

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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APPENDIX

SENATE

In Senate, March 16, 1978

Senate called to Order by the President.
Prayer by Reverend Edith L. Morton, Calvary Church of God, Oakland.

REVEREND MORTON: Let us pray. Heavenly Father, we thank Thee for the privilege of coming to Thee in prayer. Thou who has been so good to us and so merciful we give Thee thanks. We are grateful to Thee for our christian heritage, and for this recognition of our needs for Thy divine guidance. Grant we pray Thee Oh Lord, this day, that the men and the women who compose this Senate of the State of Maine, shall be guided by Thy wisdom and empowered by Thy strength. Lift them above the pressures of selfish interest which may be imposed upon them by others, and give them clear vision, Oh Lord, as to the needs of our people. These things we ask in the name of Jesus. Amen.

Papers from the House

Reading of the Journal of yesterday.

(Off Record Remarks)

Papers from the House
Non-concurrent Matter

Bill, "An Act to Revise the State Criminal Extradition and Criminal Codes." (S. P. 697) (L. D. 2144)

In the Senate, March 14, 1978, Passed to be Engrossed as amended by Committee Amendment "A" (S-531).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as Amended by House Amendment "A" (H-1163) thereto, in non-concurrence.

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

On Motion of the same Senator, and under suspension of the rules, this Bill sent forthwith to the Engrossing Department.

Communication

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

Dear Madam Secretary:

House Paper 2126, Legislative Document 2153, "An Act to Amend the Statutes Relating to Airmobiles", having been returned by the governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Fifty-six voted in favor and seventy-five against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

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:

Loretta M. Kahill is to be honored by the Veterans Administration at Togus on April 5th, her 88th birthday, for a lifetime of service to Maine's veterans, (S. P. 746) is presented by Senator Katz of Kennebec.

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Redmond of Somerset,
WHEREAS, the once beautiful countryside of this state is being seriously scarred by the dead dutch elm disease; and

WHEREAS, the dead trees not only blight our cities and towns, but cause serious prop-

erty damage, injury or death to all within their range of fall; and

WHEREAS, state law requiring a person to be a licensed arborist in order to take down trees by topping or sectioning precludes municipal rule or regulation which could more adequately deal with the problem; and

WHEREAS, hopefully, there is a "middle ground" on the question which will avoid the high cost of commercial operation and the application of urban solutions to the remaining 80% of woodland area of the state; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Agriculture shall study the subject matter of H. P. 1858, L. D. 1925, "An Act to Permit Persons Other than Arborists to Take Down Trees by Topping or Sections," to determine if the best interests of the state would be served by enactment of legislation in this area; 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 in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this order shall be forwarded to members of the committee. (S. P. 745)

Which was Read.

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

On Motion of Mr. Huber of Cumberland, Referred until the Sound of the Bell.

Recess

After Recess

Senate called to order by the President.

(Off Record Remarks)

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 York County for the Year 1978. (Emergency) (H. P. 2241) (L. D. 2193)

Reported 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 and the Resolve Read Once.

On Motion of Mr. Speers of Kennebec and under suspension of the rules, the Resolve, Read a Second Time. Which was Passed to be Engrossed.

Ought to Pass — As Amended

The Committee on Taxation on, Bill, "An Act to Expand the Eligibility under the Elderly Homeholders Tax and Rent Refund Act." (H. P. 1927) (L. D. 1988)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1157).

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

Which Report was Read. On Motion of Mr. Jackson of Cumberland, tabled pending Acceptance of the Committee Report.

The Committee on Taxation on, Bill, "An Act to Establish Standard Interest and Penalty Provisions for the Tax Laws." (H. P. 2070) (L. D. 2130)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1160).

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.

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

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

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

The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-562) Read and Adopted.

Committee Amendment "A", as amended, Adopted in non-concurrence. This Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Taxation on, Bill, "An Act Relating to the Taxation of the Unorganized Territory." (H. P. 2059) (L. D. 2117)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 2139) (L. D. 2159)

Comes from the House, the Bill in new Draft passed to be Engrossed as amended by House Amendment "B" (H-1169) as amended by House Amendment "A" (H-1170) thereto.

Which Report was read.

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

Senate

Ought to Pass

Mr. Katz for the Committee on Education on, Resolution, Proposing an Amendment to the Constitution to Provide that Taxes Which a School District is Authorized to Levy May be Assessed in Any Cost-Sharing Formula Mutually Agreeable to the Communities Involved. (S. P. 749) (L. D. 2198)

Reported that the same Ought to Pass pursuant to Joint Order (S. P. 744).

Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

(Off Record Remarks)

Second Readers

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

House

Bill, "An Act to Amend the Credit Life and Credit Health Insurance Laws." (H. P. 2233) (L. D. 2191)

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

Bill, "An Act to Clarify and Define Certain Existing Provisions of the Maine Fair Credit Reporting Act." (H. P. 2234) (L. D. 2192)

Which was Read a Second Time.

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

Mr. COLLINS: Mr. President, I present Senate Amendment "A" to L. D. 2192 (S-554) and move its adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "A" to L. D. 2192 and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-554) Read.

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

Mr. PIERCE: Mr. President and Members of the Senate: I would ask the good Senator from Knox, that he might want to give an explanation of this Amendment.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, has posed a question through the Chair to the Senator from Knox,

Senator Collins.

The Chair recognizes that Senator.

Mr. COLLINS: Mr. President and Members of the Senate: Last year the legislature enacted the Fair Credit Reporting Act and I have studied that act recently. I wonder if the major contribution of that act may not have been to help the paper manufacturing industry and the paper work industry. I know that it was designed to help the privacy of our citizens when credit investigators are checking on them for various business purposes, but as I have studied the material concerning this act, I find that this act in my view goes much further than this type of privacy protection needs to go. The Committee on Business Legislation quite wisely undertook in this session to clean up the original act to clarify the working of some sections, to delete some sections, and to meet some of the objections that were raised in the field in operation by business firms that rely on these credit reports. And I think that the Committee has done a very excellent job of sorting out the weak points and bringing remedies to those, but in one respect I feel they have no doubt gone far enough and it is in that respect that I introduced this amendment.

The effect of the law now in the books is that when anyone undertakes an investigation they first have to give written notice to the person to be investigated and second the person to be investigated has to give specific written permission that the topics that are in question may be investigated. Of course, business firms know how to deal with this problem in general. What actually happens and most people do not even know it is that there is some fine print on the form when you apply for insurance, life insurance, or in many cases casualty insurance or other types, or if you apply for credit under some circumstances. And that fine print says that you are waiving your rights under this act, that you are granting permission to be investigated. Well the first part of that idea seems to me eminently fair, if you are going to be investigated it is fair that you should know about it, and that you should be aware that in entering into the business relation that you are about to enter that this may come about. You can prepare yourself and also it has the further protection for the citizen that the citizen then knows where to go to get a copy of the credit report that is developed out of this procedure. So that he can find if there is anything in it that is not true and set about correcting it and there are measures in the existing law that help him to get these things corrected and I think that is fair and good, but the second part that he has to give specific written permission for any sort of reporting or use of information goes one step further than seems necessary, it goes a step further than the Federal Act and that extra step is causing a lot of litigation. I would submit to the Senate that it is better to have an act that works well and does not have to cause people to run to court all the time to find out what it means and to find out what it means and to find out whether it is constitutional. It is much better to have that type of an act and that type of protection for our citizens than to have one that is going to involve a constant legal turmoil.

Why am I interested in this? I noted on my desk an undesignated reprint concerning a company that is now in court in the state of Maine on this matter. I do not know this company. I have met this lobbyist, know its lobbyist here in the legislature, but I really have no concern about the welfare of this company. I do have some concern about the welfare of at least two small businesses in my own county that are in this type of business. They have been in this type of business for many years, they have an excellent reputation in the community and their services are valuable to the business community. I have employed their services in my own work and so my interest is concern for the flow of business and informa-

tion, the free flow of information that is being used for legitimate business purposes.

What's happened to court test of this problem elsewhere. The second part of my amendment deals with that we call a qualified immunity and the importance of that is that you have two standards for the businessman to observe. One is a state standard which is stiffer than the Federal and the other, of course, is the federal standard and the businessman in this business is in the position of being whipped screwed between the two different standards. My amendment would take him out of that posture. In Florida this issue was litigated in the Federal Court in the eastern district of Florida. The case we call the Dade County Case and the court in that case struck down the same provisions that I am attempting to change in this particular act. The court there felt that when the Federal Act was passed that the Federal Act was creating a trade-off. The trade-off being disclosure in return for notification to the party being investigated and it felt that those provisions of the Federal Act outweighed the state policy of trying to go further than the Federal Act, and I would submit to you that the best way to make this Act work well for the protection of our citizens is to clean up these two additional points that I have described.

