

# MAINE STATE LEGISLATURE

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**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

**1976**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Wednesday, March 17, 1976

Senate called to order by the President.

Prayer by the Honorable Joseph E. Brennan of Portland:

On this St. Patrick's Day, we ask for your blessing and guidance for this Senate, that it might act with wisdom, justice and compassion. Amen.

(Off Record Remarks)

Reading of the Journal of yesterday.

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

Bill, "An Act Concerning Certain Financial Guarantees to be Made to Pine Tree Sugar Beet Growers, Inc., by the Maine Guarantee Authority." (H. P. 1861) (L. D. 2032)

(Recalled from Governor's Office by Joint Order (H. P. 2194).)

In the House March 16, 1976, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (H. P. 1981) (L. D. 2170)

In the House; March 3, 1976, Passed to be Engrossed as Amended by Committee Amendment "B" (H-942) as Amended by House Amendment "A" Thereto (H-943).

In the Senate March 15, 1976, Passed to be Engrossed as Amended by Committee Amendment "B", in non-concurrence.

Comes from the House, that Body having Insisted.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Resolve, Authorizing the Exchange of Certain Lands in the Capitol Complex as Recommended by the Capitol Planning Commission. (H. P. 1968) (L. D. 2157)

In the Senate March 10, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (H-950), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" Thereto (H-982), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Joint Orders**

**STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Panthers of Rumford High School State Class A Basketball Champions for 1976

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2202)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the "Lakers" of Lake Region High School and Their Coach, Peter Hughes State of Maine Class B Basketball Champions for 1976

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2204)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Girls' Ski Team of Fort Fairfield High School and its Coach, Clarence "Chub" Clark State Class D Champions for 1976

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2205)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Committee Reports**

**House**

**Ought to Pass**

The Committee on Education on, Bill, "An Act to Reconstitute School Administrative District No. 42." (H. P. 2059) (L. D. 2237)

Reported that the same Ought to Pass.

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

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

**Ought to Pass — As Amended**

The Committee on Transportation on, Bill, "An Act to Amend the Definition of "School Bus" to Include School Buses Rented from School Administrative Units by Nonprofit Organizations in Order to Transport Children." (H. P. 1930) (L. D. 2117)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-973).

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

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

**Ought to Pass in New Draft**

The Committee on Marine Resources on, Bill, "An Act Establishing a Program Under the Department of Marine Resources of Installation of Anti-Green Crab Fencing in Clam Growing Areas Seriously Affected by Green Crab Predation." (H. P. 1975) (L. D. 2164)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Establish a Program to Protect the Clam Fishery from Green Crab Predation" (H. P. 2200) (L. D. 2303).

Comes from the House, the Bill in New Draft Passed to be Engrossed.

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

**Divided Report**

The Majority of the Committee on Transportation on, Bill, "An Act Concerning Transit District Buses Used for Elementary Pupil Transportation." (H. P. 1996) (L. D. 2177)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-980).

Signed:

Senator:

CYR of Aroostook

Representatives:

JENSEN of Portland

WEBBER of Belfast

FRASER of Mexico

LUNT of Presque Isle

JACQUES of Lewiston

ALBERT of Limestone

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

Signed:

Senators:

GREELEY of Waldo

McNALLY of Hancock

Representatives:

STROUT of Corinth

KAUFFMAN of Kittery

WINSHIP of Milo

BERRY of Madison

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

Mr. Conley of Cumberland moved that the Senate accept the Majority Ought to Pass as Amended Report of the Committee.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Conley of Cumberland to accept the Majority Ought to Pass as Amended Report of the Committee.

**Divided Report**

The Majority of the Committee on Transportation on, Bill, "An Act to Exempt Emergency Vehicles and School Buses from the Statutory Prohibition of the Use of Studded Tires from May to October." (H. P. 1953) (L. D. 2138)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo  
McNALLY of Hancock

Representatives:

WEBBER of Belfast  
JENSEN of Portland  
WINSHIP of Milo  
JACQUES of Lewiston  
ALBERT of Limestone

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-975).

Signed:

Senator:

CYR of Aroostook

Representatives:

STROUT of Corinth  
LUNT of Presque Isle  
FRASER of Mexico  
KAUFFMAN of Kittery  
BERRY of Madison

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Extend the Exemption for Self-employed Sternmen on Lobster Fishing Boats from Coverage under the Employment Security and Workmen's Compensation Laws." (H. P. 1890) (L. D. 2070)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-979).

