Second Regular Session of the 108th Maine Legislature.

Total Number of Bills Received	22
Unanimous Reports	19
Ought to Pass	4
Ought Not to Pass	1
Ought to Pass as Amended	5
Ought to Pass in New Draft	6
Leave to Withdraw	3
Divided Reports	3
Total Number of Amendments	6
Total Number of New Drafts	6

Sincerely,

RICHARD H. PIERCE
Senate Chairman

Which was Read, and ordered placed on file.

Committee Reports

House

Ought to Pass

The Committee on Local and County Government, on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1978. (Emergency) (H. P. 2217) (L. D. 2185)

Reports that the same Ought to Pass (pursuant to Joint Order H. P. 1986)

Comes from the House, the Resolve Passed to be Engrossed.

Which Report was Read and Accepted in concurrence.

The Resolve Read Once.

Under suspension of the rules, the Resolve Read a Second Time.

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

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Andros-

coggin County for the Year 1978. (Emergency) (H. P. 2228) (L. D. 2188)

Reports that the same Ought to Pass (pursuant to Joint Order H. P. 1986)

Comes from the House, the Resolve Passed to be Engrossed.

Which Report was Read and Accepted in concurrence.

The Resolve Read Once.

Under suspension of the rules, the Resolve Read a Second Time.

This Resolve Passed to be Engrossed in concurrence

Senate

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, An Act to Establish the Health Facilities Information Disclosure Act. (S. P. 695) (L. D. 2136)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (S-538)

The report was signed by the following members:

Mr. PRAY of Penobscot — of the Senate.

Messrs. GOODWIN of South Berwick
BRENERMAN of Portland

FOWLIE of Rockland
KERRY of Old Orchard Beach

Mrs. NESLON of Portland
PRESCOTT of Hampden

TRAFTON of Auburn — of the House.

The Minority of the same Committee on the same subject matter Reports that the same Ought to pass as amended by Committee Amendment "B" (S-539)

The report was signed by the following members:

Mr. GREELEY of Waldo

Mrs. SNOWE of Androscoggin — of the Senate.

Mrs. KANE of Augusta
GILL of South Portland — of the House.

Which Reports were Read.

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, pending Acceptance of either Committee Report.

Enactors

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

"An Act to Revise the Laws Concerning Marine Resources." (H. P. 2146) (L. D. 2166)

"An Act to Amend the Crime of Assault on a Law Enforcement Officer." (S. P. 661) (L. D. 2032)

"An Act to Require Contracts for the Installation of Insulation." (H. P. 1941) (L. D. 2105)

"An Act Relating to the State Board of Social Worker Registration." (H. P. 1936) (L. D. 2016)

"An Act Concerning the Number of Persons Required to be Covered by an Existing Group Health Insurance Policy for its Renewal or Replacement." (S. P. 689) (L. D. 2123)

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

"An Act Pertaining to Ordinary Death Benefits Under the Maine State Retirement System." (H. P. 1885) (L. D. 1939)

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

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

Mr. HUBER: I move that L. D. 1939 and L. D. 2061 be placed on the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that L. D. 1939 and L. D. 2061 be placed on the Special Appropriations Table.

The Chair recognizes the Senator from York,

WHEREAS, there are a considerable number of private air strips in the State; and

WHEREAS, many of those air strips provide opportunity for the flying public to utilize the facility; and

Senator Hichens.

Mr. HICHENS: I would move that L. D. 2061, An Act to Improve the Short-term Investment Capabilities and Debt Management of the State, L. D. 2061 be Indefinitely Postponed.

The PRESIDENT: The Chair would advise the Senator that his Motion is out of order.

The Tabling Motion has priority.

It is the pleasure of the Senate that L. D. 1939 and L. D. 2061 be placed on the Special Appropriations Table?

Mr. HICHENS: I would request a Division. The PRESIDENT: A Division has been requested.

It is the pleasure of the Senate that L. D. 1939 be placed on the Special Appropriations Table? It is a vote.

In reference to L. D. 2061, a Division has been requested. Will all those Senators in favor of placing L. D. 2061 on the Special Appropriations Table please rise in their places to be counted.