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

Mr. PIERCE: Mr. President and Members of the Senate: I thank the good senator from Knox for his explanation, which was a good one. I would now move the indefinite postponement of the pending amendment and ask for a Division. I would like to give at least a brief explanation of some of the background of this Bill, where it came from, what the Business Legislation Committee has done with as dealings in the last two years.

Last session we enacted the Fair Credit Reporting Act, and as I mentioned yesterday, like many new Bills, often there are some difficulties which arise out of a lengthy piece of legislation which that one was. Therefore, the cooperative sponsor of the legislation this year introduced an act to clarify and define certain existing provisions of the Maine Fair Credit Reporting Act, so that we might add some friendly amendments and clear up some of the vagueness and some of the problems, most of them are of minor nature, that could be clarified and could be corrected. In dealing with these matters, the Committee on Business Legislation went through a great many different drafts. I think that it must have been seven or eight different ones which we worked with many different groups in seeing that we could not come up with the best possible piece of Legislation.

What we have here, I think, is an amendment which the first part of which I certainly do not agree with and the second part of which I think probably should not even be allowed under the existing title of this Bill.

The first part removes the requirement that prior written authorization of consumer reports must be granted before they are done, and this, I think should be noted, is in the present law. This is what is being done now, prior written notice is required. But it is not required of regular credit reports and most of the ordinary reports that are done. The only time that it is required is when they are investigative reports. So you say what are investigative reports. Well most of these primarily consist of personal interviews with the persons friends, acquaintances, neighbors, fellow employees and so forth. And the Committee was given many examples of how especially one particular company, the largest company in the United States which deals with these investigative reports, have so thoroughly abused this area of investigative reporting. How they connect the peoples private sex lives and everything else they were reporting on what is really just back yard gossip, what they were just loos-

ely putting in these files really I think disgusted the committee.

The second part of the bill deals with an immunity provision to protect these same consumer reporting agencies. And I say to you if these consumer reporting agencies are going to put employees out in the field, if they are going to investigate, then they should be held responsible if they are negligent or if they willfully violate this act. They darn well should be responsible for making sure what goes into those reports is correct, because it effects peoples lives in many, many ways, when they are incorrect.

I think that the present law, is working extremely well.

I had distributed before you today an article which describes some of the practices that this particular company that we work with Acquo Facts some of the practices which they were using, and you can see the ruling made by the Federal Trade Commission as a result of this. And during our deliberations, we had lobbyists, come up from the south where the headquarters of Acquo Facts is located, and we worked with them on many, many amendments, many of which are incorporated in the draft today, and I think that it also is important to note just briefly to what happened last year. We passed this bill, in both bodies. It went through the Governor's Office, and then Acquo Facts in an almost unprecedented case, it may have been done before, but it is almost unprecedented in the face of what the Legislature had done, brought a temporary restraining order against the Attorney General from enforcing it. And it was granted. They asked for a preliminary injunction which is the next step, and this was turned down and there are still litigations pending. I am sure that Acquo Facts has the resources to come up here and tie us up for many, many, probably even years in litigation, because it is something that they do not like. But they do not like it because it might hurt their pocketbook. It might hurt their pocketbook because all they're interested in when they put their employees out in the field is the primary concern is their pocketbook. How many reports can they get done. It is numbers, it is volume, not the content and I am not saying that in all instances that they do not make a good faith effort I am sure that they like to have all their reports as correct as possible, but until some responsibility is placed on them some reasonable responsibility they are not going to make a good faith enough effort and I think that certainly the article of Federal Trades Commission ruling would indicate that. And it concerns me some, that they can fly up here from Atlanta, Georgia, in their \$400 suits and alligator shoes and presume to tell the people of the state of Maine what kind of laws we are going to legislate, and I would suggest to them that they get back in their private jet and go back to Atlanta, because when that long arm of that lobby comes up from Atlanta, Georgia I hope that when they look at it, when they get it back to Atlanta that there is nothing left but a bloody stump. Because that is all there should be. We worked with many people on this legislation in its unamended form. It is supported by the Credit Bureau of the State of Maine, supported by the Banking People, the Life and Casualty Insurance Companies, and the Maine Merchants Association. It is a good piece of legislation, it is an improvement over the last law that we passed and I would hope that the Senate today would reject this amendment and let this bill go on its way in its unamended form. Thank You.

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

Mr. CONLEY: I adhere to the words spoken by the good senator from Kennebec, Senator Pierce. In fact for a moment I thought that he was speaking like a member of my party and did not know if he was going to make an announcement today that he was switching par-

ties to run as a democrat for the next legislative session.

I think that it would be interesting if one would just glance upon the report of the literature that Senator Pierce had distributed and that with reference to the so called Maine Battle by Acquo Facts before the Superior Court here in Augusta, it is a very brief paragraph and it reads.

"That a Superior Court here recently rejected a request by Acquo Facts Services Inc. for a temporary injunction against the state's new credit reporting law. Justice Lewis Naiman's ruling earlier this month frustrated efforts to prevent enforcement of the 1977 statute which limits the sale of personal information by credit companies and forbids the collection of information on an individuals lifestyle, political affiliations, race, religion, or philosophy. The law was enacted by the Maine Legislature in response to citizens complaints that Acquo Facts gathered information on the sex, previous convictions, etc."

It is not very clear in the second paragraph but becomes very concerning to me, that when the lives of individuals are pried upon in such a manner, such a company whoever it is should be held liable in the event that they come out with a bad report and I think that the lives of individuals are scared in the sense that they should not be just tampered with openly by some individuals or companies who are not going to take extreme correction methods to make sure that what is released in their reports is an actual, accurate, and correct report.

It just seems to me that this is not a battle as the good senator from Kennebec, Senator Pierce has stated; it is not a battle against other credit reporting companies, it is a battle between one firm from out of state and the good Senator has stated practically every other institution in this state feels that the present bill as it is now before us is equitable for everyone of them, and to amend it in this manner would only be opening up and protecting it from one firm outside.

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

Mr. LEVINE: Mr. President and Members of the Senate: I rise to concur with the comments of my good friend and colleague from Kennebec County, Senator Pierce, and also my party's floor leader here in the Senate, the senator from Cumberland, Senator Conley.

I have another problem with this amendment. I think that perhaps the senator from Knox, Senator Collins, might find that the timing of this amendment is a little off, perhaps he should wait on this and someone might find the legislature much more receptive to this if it were introduced in a bill six years hence. That time being 1984.

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

Mr. COLLINS: I am really quite amazed and somewhat amused that this little foray, has caused a cry of bloodshed and 1984 and so on. I hope that the press does not paint the Maine Senate with the same brush that the PLO would be painted. I do not recall any previous occasion when a senator has stood on the floor and talked about people being driven out of the State of Maine with bloody stumps.

I have absolutely no interest in the welfare of the company that has been attacked. I really am only concerned with the merits of what is before you and the impression that came through to me as I listened to the good senator from Kennebec and the good senator from Cumberland, was that I was making it possible in this amendment for a company to go out and stir up false information and send it broad side and damage citizens. That is not the case at all. The qualified immunity section of the amendment that I have offered speaks about not bringing an action in connection with certain sections of the act, except and this is the im-

portant part, except as to false information furnished with malice or willful intent to injure that consumer. If anybody, this strange company from Georgia or wherever it is or any company, the people in my home county who have been there, one for 15 years and one for 28 years, if they develop false information and spread it around they are going to be in trouble. Not only under this act but under Common Law and they should be in trouble. And I am not trying to help them. There are such things in this country, however, as freedom of speech, we have a first amendment that talks about freedom of speech. Recently the bank that said that lawyers could not advertise was struck down by the United States Supreme Court because, partly because that was considered an unreasonable restraint, on freedom of speech, and the right to communicate what you have to offer. And these companies, and it is not just one big outside company, they are all over Maine and they have been for some years, these companies provide a useful service to business. They could not exist in business if they did not provide a useful service. And we put some brakes and some controls on that service and those are good things, and I am all for it, but how far should we go? Should we push it so far that a court may strike it down, as Constitutionally invalid. That is the question you really ought to be thinking about instead of bloody stumps.

I urge you to vote no on the pending motion.

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

Mr. CHAPMAN: Mr. President and Members of the Senate: As a member of the Business Legislation Committee, I worked with the committee on numerous sessions that we had to address this particular issue and I would like to concur with the remarks that were very thoroughly made by the chairman of that committee the senator from Kennebec, Senator Pierce.