Signed:

Senators:

ROBERTS of York  
McNALLY of Hancock

Representatives:

SPROWL of Hope  
SNOW of Falmouth  
TEAGUE of Fairfield  
CHONKO of Topsham  
FLANAGAN of Portland  
TARR of Bridgton  
PEARSON of Old Town  
LAFFIN of Westbrook

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

Signed:

Senator:

PRAY of Penobscot

Representatives:

TIERNEY of Durham  
MARTIN of St. Agatha

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Concerning Single Motor Vehicle Registration Plates and Placement of Motor Vehicle Inspection Stickers." (H. P. 2009) (L. D. 2191)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo  
McNALLY of Hancock  
CYR of Aroostook

Representatives:

WEBBER of Belfast  
JACQUES of Lewiston  
JENSEN of Portland  
BERRY of Madison  
STROUT of Corinth  
KAUFFMAN of Kittery  
LUNT of Presque Isle  
FRASER of Mexico

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

Signed:

Representatives:

WINSHIP of Milo  
ALBERT of Limestone

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-976).

Which reports were Read.

On motion by Mr. Gahagan of Aroostook, tabled and Specially Assigned for March 19, 1976, pending Acceptance of Either Committee Report.

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Regarding the Rights of Students at the University of Maine in the University Bargaining Process." (H. P. 1966) (L. D. 2155)

Reported that the same Ought to Pass as Amended by Committee "A" (H-977).

Signed:

Senator:

ROBERTS of York

Representatives:

SPROWL of Hope  
MARTIN of St. Agatha  
TIERNEY of Durham  
FLANAGAN of Portland  
SNOW of Falmouth  
CHONKO of Topsham  
LAFFIN of Westbrook  
TEAGUE of Fairfield

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-978).

Signed:

Senators:

PRAY of Penobscot  
McNALLY of Hancock

Representatives:

TARR of Bridgton  
PEARSON of Old Town

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

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

Mr. PRAY: Mr. President and Members of the Senate: I have got to apologize, I am not really prepared to debate this bill today for the acceptance of either report. As many of you know, Millinocket celebrated its 75th Anniversary last night. I left Millinocket about 10:30 last night and got here about 3:00 o'clock this morning, and since I am not ready to discuss this legislation at this time. I would like to move for the indefinite postponement of this L. D. and all its accompanying papers.

The PRESIDENT: The Senator from Penobscot, Senator Pray, that moves that Item 6-8, L. D. 2165, and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Roberts.

Mr. Roberts of York moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Pray of Penobscot that the Bill be Indefinitely Postponed.

On motion by Mr. Pray of Penobscot, a division was had, 22 having voted in the affirmative, and five having voted in the negative, the motion prevailed.

#### Senate Ought to Pass

Mr. Cianchette for the Committee on Performance Audit on, Bill, "An Act to Provide Funds to the Department of Inland Fisheries and Wildlife." (S. P. 718) (L. D. 2254)

Reported that the same Ought to Pass.

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

#### Second Readers

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

#### House — As Amended

Bill, "An Act to Amend the Mandatory Reporting Law on Child Abuse and Neglect." (H. P. 1898) (L. D. 2078)

Bill, "An Act to Amend the Medical Practices Act." (H. P. 1919) (L. D. 2107)

Bill, "An Act Relating to the Trustees of the Dexter Utility District." (H. P. 2103) (L. D. 2269)

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

#### Senate — As Amended

Bill, "An Act Relating to Definition of Retail Sale under Sales and Use Tax Laws." (S. P. 669) (L. D. 2128)

Which was Read a Second Time and Passed to be Engrossed, as Amended. Sent down for concurrence.

#### Enactors

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

#### Emergency

An Act to Classify the Positions of Director of Program Review and Evaluation in the Department of Audit, Director of Fraud Investigation in the Department of Audit, and of Employees of the Fraud Investigation Division in the Department of Audit. (H. P. 1992) (L. D. 2174)

(On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Enactment.)

#### Emergency

An Act Relating to Employment of Drug Inspectors by the State Board of Pharmacy. (H. P. 1879) (L. D. 2054)

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

#### Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

Resolution, Proposing an Amendment to the Constitution to Assure Revenues for Bond Service and Prohibit State Bonding of Current Expenditures. (S. P. 689) (L. D. 2206)

Tabled — March 12, 1976 by Senator Speers of Kennebec.

Pending — Final Passage.

(In the House — Finally Passed)

Thereupon, this being a Constitutional Amendment and having received the affirmative votes of 27 members of the Senate was Finally Passed and, having been signed by the President, was by the Secretary presented to the Secretary of State.

(See action later in today's session.)

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act to Remove the Minimum Mandatory Tax from the Railroad Excise Tax Formula." (H. P. 2003) (L. D. 2179)

Tabled — March 15, 1976 by Senator Speers of Kennebec.

Pending — Adoption of Senate Amendment "A" (H-432)

(In the House — Bill and accompanying papers Indefinitely Postponed.)

(In the Senate — Committee Amendment "A" adopted (H-952).)

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

Mr. REEVES: Mr. President, at the request of my good friend from Kennebec, Senator Katz, a few days ago, I delayed making a motion to postpone this bill. When I first saw the bill, it seemed like a very blatant, rank, special interest piece of legislation, and I have heard it referred to as aid to dependent railroads. And I wondered at the time how it was possible for these lobbyists for the railroads to come in here at a time when taxes were going up for everyone else and ask for a special tax break for the railroads, especially one that has made such a fantastic profit in the past year.