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

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

Emergency

"An Act to Lower the Costs of Medical Malpractice Arbitration." (H. P. 1964) (L. D. 2051)

This being an emergency measure and having received the affirmative votes of 31 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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1978. (H. P. 2206) (L. D. 2182)

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1978. (H. P. 2205) (L. D. 2181)

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1978. (H. P. 2204) (L. D. 2180)

These being emergency measures and having received the affirmative votes of 31 Members of the Senate, these Resolves were 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 to Revise Maine's Aeronautics Laws." (H. P. 2055) (L. D. 2119)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Adoption of Senate Amendment "A" (S-535)

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

The President laid before the Senate:

Bill, "An Act to Facilitate Central Licensing and Concerning Membership on the Maine Athletic Commission." (Emergency) (H. P. 1908) (L. D. 1969)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Motion of Senator Minkowsky of Androscoggin to Reconsider Adoption of Committee Amendment "A" (H-1128)

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

Mr. PIERCE: Mr. President and Members of the Senate: After listening to the good Senator from Androscoggin this morning I really know hardly where to begin or which red hering to address first. I think that perhaps an ap-

propriate place would be to ask for a Division on the Motion to reconsider.

When this was first brought up at the end of last week the Senator opposed Section 2955 concerning refusal and revocation powers of the Commissioner of Business Regulation as concerned the Athletic Commission. And this really is the only substantive portion of this bill, other than that they are pretty much house keeping measures.

But I think that once again this morning you saw why the good Senator at times is known as the master of the ploy in this Body, as he brought in everything from the arborist to the itinerant photographers, to every other house-keeping section of this Bill in order to cloud the issue and I would submit to you that the one section of this Bill that he is concerned with is 2955, and that does have to do with refusal and revocation. It gives the power to the Commissioner of Business Regulation, a power which he has in many other boards and commissions to revoke a license pursuant to title 5, section 1004 merely puts this in line with the administrative procedures act so that if somebody has been convicted of a crime for which the maximum term of imprisonment may be imposed of one year or more or whether the applicant or licensee has been convicted of fraudulent and deceptive practices he may then revoke or dismiss the application. However, as under all other procedures, the administrative procedures act certainly guarantees that person many rights including the right to ask for a hearing, appeal procedure and they would go through then just the same as anyone else would and I am sure that anyone in particular who the good Senator may be concerned with I am sure his constituents also have a clean bill of health so that they would have no problem, and would never have anybody that might have his license revoked, or who might have been convicted of fraudulent and deceptive practices in the first place anyway so that I would ask for a Division on this Motion.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I am really astounded by the good Senator from Kennebec referring to my deliberations on this important measure this morning as to ploys. Certainly I would not want to cloud the issue by any stretch of the imagination I was just bringing to light some of the glaring horrendous examples that could be misconstrued and apparently are because just as a layman I, am misconstruing a lot of these things that really did not have an indepth public hearing, and I am concerned there in the State of Maine that our people have a right to know and the people involved in these various areas which you refer to as ploys certainly would want to be assured that their voice was well heard. Especially the itinerant photographers, for example.

Mr. President, I do not think that I am going to pursue this because time is of the essence, and I think you all understood what my feelings were this morning. I would sincerely hope that the Senate would be objective with this layman, as I am, who maybe does not have a good thorough knowledge of the intricacies of the legal profession but take me at my word that I am on the right track and accept this amendment and then let's see where it goes beyond a particular point. Thank you Mr. President.

The PRESIDENT: Is it the pleasure of the Senate to Reconsider its action whereby it adopted Committee Amendment "A"? The Chair would advise that this would require a two-thirds vote because Committee Amendment "A" was adopted on March 9th. The Chair will order a Division.

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

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

12 Senators having voted in the affirmative and 17 Senators in the negative, the Motion to Reconsider does not prevail

This Bill, as amended, Passed to be En-grossed in Concurrence.

On Motion of Mr. Huber of Cumberland, Adjourned until 10:30 in the morning, Tuesday, March 14, 1978.