I too would like to urge the Senate to support the Indefinite Postponement of this amendment. I do not think that the committee was unmindful of many of the points that have been raised and pointed out by the senator from Knox, Senator Collins. These issues were gone into in great detail in an effort to get a balanced point of view which I think we have. The insurance industry does use these services to a considerable extent, as being part of that industry, I have not been lobbied by them to any objections that are addressed in this particular amendment. As a matter of fact, while they may not be totally in support of all the aspects of this particular Law, they support this amendment for it makes substantial improvements in the present Law. The insurance industry and others have been operating under the provisions since last October and they have found undue problems of securing signed permission for these particular reports.

And I think to pass this amendment might jeopardize a bill which is making substantial improvements and certainly would not be in the best interest of either the users of these reports or the citizens of the State of Maine. I would urge that the Senate support the motion to Indefinitely Postpone.

The PRESIDENT: The Pending question before the Senate, is the motion by the senator from Kennebec, Senator Pierce that Senate Amendment "A" to L. D. 2192 be Indefinitely Postponed.

A Division has been requested.

Will all those senators in favor of Indefinite Postponement of Senate Amendment "A" please rise in their places to be counted.

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

19 Senators having voted in the affirmative and 7 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

Which was Passed to be Engrossed in concurrence.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I now move that the Senate reconsider its action whereby this bill was passed to be engrossed.

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

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.

House — As Amended

Bill, "An Act Appropriating Funds to Establish Emergency Shelters for Family Members who are Victims of Family Violence." (H. P. 1979) (L. D. 2074)

Bill, "An Act to Increase the Reimbursement for 6-bed Boarding Homes." (Emergency) (H. P. 1895) (L. D. 1952)

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

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

Senate — As Amended

Bill, "An Act to Improve the Administration of the Industrial Accident Commission." (S. P. 655) (L. D. 2015)

Which was Read a Second Time.

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

Mr. SPEERS: Mr. President, I offer Senate Amendment "A" (S-560) and urge its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now offers Senate Amendment "A" to L. D. 2015 and moves its adoption.

The Secretary will Read Senate Amendment "A"

Senate Amendment "A" (S-560) Read.

The PRESIDENT: The Chair recognizes that same senator.

Mr. SPEERS: Mr. President, this is a technical amendment which changes the name in the bill from the Industrial Accident Commission to the Workers Compensation Commission.

Senate Amendment "A" Adopted.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

Enactors

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

"An Act Relating to the Installation of Smoke, Heat or Fire Detection Systems in Certain Hotels." (H. P. 2195) (L. D. 2178)

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

Orders of the Day

The President laid before the Senate:

Joint Order — Relative to Amending Joint Rule 22. (H. P. 2256)

Tabled — March 15, 1978 by Senator Speers of Kennebec

Pending — Passage

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

The President laid before the Senate.

Joint Order — Relative to Amending Joint Rule 39. (H. P. 2252)

Tabled — March 15, 1978 by Senator Speers of Kennebec

Pending — Passage

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

The President laid before the Senate:

House Reports — From the Committee on Appropriations and Financial Affairs — Bill,

"An Act Relating to Appropriating Funds for (Certain Municipal Governments." (H. P. 2096) (L. D. 2139) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled — March 15, 1978 by Senator Speers of Kennebec

Pending — Acceptance of Either Report
On Motion of Mr. Merrill of Cumberland. Re-tabled for One Legislative Day.

The President laid before the Senate:

Bill, "An Act to Authorize Bond Issue in the Amount of \$2,100,000 to Establish a Dormitory at Northern Maine Vocational-Technical Institute." (H. P. 2183) (L. D. 2175)

Tabled — March 15, 1978 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

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

Mr. KATZ: Mr. President, we have debated this issue rather thoroughly and unquestionably it will come before us again. I want to express my appreciation for the courtesy of the Senate in permitting me to table this for the preparation of an amendment and now that the amendment is prepared I have one of those rare moments of compassion and have decided that this issue is too important to be clouded by the actual priorities of the state which were enumerated in my amendment and, consequently, I am not going to offer the amendment and will support the passage of this bill to be engrossed anyway and take another look at it on enactment.

Which was Passed to be Engrossed as amended in concurrence.

The President laid before the Senate:

Bill, "An Act to Clarify the Education Laws." (H. P. 2018) (L. D. 2093)

Tabled — March 15, 1978 by Senator Katz of Kennebec

Pending — Passage to be Engrossed

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

The President laid before the Senate:

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

Tabled — March 15, 1978 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

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

Mr. JACKSON: Mr. President, I present an amendment and move its passage. Senate Amendment "A" to H. P. 2215, L. D. 2183 (S-533) and would like to speak to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now offers Senate Amendment "A" to L. D. 2183 and moves its adoption.

The Secretary will Read Senate Amendment "A".

Senate Amendment "A" (S-533) Read.

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

Mr. JACKSON: Mr. President and Members of the Senate: This amendment is a technical amendment. There were a few sections of the bill where there were problems with the language and a few sections of the bill where there were problems with the language and a few sections where there was a discrepancy as far as the identification of certain pieces of property that would qualify for sales tax exemptions. I would hope that the Senate would accept this this afternoon, and send this piece of legislation on its way to success, I hope.

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

Mr. SPEERS: Mr. President, I offer Senate Amendment "A" to Senate Amendment "A" (S-563) and would speak to my motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now offers Senate Amendment "A" to Senate Amendment "A" and

moves its adoption.

The Secretary will Read Senate Amendment "A"

Senate Amendment "A" (S-536) Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: It is certainly no secret that there has been many hours of attempts to reach an accommodation on the part of both parties, on the part of both branches of this legislature with regards to the tax relief program.

The amendment that I am offering, that is under consideration at the present time, represents some movement with regard to the position that has been espoused by the majority party in this body over the past several days. It certainly does not represent the degree of movements that have been represented to us, and would be desired by the majority party in the other body. But I do hope that in the absence of the ability to reach accommodation as has been the case of the past three days, that this body can at this time, take this position, in hopes that the other branch may very well agree that the idea of passing a tax relief program for the people of the State of Maine is more important than the idea of whose program it happens to be.

The amendment that I am offering is some movement but it is by no means an abandonment of the very basic principle that the majority of this body adheres to, that the tax money that has been collected or will be collected from the people of the State of Maine over the next year and a half be returned to the same people that will be paying those taxes over the next year and a half.

The principle difference in this amendment is that it does provide for a reduction in the personal income tax of three percent rather than the four percent and in the corporate income tax of one percent rather than the two percent. It also provides for an expansion of the exemption of a tax which is levied upon nearly everyone in the State of Maine the tax on the electrical bills that people do pay in the State of Maine, from 500 kilowatts to 750 on a permanent basis and 1,000 kilowatts for the next year.

I am sure that we have all heard that there are some people and perhaps in both sides of this capitol building, that would prefer to see no program passed. There are some who would like to see the entire \$41,000,000 collected, and lie in the treasury of the State of Maine. Perhaps for the next legislature to decide what to do with. There are others who would like not to see a tax relief program enacted so that that amount of money might be available for expanded programs. Many of which I am sure would be of benefit to the people of the state. But regardless of both of those positions, I would hope that we could take this bill off dead center where it has remained for the last three days, and actually enact a reasonable tax relief program for the people of the State of Maine.

Mr. President, I move the adoption of Senate Amendment "A" to Senate Amendment "A".

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

Mr. CONLEY: Mr. President and Members of the Senate: I wish to compliment the good Majority Floor Leader for his presentation, and what he has said is true. I believe that collectively members of both parties have been working over the last several days at trying to reach accord whereby the vast majority of both Houses could support the tax relief package and I must compliment him because I believe that it is obvious by looking at this amendment that we are getting nearer to agreement.

I would like to state though just for the record, that at one time that the Appropriations Committee had agreed unanimously as to a \$10,000,000 package being spent during this session. Most of us received from the Finance Department just yesterday the latest printout

of revenues coming into the state for last month. It shows very clearly that there is a \$2,000,000 deficit tied into the sales and also the income tax.

It is my understanding that yesterday there was an agreement reached in collective bargaining with one of the state employees unions that is going to cost the State another \$1,000,000, that is not shown anywhere in the Governor's budget. It is my understanding that we have now lost revenue from federal government dealing with the drug program for the elderly, which is going to cost us another hunk of change that is not in the budget.

I think that the vast majority of the membership of my party finds it somewhat irregular for us to be supporting and continue to support even though in this amendment the corporate tax has been reduced from two percent to one percent knowing that only a few years ago, that we gave them relief and what we referred to as the inventory tax, we increased the corporate tax by one percent and we repealed the inventory tax law. It deprived the communities of millions of dollars which they used to help give relief to the property tax. And now we are turning around and the property tax is being picked up by the local property taxpayer and we reward the corporate interest by giving them another one percent reduction.