I guess, from the conversations that I have had since I postponed that motion, that the railroad lobbyists, and particularly Mr. Childs and Mr. Benson, who by the way rank seventh and eighth among the top lobbyists in the state house, that they thought better of the idea of looking for that special tax break this year. But personally, I still can't figure out how they got this bill introduced in this special session. This is a special session limited to emergencies, and what is the emergency? These guys always need a special tax break. So now I am told that in the best tradition of lobbyists logic they are asking us to commit the legislature to a tax break in the next session; in other words, the 108th. We are going to be committing the 108th if this amendment is passed. And who will make up the difference, or how much of a tax break this is going to be? We don't know any of that, and they don't know any of it: it is just that they need it.

Well, last year, in trying to get one railroad a special tax break, the lobbyists — I checked the files this morning — there was paid in excess of \$30,000 in lobbyists' fees in trying to get this special interest bill passed. Well, in the final days of the session we defeated that. I think that was right, and I think the time now is to put this to rest and not to commit the 108th to any tax breaks that the people are going to have to be making up. So I ask the Senate to defeat this, and I ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, the Senator from Kennebec, Senator Reeves, has wondered how this bill came into the

session. It is very clear how it came in. The previous session passed a bill relating to the railroads. It was vetoed and the veto was sustained. Then the legislature passed an order appointing a special study commission to study the problem of railway taxation. Three members of the Senate and five members of the other body served on that commission, which met several times between sessions. And that commission made a recommendation, which has been on your desks, consisting of about twelve pages, and attached some legislation to it, and that bill came before the session.

As the session went along, the financial stringency that we all face became more and more apparent. And since the bill that was presented would in the current year cost the state about \$150,000, it was clearly seen that the bill was unlikely to survive. So the amendment that I have proposed is a substitute for that, because this substitute will not detract anything from taxation revenues in the current year. The reason is that all the railroads lost money in the year 1975. So in placing the tax for this year, we come to that section of the law which places a minimum tax, regardless of whether the railroads lose money or not, and it is this minimum tax provision that I am now seeking to sustain in the law, but at the same time to remove from the law the graduated section on taxes when the railroads make greater amounts of money.

The railroads, of course, pay taxes on all of their property outside the right-of-way, and the history of this particular tax is that it is a substitute for a local tax on right-of-way.

The real issue before this body is the future of the railroads under private ownership. Do we want to help mass, heavy transportation in this state or do we not? Public ownership of the railroads is already coming across the country. We read about Conrail, we read about the bankruptcies of the Boston & Maine, the Penn Central System, the New York, New Haven & Hartford, and so on. When I was a schoolboy in 1940, the national debate topic was "Should the federal government own and operate the railroads?" And I was assigned to the affirmative. I have been waiting ever since then for a chance to debate on the negative side.

I have to compare the issue with the classic case of the United States Post Office Department and the American Telephone and Telegraph Company. Both of these institutions are engaged in providing communication services. In one the service gets worse every year and the price goes up every year. In the other the service gets better every year and the prices, on a relative basis, relative to inflation, have been going down. I wonder if we could really expect the government to do a better job of owning and operating the railroads than private enterprise. I think this is the issue here.

I am particularly concerned, of course, because my area of the state is on a branch line. Branch line abandonment is what the railroads are living on these days. In the past couple of years we have seen the Bangor & Aroostook abandon a section of its line up in Aroostook County. Last year, after the session closed here, the Maine Central petitioned to abandon the Farmington branch line. Several years ago a line up in Somerset County was abandoned. The Maine Central, several years ago, petitioned to abandon the

Eastport branch, and the State of Maine intervened. Because of that intervention, the railroad was required to keep that line operating, and it has operated at a loss of over \$100,000 a year for, I think, more than five years now.

So the state has to come to a decision. It can't have it both ways. It can't force the railroads to operate branch lines that are losing money year after year after year, and at the same time continue a high rate of taxation. Eventually something has to break. I look ahead perhaps twenty or thirty years to a time when we may need those railroads to transport coal and other heavy materials, because we know that the railroads can operate either on coal or on electricity, possibly on some other source of power, and they are in place. But if we tear up the rails and give up the rights-of-way, where are we going to be?

At the regular session we enacted the Hennessey Bill, which now says that the State of Maine can buy those railroads, buy the rights-of-way and the tracks and eventually operate those railroads. We may have to come to that if the railroads become bankrupt. But we can prevent the railroads from becoming bankrupt, to some degree, or we can at least slow down the process if we will give them some tax policy encouragement. And that is all that I am seeking to do here. It may not be a big thing but it is a step in the right direction and I ask you to support it.