We have, as most members of this Senate know, that my party had a joint caucus this morning down at the other end. It is not our intent to try to delay this session any longer than is necessary. We are not going to fight the proposed amendment that is here. In fact, we are willing to have the rules suspended and engross the bill and send it to the other house so that perhaps even there, there may be some little bit more of an opening for us to negotiate. But I do want you to know as I am sure you are all well aware of the fact that the same resentments that were raised by members of my party in these chambers the other day, are even more vigorous at the other end.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to make one more point for the record.

I do not see this issue and I do not want it to be characterized as an issue of spending versus this tax relief. I see it as the major issue here as a question as to what is prudent to leave in reserve versus tax relief. I would like to point out for the record, that there were at one point in this legislative session discussions between many of us about ways that we could assure that the surplus would not go into new spending programs, if in fact it did materialize. This would move beyond the point of those being possible, but I do want to make it clear for the record, that if that was our intent, and if our concerns were, and I can understand it has a concern that these monies would be siphoned off at a future date for spending programs, new spending programs, that there are means that we could use to see to it that that would not happen. Such as providing for the prepayment of bonds or that sort of thing if in fact we ended up with those contingencies. That is the proposal that I had discussed with various members of the Senate at one time. Those means would be available to us if we wanted to. So I do not think that it is fair to put this into the context of a discussion of spending versus how much of this money we are going to leave behind.

In fact, I feel confident in saying that there is one thing that the Appropriations Committee has sort of agreed on consistently throughout, it is the amount of money that would be the pre-remitters of the amount of money that would be spent on programs versus the amount of money that would be left for the combination of whatever we did for taxes and whatever we left behind for surplus. That I think is the one thing on which there has been pretty common agreement between members of both parties,

between people at both ends of the hall. The question I think is a pretty clear one. It is a question of how much we leave behind and then the question of how do we structure the type of relief to be offered. On the first question, I feel fairly confident in saying that it is not prudent to talk about leaving behind only \$7,000,000 not with the sort of questions that we have about the greatest source of revenue that state government relies on and that is federal funding. Believe me, these discussions are real and nobody has a crystal ball to predict what will happen in the City of Washington any more than they did do what will happen here, but I would feel safer in predicting that the money available to the state will be cut back, than I would in predicting the latter. There is a great human pride in the cities of this country and the White House is responding to it.

Capital Hill is getting ready to respond to it, and the place that they are looking for adjustments is at state budgets. Over thirty of which are showing good size surpluses for this year, and this is a real consideration, and prudent men would take it into consideration before leaving behind only \$7,000,000.

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

Mr. CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: To clarify a couple of points. First of all I do not purport to speak for the Democrats or the Republicans or anyone else in this body, except the Senators from Aroostook. I appreciate the Senator from Kennebec, Senator Speers, promoting me to be the spokesman for the Democratic Party but I think that my floor leader might object to that a little bit. I am not being the least bit inconsistent with what I said from day one in this legislature, and I also want to assure the members of the Senate and also the Senator from Cumberland, Senator Huber, that I can read and I do see that we have some permanent, some one time tax relief being proposed in Senate Amendment "A" before us.

But I also can see something else, that I do not remember in the 40 or so some days that we have been here, anybody saying publicly or privately that we might just be eight percent behind in the month of February and I have not seen any particularly good reasons put forth as to why this is only a one shot deal. If you want to look at the personal income tax figures for the month of February, you will see that somebody blew it by about 24 percent in their estimates. Now I do not know why. I am not the statistician that works in the Legislative Finance, or over across the way in the other finance office but I am saying that it did happen, and everybody sitting here saying well we still have no reason to be concerned, we have no reason to be alarmed, no reason to believe that the revenue figures of \$41,000,000 or whatever are not going to be there. I say that we have got one reason right here. Somebody blew it in the estimate for the month of February. Revenue projections. Nothing says that we are all human, nothing says that we cannot make a mistake down the road, so at least if we are going to talk about surpluses, lets talk about the potential for a \$39,000,000 surplus instead of \$41,000,000. You subtract 42 from 41 and you get about 39, I think.

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

Mr. KATZ: Mr. President, if my experiences tell me one thing it is that these mysterious people who put together projections of state revenue do not make 24 percent errors.

My impression is just addressing myself to the speed with which I pay my taxes this year, to the state for my business, that this has got more to do with cash flow than anything else. Not the collection of taxes over all, but purely and simply cash flow. And if I were the gentleman from Aroostook, Senator Carpenter, I would not hang my hat on his argument based upon the cash flow in any one month at all.

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

Mr. SPEERS: Mr. President and Members of the Senate: The continuing debate on this matter reminds me of some comments made by the Minority Leader of this Body in debating another matter several days ago and he said, that if this keeps up we will have unanimous ought to pass report.

I certainly appreciate the statements of two members of the minority party, in this Body, and at least if they do not support the Majority Report of the Taxation Committee, that they at least have some very serious doubts about it, but it is my understanding that that majority report out of the Taxation Committee was the attempt on the part of the Democratic Party in this Legislature to present to the people of the State of Maine its response to the condition of an estimated \$41,000,000 surplus and the desire on the part of that party to return \$18,000,000 to the people of the State of Maine and now we have heard in the debate here on the floor of this body nothing but indications that the majority report of the Taxation Committee and the Bill that is before us is not acceptable, at least to two members of that party. We have yet, of course, to hear from the Minority Leader as to whether or not the Democratic Party still backs the Majority Report which I understand and which has been reported to the people of the State of Maine as being the Democratic response to the condition of the estimated \$41,000,000 surplus.

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

Mr. MORRELL: Mr. President, I think that my friend from Aroostook uses the wrong term when he says somebody blew it. Anybody who is dealing with these State budgets are dealing with hundreds of thousands of dollars realizes that you are going to have fluctuations from month to month. That the art of estimating revenues is a very delicate one and I think the Finance Office, Legislative Finance Office, State Executive Budget Office make a real intelligent effort to give us from month to month a picture of where we are, and when from time to time, as is inevitable. Those figures vary from estimates. I do not think it is because they blew it or they did not know what they were doing, it is inevitable. I think that we are all confident, looking at national indicators, that the economy is going up, but even if you assume that the economy was not going to expand at the rate that has been projected, if you look at the way, the manner in which we gather our income in the State of Maine, our revenues, the economy stays flat but continues to escalate in the terms of inflation, and our revenues are going to escalate. So again, I think we have to look at our revenue projections. Certainly month by month, but bear in mind the overall picture of the numbers of months that are involved in the things we are talking about.

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

Mr. MERRILL: Mr. President, I would like to pose a question through the Chair to any Senator who may care to answer. I would like to know what the advocates of the present motion would advocate leaving in the budget for surplus.

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: First of all I would like to respond to the comments of the Senator from Cumberland, Senator Conley, concerning the recommendation of the Appropriations Committee that a maximum of \$10,000,000 be left for a permanent Tax Relief Program. At the time this letter is written, February 23, this did appear to be a prudent position. The Appropriations

Committee naturally is concerned with the state of health of the State's Budget, and perhaps may be more cautious than others.

The proposal before you in the Senate Amendment "A" to Senate Amendment "A" advocates \$12.645 million of current tax relief. I really think that there is a variance between the Appropriations Committee original recommendation of \$10,000,000 and this figure is comparatively small in light of an annual State Budget in the neighborhood of \$450,000,000.

As to the revenue estimates and figures that came out yesterday or the day before in which revenues decreased, or revenues in excess of estimates, decreased by \$2,000,000 compared to the prior month. I would like to point out that the \$10,000,000 revenue figure and again these are revenues in excess of estimates is for an eight month period. I think that it is certainly usual that revenue estimates as compared to actual, will vary up and down. We have been fortunate that throughout this year and until the month of February revenues have varied only upward. I do not feel that the variation in February of \$2,000,000 downward is unusual or unanticipated. I have no doubt that with the \$10,000,000 in excess of estimates realized for the first eight months this year, I see nothing that would make me disbelieve that we in fact could realize \$12,000,000 in excess of estimates over the entire annual period.

As the Senator from Cumberland, Senator Merrill, questions as to the anticipated surplus, I would anticipate with a \$20.2 million proposal. That we would have in the neighborhood of just short of \$7,000,000 to fund L. D.'s and would also have \$7,500,000 of encumbered surplus for the budget period.

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

Mr. CARPENTER: Mr. President, I realize full well that probably that nothing that I say on this issue is not going to change anything, anybody's mind, but I have had some trepidation all the way along. I think that the estimates that were published, that we received yesterday just further my trepidation.

Yesterday afternoon I had the occasion to use my Bank Americard to buy a new Tie. Now if I had reason to believe that my revenues were going to vary downward by eight percent in the coming month which they probably will unless we adjourn this Legislative Session, probably would not have bought that tie and put \$10.50 on my Bank Americard.

I think you know, I think people laugh at me at home when I tell them that we came in the first of January 1977, and got out the 26th of July, and yet we only used a hundred days. You know I said who else but a group of politicians could come down here and spend seven months and go back and try to convince the people we only used a hundred days, which we all know in fact, that is all that we did use.

I have a very hard time. I am not arguing with anybody's projections, with anybody's crystal ball, and I hope and pray that all of the projections of \$41,000,000 to \$55,000,000 are conservative and that we you know, actually have a surplus of many hundreds of millions of dollars but I find it very, very difficult and I am not speaking as a party politician or anything else, I find it very difficult to have \$10,000,000, to propose to spend \$20,000,000 and yet still talk about leaving some in the cupboard. I think that that is a little bit ludicrous. I would like to think of myself as a fairly conservative guy, and a fairly thrifty person and I just do not buy the argument at this point that we can afford to commit ourselves to a spending program of \$20, or \$18.5 for that matter millions of dollars that we do not expect to have until over a year from now. And yet still talk about having some left over, for emergencies or contracts or whatever.

I think, I realize that we are all politicians in this Chamber but I hope that you take a good hard look at what all the spending programs, be

it the one in front of us today or the one that comes down the road, may just mean that people are going to come after us. Both Legislators will come after us, and also the people of the State of Maine. I find in my area, many, many people saying, don't spend the money, there is nothing wrong with the State having a surplus. I agree to a point, I do not think that there is anything wrong with the State having a \$10,000,000 surplus which is apparently what we have to date. Lets not give with one hand and two years from now take away with another hand or two hands. And that is what concerns me just a little bit. Revenue projections of \$41,000,000 surpluses have surfaced in the last six to eight months. A lot can happen to the economy in six to eight months, a lot can happen Legislatively in six to eight months. And I just think that we ought to tread very carefully about spending a lot of money or putting into the Law Books, Laws that will spend a lot of money that we do not have and at least last month's revenue figures say we may not have. Thank you.

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

Mr. SPEERS: Mr. President and Members of the Senate: I guess that I am a little bit amazed to hear some of the comments that are surfacing on the floor of this Body at the present time. I want to compliment the good Senator from Cumberland, Senator Conley, for raising questions with regard to several millions of dollars which he says or wonders aloud about as to whether or not there will be funds available for funding some of the programs that he has suggested.

But I would like to remind this Body and point out to the people of the State of Maine and most particularly point out to the state employees of this State, that there are two reports that are lying on the table before this Body at the present time. And certainly I want to point out to the good Senator from Aroostook, Senator Carpenter, that there are two reports, one of which was adopted in the other Body. One of which presumably was voted in caucus by the minority party in this Body, which does provide to the extent of \$18,000,000 and the Bill of the majority party in this Body provides tax relief to the people of the State of Maine to the extent of \$20,000,000. That is a \$2,000,000 difference. And now what I am hearing with regard to the questions of adopting this amendment, not objections to returning the money to the individuals who paid the money, to the State of Maine, but I am hearing questions, very fundamental questions, as to whether or not we should be providing any kind of tax relief to the people of the State of Maine in this particular session or perhaps if there were some tax relief perhaps only to the extent of \$10,000,000.

I would ask a very direct question as to whether or not the minority party of this body, still agrees with the Majority Report of the Committee which provides the \$18,000,000. Tax Relief Program or whether or not they are backing away from that particular report.

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

Mr. MERRILL: Mr. President and Members of the Senate: In response directly to the question posed by the Majority Leader, the good Senator from Kennebec, Senator Katz, of course, the Motion was never offered in this body to accept the Majority Report. So the question is still agreeing, of course, is a moot one, like so often the Democrats denied to vote on these questions, maybe that was a parliamentary oversight on the part of the good Senator.

But I can speak for what my position has been in regards to a surplus right along. And I think that if the Chairman of the Appropriations Committee or the other member responds in the candor that I know is usual with them, they will testify to the fact that what I say is true and consistent throughout, that I have

been concerned from the beginning as they were with leaving behind a surplus that is larger than the one that is envisioned in either the Majority or Minority Report. I made that position clear in the Appropriations Committee. I made it clear in private conversations with the good Senator from Cumberland, Senator Huber, at a time when I thought that we were in agreement upon it. My position has not waivered and it has not changed and I think that if the good Senator from Kennebec, Senator Speers, would just refresh his recollection as to what I said the other day it is consistent with it. And this position, I might say is not inconsistent with the position that I took as a member of the Appropriations Committee in the last session when we were talking about how much money to spend and how much to leave behind in surplus. I think that it is imprudent to leave only \$7,000,000. There has been a great deal of discussion here today about sources of revenue. I would like to add one more element to the discussion if I may. It is just a contingency to consider. One of the greatest sources of revenue available to this State Government, whether we like it or not, and we usually like it although we like to reserve our right to criticize is Federal Dollars.

If you look at the money that this State Government spends, you will find that Federal Dollars are the largest component, the largest single source of income. Well it may come as a surprise to some that there are many states in this nation that have large surpluses. When I was in Washington two weeks ago and discussed with members and staff members of the Senate in the Governmental Relations Committee this situation, in fact, discussed the situation with people in the White House, it became clear that there is a great deal of discussion in that City about cutting back the Federal Dollars that flow to states because they see the cities and municipalities in this country in dire financial problems, and they view these surpluses in excess of 30 states have and they are asking themselves as to whether or not they should make adjustments, and send less money to the states, and more money to the municipalities.

There is also a great deal of discussion of changing the rules that apply to CETA funds. Making it more difficult for the State to use any CETA slots and meeting obligations of employment as it has in the State of Maine, and many other states in the past, which would increase our operating costs considerably.

Now what price tag do the good members of the Senate want to put on that? It certainly is a real possibility if you want to talk about projecting what our funding will be, that is probably one of the greatest areas of uncertainty in the fifteen months that we are trying to look down. Now what is prudent in this area? I do not know, but if you start adding up the funds that we get from anti-recession aid and Revenue Sharing Aid, CETA, and from all the Title sources that we get, it would not take much of a percentage of closing down the spigot on the part of the Federal Government, and believe me gentlemen it is being discussed seriously, by people who decide these issues. We will find ourselves with a considerable deficit, or the good members of the 109th will find themselves with a considerable deficit when they come back. So when we discuss being prudent in this area, we should keep this funding source in mind.

Now I do not know what every position of every Democrat in this Legislature has been there are some advantages to being a member of leadership and speaking for everyone in the party, and there are some advantages I suppose in just being one of the troops. But I have been a member of the Appropriations Committee and so, therefore, have spoken out on this issue consistently taken the position that it is prudent to leave behind more money than either of these reports request. That is a

matter of record. It is a matter of record that I know the Senator from Cumberland, Senator Huber would attest to.

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

Mr. HUBER: Mr. President, and Members of the Senate: First I would like to respond to the comments of the Senator from Aroostook, Senator Carpenter, in his comparison of a \$10,000,000 recommendation to the \$20,000,000 tax relief package before you. I am not sure how many at the time, I would like to repeat that the \$10,000,000 recommendation of the Appropriations Committee for the current biennium was for permanent tax relief. Not overall tax relief, permanent tax relief. This was to include an approximate amount of \$1,000,000 or in other words and these are the words of the letter that the Appropriations Committee sent to the Taxation Committee, \$1,000,000 or in other words approximately \$9,000,000 for other possible tax relief measures after deduction of the provision for elderly tax and rent refund relief.

The Governor's original recommendation was \$8.5 million worth of permanent tax relief. There is an L. D. before this Legislature which would provide \$1.4 million for elderly tax and refund relief. So the Appropriations Committee's recommendation of \$10,000,000 less \$1.4 million for the elderly program amounts to a recommendation of \$8.6 million of permanent tax relief, as opposed to the Governor's recommendation of \$8.5. The Governor also mentioned the relief for the elderly so we included this L. D. provision to his recommendation, we are back at \$10,000,000 not at \$20,000,000, \$10,000,000.

There are a number of times in the past where the \$10,000,000 comparison with \$20,000,000 has been made. This was not the recommendation of the Appropriations Committee and I hope that perhaps I can get that point across some day. I do think again that in a mood of caution our initial recommendation from the Appropriations Committee was perhaps a prudent one. However, I am not bothered by the current revenue figures I think there is no reason to disbelieve the revenue estimates.

I simply wanted to straighten out the fact that we are not in the package under consideration today recommending \$20,000,000 versus a prior recommendation of \$10,000,000. I think the permanent recommendation for permanent tax relief of the Appropriations Committee is in line and again I repeat that the \$2.2 million in excess of the total package is not out of line in the face of the size of our overall state budget.