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

Mr. MERRILL: Mr. President and Members of the Senate: I supported this bill in its original form for some of the reasons that were put forth by the Senator from Knox, Senator Collins. I think that it is a bit academic at this point to argue about who can do a better job. The state does a pretty good job building the roads, and we provide them, and then private industry does a pretty good job running the trucks. I don't think that is a bad set-up and I wouldn't mind to see it eventually come about with the railroads, but that is not really the issue before us.

I have supported this bill in the past because it related the amount of tax that the railroads would have to pay in lieu of property tax to the fact of whether or not they were making a return on their investment. The Senator from Knox, Senator Collins, points out, and rightly so, that we do many things that make it hard for the railroads to get a return on their investment, including forcing them to continue in some cases and keep in place branch lines that aren't making money, that are in fact losing money. And this fact, I think, together with the fact that we have nothing that takes the place of property tax on our roads — and the trucking industry is a great competitor of the railroad industry — prompted me to believe in a tax that would be related to whether or not the railroads were making money. And when they are not making money, due to many factors, including the intervention of the government, I would be willing to excuse them from taxes, and it just so works out in this year that is the situation where we would lose some money.

I understand the motives of the Senator from Knox in going to the opposite approach, which is an approach that always would require the minimum, and it would never have to move into the higher tax bracket when they are making money. However, although I am very sympathetic

with the goal. I am not sympathetic with the method. And even though I have supported this legislation in the past, it now has taken a turn and really goes in the opposite direction in terms of tax policy, and I am going to be forced to vote against it.

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

Mr. REEVES: Mr. President, I think I made an error in making my motion earlier. I wanted to make a motion to indefinitely postpone this bill, and I would like to make that motion now. And I would say one word more on this, Mr. President.

The PRESIDENT: The Senator has the floor.

Mr. REEVES: Mr. President, I was told by my friend from Lincoln County, Senator Collins, that this would help many of my constituents. Well, I tried to help a lot of his constituents yesterday and we couldn't work that out, and I haven't heard from my constituents that this is going to help them. And I think if the post office was run by private business we wouldn't have a post office. It just is not profitable. And I think we would do better, if we wanted to assist railroads, to try to assist Senator Hathaway, who is trying to get Amtrak into Maine. This is what the people in Maine want, not special tax breaks for railroads.

And this argument that when the railroads make money, then they pay taxes, and when they don't make money they don't pay taxes, this is like the millionaires. When they don't make money they don't pay taxes, so they never make money.

I admit that the vote on this, I hope not, but the vote on this may be academic. I think the fact that we are discussing this, it hasn't been tabled again, may mean that the railroad lobbyists have done their job too well. I hope not. And I urge the Senate to postpone this bill. We don't need it.

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

Mr. CYR: Mr. President and Members of the Senate: The amendment which the good Senator from Knox, Senator Collins, has put on, I think it is in the right direction. However, for the same reason that he used yesterday to defeat the inheritance tax bill, whereby it is too early, that we should be waiting for the tax reform bill of next year. I think for those same reasons this bill should be indefinitely postponed today. I say it is in the right direction. To me, there are a lot of questions that still haven't been answered in regards to this.

First of all, should we tax the railroads on the gross revenue as we have done in the past? I think that possibly should be changed. That is the right direction. However, this tax is an excise tax to replace an ad valorem tax on the right-of-way, and I am questioning whether it would even be constitutional for us to freeze ourselves into one position as we are, according to the amendment which is presented by the good Senator Collins.

To me, I think we should explore the question as to whether or not this tax should be on the net revenue and it should be in the form of a progressive tax. Therefore, if the railroad doesn't make any money we don't get the tax, but when they make money we get the tax. We should chance this, chance it just as much as they do. All of these questions haven't been addressed, and I think it is premature for us to make

that decision at this stage. And the fact also that this is an excise tax to replace an ad valorem tax, the same as we have on the telephone people, what is going to be the reaction, for instance, of the telephone company which pays an excise tax? Are they going to come in here and try to negotiate with us on a minimum tax, which is what this is, just a minimum tax that they are asking, regardless of their revenues?

So for those reasons, I will support the indefinite postponement, but I think we are going in the right direction to alleviate the burden of the railroads and trying to keep them in business.

In regard to the abandonment of lines, I would like to remind the Senate that on the books today here is a law which says that if a right-of-way is discontinued, it will revert back to property tax. Now, I don't think that this legislation addresses that whatsoever, and that should be in the package.

The other question which the good Senator from Knox brought out was that we passed at the beginning of this legislative session legislation which authorized the state to buy a railroad or lease a railroad. It is to solve that problem of abandonment of minor lines, so that the state can take over, either buy it for a dollar or lease it, and by doing so we can be entitled to some of the federal subsidies which are being passed around.

Now, I think it is premature and, for those reasons, I will respectfully ask the good Senator to forgive me.

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

Mr. MERRILL: Mr. President, so I may be sure that I understand the posture and that everyone else does, I believe before when I was speaking I was speaking against the adoption of Senate Amendment "A" which is pending. Now, if I understand it correctly, there has been a motion made to indefinitely postpone the whole bill. I am opposed to that motion. If and when we get to the next question, I would hope that we could also indefinitely postpone the amendment of the Senator from Knox, Senator Collins.

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

Mr. COLLINS: Mr. President, just two observations: With respect to progressive taxation, which is favored both by Senator Merrill and Senator Cyr, as well as by myself, we must not forget that the railroads are subject to the income tax, which is a progressive tax. If the railroad makes money, it pays income tax.

My second observation is that the branch line problem affects the whole state and it affects jobs. It affects jobs in Lincoln County and Knox County just as it does in Aroostook, Washington, Somerset, Franklin, and Oxford. And when I am speaking for this bill, I don't have any great affection for railroads as such, but I do have a lot of affection for the farmers whose corn comes over the rails to feed mills along the coast, feed mills in other branch line areas, providing jobs, eggs and poultry market. I have a lot of affection for the people who work in the mines quarrying limestone to make cement, to make lime that is used to raise sugar beets. I have a lot of affection for job holders all over the state, and I am thinking about their position, perhaps not tomorrow but five, ten or thirty years from now, if the branch lines get abandoned and the rails are torn up. Yes, the land would

revert to local property taxation, but what happens when you really need the railroads? That is my concern, and that is the reason I ask you to support this measure.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Less than one-fifth having arisen, a roll call is not ordered. The Chair will order a division.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, there are two taxes involved in this that I think deserve explanation. There may be some confusion. The excise tax that we are talking about is in actuality a property tax on the right-of-way. Ever since the beginning of railroads, instead of a property tax, an ad valorem tax, the state put in an excise tax. In the beginning, this excise tax used to be returned to the communities in the form of a subsidy. Now most of that comes in through the sales tax as municipal revenue sharing. Nevertheless, it is still an ad valorem tax or a property tax, and it is the same thing as an industry that has to pay a property tax on this property, and then has to pay a corporate tax on the profit that they make. Now, this is the same thing in regard to the railroads. The excise is the ad valorem tax that they pay on the value of the right-of-way. This is why I question the fact that it is even constitutional for us to freeze ourselves for one particular industry into a minimum tax without taking into consideration the value of that property.

Now, the corporate tax naturally will be on the progressive tax, and it will be the same thing as all the other industry. Fraser paper, for instance, pays its property tax and it pays a corporate tax when they make money. Railroads pay an excise tax, which is the equivalent of a property tax, and they pay a corporate tax if they make money on it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Reeves, that L. D. 2179 and all its accompanying papers be indefinitely postponed. Will all those Senators in favor of indefinite postponement please rise in their places until counted. Will those opposed to indefinite postponement rise in their places until counted.

A division was had. Seven having voted in the affirmative, and 21 having voted in the negative, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. Merrill of Cumberland requested a division, and Mr. Reeves of Kennebec subsequently requested a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call on the adoption of Senate Amendment "A" please rise in their places until counted.

Obviously less than one-fifth having

arisen, a roll call is not ordered. The Chair will order a division.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, in regards to this amendment, I shall support it. I think it is an improvement on the original one, because on the original bill the State of Maine would be losing, as of January 1, 1976 when we would revert back to that, would be losing \$150,000. Now, if anybody in this Senate can tell me where it can be replaced, then I think you ought to turn this down. So I shall support the amendment.

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

Mr. REEVES: Mr. President, I move that we indefinitely postpone this amendment, and I ask for a roll call on my motion. And I would like to speak to that motion.

The PRESIDENT: The Senator has the floor.

Mr. REEVES: Mr. President, I am at a loss to understand why the Senate will not go on record on this bill. In my opinion, this is special interest legislation, and I think everyone should be counted on it. I hope we can get a roll call at least at one point in this debate.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call on the motion of the Senator from Kennebec, Senator Reeves, that the Senate indefinitely postpone Senate Amendment "A" will please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

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

Mr. MERRILL: Mr. President, I couldn't think of a more inappropriate place to get a roll call if the purpose is to find out the feeling about the overall legislation. I am in favor of the legislation in its present form and I am trying to keep it from being changed. So I intend to vote for indefinite postponement, and let no one believe that therefore I am against this legislation which has been inappropriately described by the Senator from Kennebec, Senator Reeves, as simply special interest legislation.

I would like to point out that it is a fact that by adopting this amendment we are sure that the state won't lose any money this year. But we of course will lose money in the years to come when the railroads make a profit, and I understand that they are looking at a good year next year. So if we look at the effect over the next two years, it may be a wash. I think the important thing to keep in mind is the tax policy that is represented here, and I just find it impossible to support the amendment offered by Senator Collins for that reason.