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

Mr. MERRILL: Mr. President and Members of the Senate: Two small points. First, when the good Senator from Cumberland, Senator Morrell refers to members of this Body, I would request him to refer to them properly as the Senator from such place and by their name as the rules provide, and not my good friend.

Secondly, I would like to suggest that the good Senator from Cumberland, Senator Conley, attest that one of the challenges of being a Democratic Leader is that some of the Democrats have an untold tendency to think for themselves. Something that the Senator from Kennebec, Senator Speers, might not be familiar with.

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

Mr. PRAY: Mr. President and Members of the Senate: I would like to assure the Majority Floor Leader, the good Senator from Kennebec, Senator Speers, that if he wanted to reconsider the action that they have taken thus far in this Body and put that Majority Report to a vote, that I for one would support it. Great interest the press reports on the tax issue that we have reading the Bangor Daily News, the editorial in today's paper and what they referred to

as the shell game, talking about several other issues, listening to comments being made by the Chief Executive on the second floor in his news conference, talking about the economic growth of the State of Maine. The increase in employment which I think is a big factor compared to four years ago when I first came down here and we were faced with a completely different problem, seeing the increase in employment in this State, seeing the economy rebound and also taking action at the time with the problems that we are facing in the 107th that we now are in the situation that we are in today. I would just like to assure them that if he did desire to go back and see how many of us would support that Majority Report and which I hope will eventually be somewhere along those lines that we will accept and adopt some type of tax proposal for the people of the State of Maine. I think that it is important that we keep in perspective the fact that we are becoming very reactionary to some of the things that are taking place. I understand that it is an election year. A number of individuals are becoming very political. A number of individuals are very concerned about where the tax dollars are going to go and go back to the people who paid it in.

The average income in the State of Maine is \$8,400, and so odd dollars, I believe. Check and find out how much of that money that individual spends. He spends his entire income just to live and a good proportion of that goes to sales taxes on different items that we address in these measures. I have read the U.S. News and World Report last night and one of the big articles in this weeks issue is the property tax revolt across the country. And I think that is what the Democratic Party is trying to address and I will stand behind that position. I have a number of individuals within my district that make good money. Perhaps one of the best paying communities in this State, and I have talked to a lot of them over the last couple of weekends and a number of them were down here yesterday, and I do not hear them, coming down here screaming for their money back because they are making \$20, or \$30,000 a year. And just showing them what they will get back on both proposals, I find them supporting the Democratic Proposal. Those are the people that I have to respond to, those are the people that I represent. So if the good Majority Floor Leader would like to stand up and make the motion to reconsider so that we could get back to first base and reconsider the adoption of the Minority Report and if you would like them to move the Majority Report, I would definitely support him.

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

Mr. JACKSON: Mr. President and Members of the Senate: I was hoping that the good Senator from Aroostook would be here in the Chamber, Senator Carpenter, because I think possibly that maybe we ought to send more people out to buy those \$10 ties to make up that loss in sales tax revenue that I see here.

One thing that was brought to and alluded to here was the cash flow, the problem of cash flow, and I am sure that many of us in this Chamber are aware of the process by which we file our income tax returns. Especially if we have something coming back we like to get there a little more quickly than wait until the deadline, April 15th. My discussions with some members of the Department of Taxation, have indicated that they have received several returns, more than they have received in years past and they are able to process them more quickly and I would assume that this is probably why we see the reduction of \$1,211,000. in the personal income tax. I would also think that in the budgeting process, I think that budget by day not by month for the sales tax, and if you figure it out for the number of days during the month of February versus the number of days in another month, you will see that it will

almost come out exactly three days sales tax revenues.

I think these are two areas which are very important and I do not think that we are debating the majority report or the minority report. I think we are debating the amendment, the Senate Amendment that is presented to the Senate Amendment and I for one am not in complete agreement with Senate Amendment "A" to Senate Amendment, the Senate Amendment that I presented, but I will support that amendment because I think that we should provide meaningful tax relief for the people of this State, and I think that that Senate Amendment reflects the type of relief that the Maine people want.

I published a survey about three weeks ago. The results of the survey are final. The first item on the return that I received was permanent reduction in the personal income tax, and that is provided in this amendment. The Second area was the sales tax relief on electricity, used in residential use. The Third one that I received and we sort of backed away from, was the rebate.

I think that in all sincerity I think that it is time that we as a group of responsible people, men and women of this Legislature, adopt a policy where that we provide and show the people of this State that we can give back as well as take away. And I do not think that it is a crime to give back some of the money, from where it was over collected. And I think that this is reflected again in the package that was presented to this Legislature and has been amended to possibly solicit support in this Legislature so that we can provide for meaningful tax relief to the citizens of this State and I would hope that we would realize that some of these people out there need it.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers, who having spoken three times requests leave of the Senate to speak a fourth.

Is there objection? The Chair hears none, the Senator may proceed.

Mr. SPEERS: Mr. President and members of the Senate: I thank the good Senator from Penobscot, Senator Pray, for his suggestion. I would observe, however, that it is not necessary to move reconsideration of the adoption of this report for the members of this body to make it clear and on the record where they stand. I was somewhat relieved to hear his support for the majority report of this particular Bill because I was beginning to wonder a little bit as to where the majority report came from.

For those of you who are keeping a box score on this sort of thing, the total is now 2 to 1 against the Democratic Report by the members of that party. I would also just point out that for those who are concerned about the possibility of providing too much tax relief to the people of the State of Maine, I would hope that they would support Senate Amendment "A" to Senate Amendment "A" because that does provide a small reduction certainly but nevertheless a reduction in the amount of relief that is being provided to the people and would be moving in the direction of the concern which they have expressed.

Senator Levine of Kennebec was granted unanimous consent to address the Senate on the Record.

Mr. LEVINE: Mr. President and Members of the Senate: Because of Senator Jackson's comments about our debate on this particular amendment, I want to be very careful that I was on good grounds when I stood up with my comments. I have heard a lot said in here today about what programs we might fund in the future and why we should leave a good deal of money in the surplus of the State of Maine. I think that there a very good argument to be made in favor of leaving that in particularly spending in one area. I believe that at least the majority of the Senators here in this Body have voted consistently in favor of the so-called law

and Order Issues.

We beefed up Police Departments, we are requiring very strict training for our police officers so that when they present evidence in court that that evidence will satisfy the rules of evidence of the courts. We have done much in this area. However, we have a much longer road ahead of us because it is becoming increasingly evident to me, at any rate, that members of the Judiciary are being requested many times by people within the Department of Mental Health and Corrections that they slow down the sentencing of these people to our penal institutions. We just do not have room for them anymore and I am afraid that sometime very soon in the future, perhaps in the next session, we are going to have to address this issue and that is going to mean a good deal of spending for the State of Maine. I think that is one issue that we are going to have to address very soon in the future. I think we are going to have to spend a lot of money on our penal institutions because if you do not have room for them you cannot sentence them. And there is an increasing awareness now out there in the general public that this in fact is the problem, and I am afraid that many members of the Judiciary have been taking a bad rap because people have been vilifying them and saying that you are not sentencing these people they are being found guilty and they are not being sentenced it is your fault and I am afraid that it is not their fault, it is the fault of all of us. This is one area that we are going to have to look to in the future that is going to require a good deal of spending on State level and perhaps we should think about that and I think that if we all took a little time and sat back and thought a little we might find other areas that are necessary areas of State spending in the future.

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

Mr. PRAY: Mr. President and Members of the Senate: The Majority Floor Leader is keeping a box score and I want to let him know who's on first.

As I understand the other day with some information was passed around in reference to the package that has been offered by the Republicans, that and perhaps one member of the Committee could correct me if I am wrong, that a family of four making \$20,000, at the four percent proposal that they originally offered, is going to have roughly a \$14.00 tax reduction through the year. If that is true with a little quick calculation, that same family making \$20,000, or more, which in my home town of Millinocket is not that uncommon, at three percent at the end of the year they will be making, will have a tax deduction of \$10.50. and if you figure is out on a weekly basis we are going to give that guy an additional 21 cents a week. I think that is a very fair proposal by the Republican Party to the working people of this state.

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

Mr. MERRILL: I would like to request when the vote is taken that it be taken by the yeas and nays.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: You know in looking at what or listening to the good Senator from Penobscot, Senator Pray, in reflecting on the amount of dollars that some person would receive or some family of four would receive if the person were making or having a taxable income I guess of somewhere in the vicinity of \$20,000. I think that this is a reflection of the program

that we adopted and was accepted by the Minority Report of this Committee that we tried to provide for a consortium of different programs that would provide relief that might add up to an amount of money which somebody would recognize in some manner in regard to the income tax of the four percent and I am glad he alluded to that because if he had wanted to he could have alluded to the sales tax on the exemption of electricity which would mean somewhere in the vicinity of \$9.30 in a year and if you divided that by 52 it would figure out somewhere around 12, 14, 15, about 18 cents a week.