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

Mr. CONLEY: Mr. President, I ask to be excused from voting on this measure because of the appearance of a conflict of interest.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests leave of the Senate to refrain from voting on this issue because of the

possibility of a conflict of interest. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the motion by the Senator from Kennebec, Senator Reeves, that the Senate indefinitely postpone Senate Amendment "A". A "Yes" vote will be in favor of indefinite postponement; a "Nay" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Carbonneau, Cianchette, Clifford, Graham, Marcotte, Merrill, Reeves.

NAYS: Senators Berry, R.; Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Katz, McNally, O'Leary, Pray, Roberts, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senators Berry, E.; Danton, Johnston.

A roll call was had. Seven Senators having voted in the affirmative, and 21 Senators having voted in the negative, with one Senator excused from voting and three Senators being absent, the motion did not prevail.

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the third tabled and Specially Assigned matter:

Senate Report — from the Committee on State Government — Bill, "An Act to Establish the Dates of Legislative Sessions and to Clarify Laws Relating to Expenses of Legislators." (S. P. 663) (L. D. 2087). Majority Report — Ought to Pass as Amended by Committee Amendment "A" (S-435); Minority Report — Ought to Pass as Amended by Committee Amendment "B" (S-436).

Tabled — March 16, 1976 by Senator Katz of Kennebec.

Pending — Motion of Senator Curtis of Penobscot to Accept the Majority Report.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call on the motion of the Senator from Penobscot, Senator Curtis, to accept the majority ought to pass report, 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 until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Penobscot, Senator Curtis, that the Senate accept the majority ought to pass as amended report of the committee. A "Yes" vote will be in favor of accepting the majority ought to pass report; a "Nay" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Cianchette, Collins, Conley, Corson, Curtis, Cyr, Graham, Greeley, Huber, Katz, Marcotte, Merrill, O'Leary, Reeves, Speers, Thomas, Trotzky.

NAYS: Senators Carbonneau, Clifford, Cummings, Gahagan, Graffam, Hichens, Jackson, McNally, Pray, Roberts, Wyman.

ABSENT: Senators Danton, Johnston.

A roll call was had. 19 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with two Senators being absent, the Majority Ought

to Pass as Amended Report of the Committee was Accepted and the Bill Read Once.

Committee Amendment "A" was Read. Mr. Clifford of Androscoggin presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-440 was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CLIFFORD: Mr. President, this bill, which I know the State Government Committee has worked very hard on and devoted a great deal of time to, concerns two issues. The first issue is the one which has been voted upon this morning concerning the payment to the legislators of salaries and expenses. The other issue which this amendment addresses is also an important one because it goes to the limits on the legislative sessions, what those limits should be.

The committee amendment in its current form indicates that the legislature must adjourn in the first regular session by the last Friday in May, and in the second regular session, which is the off year, which is now known as the special session, by the first Friday in April. However, there is a hooker in the bill, as I read it, because by a vote of two-thirds of the membership the legislature can vote to extend the length of the session to any specified date.

In effect, in my opinion, this is a bill with no real limit on the session, an open-ended bill which will result in the legislature being in session longer and longer periods of time. I think the reason for that is that the dates, the last Friday in May and the first Friday in April, really are not as realistic as they might be, and will lead to the inevitable result of the legislature voting to extend the date to whatever date is pleasing to them. It also, I think, is lacking in flexibility.

I filled out the questionnaire, Mr. President, that was forwarded to me by the Speaker and the President concerning legislative dates and legislative lengths of time and legislative procedures, and I thought that that questionnaire contained a lot of interesting and thoughtful ideas, especially those ideas which indicated that perhaps the legislature should convene early in the year, organize itself, set up a procedure for the introduction of its bills, and then recess and allow hearings on bills to begin, and then reconvene at a later period of time when the bills or most of the bills have been heard, and get down to the serious business of voting on those bills. This might mean that the legislature might reconvene sometime subsequent to the last Friday in May. This would throw this bill off, and I think that the committee report really is inflexible in the way it would work.

The amendment which has just been read, however, sets broad limits within which the legislature must operate. It sets the limits of 100 legislative as opposed to calendar days for the first regular session, and 50 legislative as opposed to calendar days for the second regular session. It also contains a safety valve to avoid the problem which is often talked about of throwing a blanket over the clock. As you come to the 100th legislative day or the 50th legislative day and your business is not completed, then you come to the procedure where you throw a blanket over the clock and you run as long as you want to, saying that 12 o'clock midnight of that particular

day has not been reached. The safety valve allows the legislature to extend the time by five legislative days, if there is an emergency situation, by a vote of three-fifths of its membership to allow for the finish up work, if the finish up work can't be completed within 100 legislative days. And it further provides for a further extension of three more legislative days, by a vote of two-thirds of its membership, in the further emergency if the five legislative days are not sufficient. But after those extensions which are provided in the amendment, there is no more time and the legislature must adjourn.

So I think that this amendment has broad enough time periods which will allow the legislature to come up with a different procedure than is today used, allowing perhaps the convening of the legislature, the organizing of the legislature, the recess of the legislature to carry on certain business of the hearings, and then the reconvening. This will allow that, under this amendment, because the time limit is set in the terms of legislative days and not calendar days. It seems to me that the limits are realistic, they are flexible, yet they are definite, and I think that the result will be better use of legislative time and the retention of more citizens in the Maine Legislature.

I certainly hope that we could adopt this amendment, which I think is in the letter and spirit of the constitutional amendment which requires the legislature to set limits on its dates. I think without this we have in fact an inflexible time limit, an unrealistic time limit, a time limit which is not going to be honored by the legislature. Thank you, Mr. President.

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

Mr. HUBER: Mr. President and Members of the Senate: The good Senator from Androscoggin, Senator Clifford, has just mentioned that the limitations proposed in this bill are realistic. I would just like to point out that we are now in our 42nd legislative day. I hope he is right. This gives us eight days to get out of here.

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

Mr. CURTIS: Mr. President, I would like to speak in opposition to the pending motion to accept Senate Amendment "A" which has been offered by the Senator from Androscoggin, Senator Clifford.

The State Government Committee in its deliberations did consider the option of a set number of days, of legislative days, for the legislative session. The committee rejected that option. I don't think that anybody in this legislature would find themselves in a position where they couldn't live with either one of these alternatives. In other words, there are several possible ways to achieve the constitutional requirement that we must achieve, and that is to establish a statutory limit on the length of the first regular and the length of the second regular session.

I would like to speak in support of the committee's recommendation, mentioning a couple of items, if I may. The first one is that the advantage to setting a specific date on the calendar for concluding the legislative session is that citizen legislators will have an opportunity to plan their citizen calendars, to schedule their activities at a time when they are reasonably certain that the legislature will have concluded its work. The proposal that is offered by the Senator from

Androscoggin does not offer that same definiteness in establishing the dates when the legislature would adjourn. In other words, we might convene in January and meet one or two days a week for the first month, and increase that to three days for the next month, and not use up the 100 legislative days that would be available to us until well into July. That is a possibility. And I suggest that becomes very difficult for a citizen legislator to plan his own itinerary.

The second reason that I prefer the set date is because it gives the public an opportunity to spotlight the time when we have set for ourselves to conclude our work. If this bill were now in effect, and if we had started earlier in January, which of course we will be required to in the future for the second regular session, the date for conclusion would be the first Friday in April of this year. That would be April 2nd. That would mean that the public and the members of the legislature would be able to plan their schedule, would be required to plan their schedule in such a way that they would have to conclude their work by that date.

Now, the State Government Committee is not unaware of the problem of emergencies, and we too have provided a flexible approach. I think it is a reasonably flexible approach in that we have an opportunity for two-thirds of each house of the legislature to pass by joint order an extension of the deadline for adjournment. The requirement would be that the deadline would have to be a definite deadline. It might be extended until April 10th rather than April 2nd, for example, but it would be a definite date.

Regardless of what we do through this piece of legislation, there is always the opportunity for emergency statutory legislation to change the date. The difference here is that such an emergency change in the statute would require the bill going to the governor's desk. If the governor did not sign it, of course, it could come back and be overridden again by a two-thirds vote in each house, exactly the same two-thirds that the State Government Committee recommends.

The other opportunity, of course, is for the legislature to conclude its work and to call itself back into session, if it had to, at some later time, or for the governor to call the legislature into session at a later time, in a true emergency session.

So, in summary, I think that there are several ways to achieve the desired result, and my preference, and I believe the preference of the State Government Committee, is for establishing a set definite date on the calendar.

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

Mr. CIANCHETTE: Mr. President, I would like to rise to support the amendment offered by the Senator from Androscoggin, Senator Clifford. I appreciate the remarks of the Senator from Cumberland, Senator Huber, when he reminded us that we are in our 42nd day and under this provision we would be adjourning in eight days. I ask you really to consider what we have done in this 42 days, and I ask you to further consider, with hindsight, that had we scheduled this session differently, that we may have been more productive individually than we have been. I am not being critical of what we have done, but I think we are talking about rescheduling the legislature and the legislative days, and I think it takes very

little imagination to know and to realize that individually most of us in the legislature have not been all that busy these 42 days, and I think that we could have scheduled our time much better.

This amendment I think addresses itself to that question, to make the legislators more productive and their time spent in a more useful manner perhaps than what we are doing in this kind of a session. I have found that in operating any activity, any job, the most important thing that we do is scheduling. And whenever we do a job, even though there may be many indeterminate quantities involved, that job still has to be scheduled and it can be scheduled. Every so often we are reminded of Parkinson's Law, and Parkinson's Law I believe goes something like this: that any activity will take as long as the time allows for it to take.