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

Mr. PRAY: I think what's on second at least was under the pretense that we had agreed basically on the number of issues and that the difference came down to whether or not we wanted income tax as being offered by the Republicans or the property tax version or some type of relief through that which is being offered by the Democrats. I thought or I was under the understanding that there was a general consensus among the individuals here and people in taxation and appropriation and leadership and the rank and file members that we should give something on electricity and the sales tax avenue. I did not think that was what we were debating, as to the major differences between the reports. I had meant to address only the income proposal which the Republicans adopted and picking out an average income or what I could perceive to be an average income within my own district, in the community of Millinocket, and applied it there. I personally have to agree with the Senator in reference to the proposal of what we are offering on the electricity and perhaps he would like to offer an amendment which would eliminate all the sales tax on electricity in residential areas instead of only the first certain amount of kilowatts.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, having spoken three times now requests leave of the Senate to address the Senate a fourth time. Is there objection? The Chair hears none, the Senator may proceed.

Mr. JACKSON: I would direct the Senator's attention to the Senate Amendment "A" to Senate Amendment "A" and it is my understanding that the increase in the exemption to 750 kilowatt hours would cover almost every household in the State.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I have been listening to the arguments going back and forth here and to me the Democratic Party in this Senate and in this building is being totally inconsistent in what they are doing. First they are for property tax rebate. Now they have turned around and want to leave more surplus. Well, the whole think, is a guise in my opinion. The issue here, the Republican Party in its package wants to give back a four percent a four percent income tax reduction. We want a four percent income tax reduction and I think the truth ought to be stated here on this floor here that there were seven Republicans in that caucus that we had that were still in favor of a four percent income tax reduction. And we are trying to make some kind of compromise, something that can work and go to this Legislature so reluctantly today a few of us are dropping down to a three percent income tax reduction. I think that the Senate should be reminded that in this last session, Senator Merrill introduced an amendment which raised the income tax in the State of Maine by \$18,000,000, and the Republicans, many of the Republicans went along with that in a compromise because there was a crisis at that time and now it is only right just to the people of this State that all the people of this State that we give something back on the

income tax. And that is the difference between the two parties here today.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to respond to the good Senator from Penobscot, Senator Trotzky. Who warms the cockles of me heart.

First of all lets get the record straight. As good Al Smith of New York once said, the so-called income tax reduction that is being handed to all the people of the State of Maine is nothing but pure cosmetics. It does not get down to anyone practically. Only those fellows up there that are making a \$100,000, or \$50,000 a year. There are not too many individuals in my neighborhood that I know that are doing that. If he would look at his own sheet that he passed out this is a four percent down to a three percent and even becomes less. And it becomes a charade.

Now would I just like to remind you and I am sorry that the good Senator from Penobscot had to steer me off my buttocks again. But if he wants to bring meaningful tax relief back to those who pay the taxes in this State, take that \$20.00 rebate plan of your's and take that two percent or three percent on the personal income tax and the one percent now that has been reduced, on the corporate tax and try to give it back to the property tax payers of this State. And lets stop the charade and games we are playing. The compromises that are in your so-called Senate Amendment "A" to Senate Amendment "A" are compromises or tentative agreements that have been worked out with both parties raising the exemption on sales tax on the kilowatt hours from 500 to 750 and a one shot 1,000 and possibly making it permanent in the future, something that the Legislature, the next Legislature, will have to address. But lets stop trying to kid the people of Maine that we are giving them a great rebate in income tax. I notice that the good Senator from Sagadahoc, a man I have great respect for and certainly won my heart in the two years that he has been here, Senator Chapman, had a piece in the paper the other day responding to a questionnaire that he sent out and I know that he does not write the headlines but the headlines read, "Senator Chapman states that people in his district support the so-called reduction in the income tax." Well, why don't you print your reduction in the newspaper and show them exactly what they are getting back. All of you. Because I think that they would be shocked to realize that they are going to get \$2.60 if they are lucky.

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

Mr. KATZ: When the Minority Leader gets into gear, I kind of feel badly about this last interchange because I was hoping that the gentleman would save himself for tomorrow, which is his day, and in which we will all share with good humor.

Presumably this Senate and this Legislature is going to have to come to an accommodation of both parties, and accommodation is much easier when the shouting is held to a minimum.

And the confrontation is held to a minimum. We have a chore to do here today that will not end our task, but I suggest that we get on to our chore as it is in front of us right now.

The PRESIDENT: Is the Senate ready for the question?

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

A yes vote will be in favor of adopting Senate Amendment "A" to Senate Amendment "A". 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, Mer-

rill, Morrell, Pierce, Redmond, Snowe, Speers, Trotzky, Wyman, Sewall.

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

22 Senators having voted in the affirmative and 11 Senators in the negative, Senate Amendment "A" to Senate Amendment "A" is Adopted.

Senate Amendment "A", as amended, Adopted.

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

Mr. MERRILL: Mr. President, is the issue before the Senate Engrossment?

The PRESIDENT: The Chair would advise the Senator in the affirmative. The Present question is engrossment.

Mr. MERRILL: I would ask that when the vote is taken it be taken by the yeas and nays.

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

Will all those 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 Engrossment of L. D. 2183. A yes vote will be in favor of Passage to be Engrossed. 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, Sewall.

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

21 Senators having voted in the affirmative and 12 Senators in the negative, this Bill is Passed to be Engrossed as amended in non-concurrence.

Sent down for concurrence.

(See action later today)

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: The Bangor Halfway House, Maine's first public alcoholism treatment program and a living reminder of the resilience of the human spirit and of the generosity of the Maine community, is celebrating the 10th anniversary of its founding, (H. P. 2230)

A Temple Bowen, Acting Director of Administrative Services for the Department of Conservation, has been elected Chairman of the New England Section, Society of American Foresters, (H. P. 2261)

Come from the House, Read and Passed.

Which were Read and Passed in concurrence.

Frank Philbrick and Ruth Nowell of York will enter the state of holy matrimony on the 27th day of March, 1978. (H. P. 2255)

Which was Read.

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

Mr. KATZ: The Senate has just finished a vigorous debate and it is really nice that we can pause to notice that two young people are getting married. Unquestionably constituents of someone down at the other end, and it is a nice gesture and I wanted to call it to the attention of the Senate.

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

Mr. HEWES: Mr. President and Members of the Senate: It is amazing to me how many Senators and Members of the other Body, apparently noticed this because I decided to check

with the sponsor and it seems that these two people are 88 years young. The lady has never been married before, the gentleman is a widower. But in my checking about I understand that the presiding officer of the other Body was somewhat concerned until he heard the facts and the Minority Leader of this Body was certainly concerned too. I personally think that there ought to be a line drawn somewhere on these trifling or petty or trivial or insignificant orders. It is not fair, I suppose, to these two people to defeat this order at this stage of the proceedings but I would certainly hope that in the future such unimportant matters as far as state wide or local interest even go, will not be passed.

Which was passed in concurrence.

Joint Order

WHEREAS, the Probate Law Revision Commission has been working for several years on a revision of the probate laws and administration, and will shortly have draft legislation ready for legislative consideration; and

WHEREAS, the draft legislation and the commission report will be lengthy and complex, and thus will require careful and detailed study of the proposals and draft legislation prior to the beginning of the 109th session of the Legislature; and

WHEREAS, the proposals and report also need to be publicized and made available to the general public for their comment and consideration prior to any legislative action; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on the Judiciary be authorized to receive and print the recommendations, report and draft legislation of the Probate Law Revision Commission, and to study the recommendations, report and draft legislation; and be it further

ORDERED, that the committee also be authorized to hold hearings throughout the State prior to the 109th session of the Legislature on the recommendations, report and draft legislation; and be it further

ORDERED, that the committee shall complete this study no later than 45 days prior to the First Regular Session of the 109th Legislature, whichever date the committee so designates, and submit to the Legislative Council, within the same time period, its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to the Probate Law Revision Commission. (H. P. 2262)

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

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

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

Mr. CONLEY: Mr. President, with respect to L. D. 2183, the Act to Revise and Reform the State Tax Law, I would move that under suspension of the rules, that it be sent forthwith to the House in non-concurrence.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate suspend its rules in order that that L. D. 2183 be sent forthwith to the House.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Parliamentary inquiry Mr. President, has there been a motion put before this Body, is the Bill now before the Body?

The PRESIDENT: The Chair would answer in the negative. The Bill is no longer before the Body.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Point of order Mr. President.

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

Mr. CONLEY: The point of order was the suspension of the rules.

The PRESIDENT: The Chair would advise the Senator that it would take a 2/3 vote of the Senate to suspend the rules.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the rules be suspended in order L. D. 2183 be sent forthwith.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, it is my understanding that the Minority Leader is moving to reconsider engrossment of the Bill that we have already engrossed?

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, on occasions we do get wrapped up in the parliamentary problems if it makes it any easier, I would move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Chair would advise the Senator that the Senator having not voted on the prevailing side, he cannot make this motion.

Joint Order

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 40 to read:

40. Study order reports.

(1) All committee hearings and working sessions on study orders referred to committee during the first regular session of a Legislature which are to be reported to the second regular session of that Legislature shall be completed by no later than the first Wednesday in November preceding the convening of the second regular session and any proposed legislation accompanying such reports shall be submitted to the Director of Legislative Research in final draft form by no later than the first Wednesday in December following.

(2) All committee hearings and working sessions on study orders referred to committee during the second regular session which are to be reported to the first regular session of the next Legislature shall be completed by no later than the first Wednesday in September preceding the convening of the first regular session of the next Legislature and any proposed legislation accompanying such reports shall be submitted to the Director of Legislative Research in final draft form by no later than the first Wednesday in December following.

(3) All committee hearings and working sessions on study orders referred to committee during the first regular session which are to be reported to the first regular session of the next legislature shall be completed by no later than the first Wednesday in September preceding the convening of the next Legislature and any proposed legislation accompanying such reports shall be submitted to the Director of Legislative Research in complete and final draft form no later than the first Wednesday in December following.

(4) In every instance, proposed legislation accompanying study order reports shall be in complete and final form and shall be introduced in the appropriate House during the first week of the regular legislative session following convening in January.

(5) Any committee which finds that it is unable to comply with the foregoing dates shall submit, in writing, a request for an extension of reporting dates and submission of proposed legislation with the reasons therefor to the Legislative Council no later than September 10th prior to the next regular session of the Legislature. The Legislative Council shall consider

the request at its next regular meeting and notify the committee of its decision forthwith. (H. P. 2264)

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

On Motion of Mr. Katz of Kennebec, Tabled for One Legislative Day, pending Passage.

Joint Resolution STATE OF MAINE

In The Year of our Lord One Thousand Nine Hundred and Seventy-Eight

Joint Resolution Supporting
The Position of the National Rifle Association
And For Other Purposes

WHEREAS, the National Rifle Association has been and remains this country's most effective spokesman against the erosion of the constitutional right to keep and bear arms; and

WHEREAS, the National Rifle Association correctly maintains that the control of guns by government would leave law-abiding citizens unarmed while criminals would continue to possess and use guns; and

WHEREAS, the Constitution of Maine and the second amendment to the Constitution of the United States guarantee the right of law-abiding citizens to keep and bear arms; and

WHEREAS, the FBI Uniform Crime Reports prove that the overwhelming majority of all crimes, including homicide, are committed by hardened repeat offenders, who are already barred from possession of all firearms by federal law; and

WHEREAS, reliable, objective public opinion polls have revealed consistent public support for private firearms' ownership and opposition to additional controls, a fact borne out by the overwhelming defeat of a handgun ban referendum in the State of Massachusetts; and

WHEREAS, every conceivable form of additional gun control would require enforcement techniques which offend constitutional protections and threaten civil liberties; and

WHEREAS, firearms-related sports are an important part of the state's economy, and measures restricting access to firearms, such as reducing the number of dealers in rural areas, would adversely affect these sports; and

WHEREAS, laws which are aimed at the swift and certain punishment of those convicted of the use of a firearm during the commission of violent crime have repeatedly proved effective in reducing gun violence; and

WHEREAS, the position of the National Rifle Association on these crucially important issues represents the viewpoint of the vast majority of Maine citizens; now, therefore, be it

RESOLVED: That we, the members of the 108th Maine Legislature hereby go on record as being in support of the position of the National Rifle Association on the subject of gun control legislation; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith to each member of the Maine Delegation to the United States Congress and to the National Rifle Association. (H. P. 2263)

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

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

Mr. KATZ: Mr. President, before the Secretary reads this entire joint order, I guess the first few words sound familiar to me, and it is my impression that this may be the resolution that we dealt with the other day, and on that basis, I would ask whether it is germane for consideration at this time.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair and the Chair would rule that this matter is not properly before the Body and will rule it out of order.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: I would move that under suspension of the rules, that all Bills acted upon up to this point be sent forthwith.

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

Mr. SPEERS: Mr. President, I would ask that L. D. 2183 be set aside.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that L. D. 2183 be set aside.

Is it now the pleasure of the Senate with the exception of L. D. 2183 that all matters acted upon by the Senate this afternoon be sent forthwith? Is it the pleasure of the Senate? It is a vote.

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

Mr. MERRILL: Mr. President, it is my understanding that we still have to act on 2183 with respect to the motion that was set aside. But the Motion would still be pending with regard to that particular Bill. Is that correct.

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: I would oppose the pending Motion.

The PRESIDENT: The Chair will order a Division, and advise the Senate that it will take a 2/3's vote to suspend the rules.

Will all those Senators in favor of suspending the rules for the purpose of L. D. 2183, please rise in their places to be counted.

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

10 Senators having voted in the affirmative and 17 Senators in the negative, and 10 being less than the two-thirds, the Motion to suspend the rules does not prevail.

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 Kennebec County for the Year 1978. (Emergency) (H. P. 2260) (L. D. 2197)

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

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

Which Report was Read and Accepted. The Resolve Read Once. Under suspension of the rules, the Resolve Read a Second Time. Which was Passed to be Engrossed in concurrence.

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on,

Bill, "An Act to Restore Matching Funds to the Maine Criminal Justice Planning and Assistance Agency." (Emergency) (H. P. 1860) (L. D. 1923)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-1162)

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

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

The Committee on Judiciary on,
RESOLVE, Authorizing Beverly Mortimer and Dennis Perkins to Bring Civil Action Against the State of Maine. (Emergency) (H. P. 2173) (L. D. 2174)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-1167).

Comes from the House, the Resolve Passed to be Engrossed as amended by Committee

Amendment "A".

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

On Motion of Mr. Collins of Knox, Senate Amendment "B" (S-561) Read and Adopted. Committee Amendment "A", as amended, 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. Hubert of Cumberland, placed on the Special Appropriations Table, pending Enactment.

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

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

Mr. TROTZKY: Mr. President and Members of the Senate: I would just like to have the Senate make note of this before it is enacted. This is a trade of public lands between the State of Maine and the St. Regis Paper Company. The State of Maine will be conveying to St. Regis 18,000 acres in 36 separate parcels and will be receiving approximately 16,000 acres in five large parcels. These large parcels consist of a lot of water frontage around Duck Lake in Northern Hancock County, Seboise Lake in Piscataquis County, and Squa Pan Lake in Aroostook County and these five pieces are significant in that they will offer for the people of the State of Maine significant opportunities in the future.

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

(Off Record Remarks)

Emergency

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

This being an emergency measure and having received the affirmative votes of 26 Members of the Senate, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1978. (H. P. 2242) (L. D. 2194)

This being an emergency measure and having received the affirmative votes of 28 Members of the Senate, was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

(Off Record Remarks)

Senator Chapman of Sagadahoc was granted unanimous consent to address the Senate on the Record.

Mr. CHAPMAN: Thank you Mr. President and Members of the Senate: In the cool calm of the aftermath of our debate on the tax reform bill I want to thank the Senator from Cumberland, Senator Conley, for bringing out the information on my questionnaire that I sent out. I was pleased to send out this questionnaire. It was an effort on my part to find out truly what the feeling was of the citizens in my district. I did send out over a thousand, and I made special efforts to send them out randomly, to Re-

publicans, Democrats, and Independents across the district, and particularly to touch on key officials in the area. I received a better than 25% return. And as the Senator from Cumberland pointed out the number one was the preference for the income tax reduction. I note that that was the same as the response that the Senator from Cumberland, Senator Jackson, indicated that he had received from a similar questionnaire. I think a lot of our areas in the State are much different in their makeup and perhaps what is number one in one area may be different in another.

Interesting number two on my questionnaire was the sales tax reduction on the electricity. So when the local news media got wind of my questionnaire and contacted me and asked me if I would be willing to share my results with them I, of course, did not object I was very happy to, and I am happy that the Senator from Cumberland Senator Conley read the result into the record.

On Motion of Mr. Huber of Cumberland, Adjourned until 10:30 in the morning, Friday, March 17, 1978.