With the committee amendment that the Senator from Penobscot, Senator Curtis, recommends, I want you to consider what it says, and I think it lacks that deadline, that positive deadline that we need so desperately to schedule our work. It says that O.K., if we don't get our work done by the first Monday or the first Friday in April, then with a two-thirds vote we extend it. Well, that is not really a very strong deadline for us to schedule on. It is a little flexible, you must admit, and we do a two-thirds vote here right under the hammer every day to suspend the rules, so I don't expect that that would be a very critical deadline for us to operate under.

I think the amendment that specifies the number of legislative days will allow for proper scheduling, more efficient and more effective use of the legislative days, and I strongly support that amendment.

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

Mr. CONLEY: Mr. President and Members of the Senate: We all know what the difficulty is when the Senate or the legislature itself is called back into special session. We know what the Reference of Bills Committee goes through in reviewing the proposed legislation to be either accepted or rejected. And as one member of that committee, I know that there are numerous bills that the Reference of Bills Committee did in a sense reject, only to find today that some of those proposals were introduced otherwise.

Currently we have an ongoing study being made of the legislative process. I think many of us found questionnaires on our desks last week and again this week to be filled out. We are aware of statements made by the chief executive of his personal feeling that for every law that is passed in these bodies that one should be stricken from the books. It seems to me that we spend certainly a considerable amount of time during the regular legislative session hammering out bills, only to find that we have the same bills introduced in the special session that obviously didn't meet the test during the regular session, and we just keep going around and round and round.

I certainly don't fault the State Government Committee. I think they have made an honest attempt to try to reduce the number of legislative days that the legislature would be in session, but I concur wholeheartedly with the amendment before us that was introduced by the good Senator from Androscoggin, Senator Clifford. It puts a safety valve on the number of days that we will be here. I think it obviously is going to bring more



pressure on leadership and more pressure on the chairmen of the various joint standing committees to have public hearings and get the bills out of the way. It will put pressure on the legislative leadership and the Reference of Bills Committee as to the number of bills it will allow in. It is going to really put everyone on their toes. There may be even an opportunity of further streamlining in the sense that on some bills, even though we have pre-legislative filings and such, we may be able to have certain joint standing committees hold public hearings prior to the legislature convening, or coming in and recessing and going home, and just having some of the joint standing committees advertise and hear those bills, and we could all be here, in a sense, to be able to expedite these things.

I think that the amendment which the good Senator from Androscoggin, Senator Clifford, has before us is one to not only restore confidence in the legislature itself but to give the people around the state a birdseye view that the legislature is really and honestly trying to cut down the number of days. And we are all aware of the fact of the great expense it is for every day we are here. So I hope the Senate would move to adopt this particular amendment.

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

Mr. SPEERS: Mr. President and Members of the Senate: I rise to oppose the amendment that has been offered by the good Senator from Androscoggin, Senator Clifford.

The good Senator has talked about flexibility and the need for flexibility with the contemplated need for the legislature to continue its session under emergency circumstances. I would point out, Mr. President, that the amendment that is being offered really limits that flexibility rather severely in that it states very clearly that the extension may be only for five legislative days in one instance, and then if there is a need for further extension, for three additional legislative days. Now that is eight legislative days added onto a session that obviously, I believe, is unrealistically curtailed in the first place.

Mr. President, I could not agree more fully or more strongly that there is a need to limit the length of legislative sessions. I have stated many times on this floor that the way to limit the length of the legislative session is to change the rules and the operational procedures of the legislature, and not to arbitrarily and, I believe, unrealistically simply state the number of days that we are going to be here, regardless of the issues that face us, regardless of the needs of the people of the State of Maine, to arbitrarily pick out an ideal date or an ideal number of days that we wish to meet here so that we could be assured of not having to deal with issues after that particular amount of time has elapsed, so that we could be assured of returning to our homes and our businesses, so that we do not have to spend our time accepting the responsibilities that we accepted when we ran for this office. The way I believe to speed up the legislative process is through the betterment of the rules of procedure that we operate under, not to curtail on an arbitrary basis our activities. By doing that, the only people who really do suffer are the people of the State of Maine.

I am not very happy, very honestly, with

the amendment as proposed by the committee, and I am even more unhappy with the amendment proposed to that amendment. I do believe that through this study and through the improvement of legislative procedure that we may very well be able to adjourn the sessions much earlier than has even been suggested by the committee's study. And if that is so, then the committee procedure or the committee amendment is not even needed. But to arbitrarily curtail the activities is a false step to follow, and I would certainly support the opposition to the amendment as offered by the Senator from Androscoggin.

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

Mr. BERRY: Mr. President and Members of the Senate: Once again we find ourselves in a delicate balance between trying to accomplish something and the necessity of passing something that may perhaps not be the way we would all like to have it, and I would hope that this legislation will not fall like a ball between two players trying to catch a ball out in the field.

I think every speaker has evidenced a sincere concern about shortening the session, a concern which has been voiced and has been put in print in other legislation, and I find that we are here listening again today to similar arguments that we have in other legislation, such as the size of the House and so forth. I guess what I am uttering is a plea for a little give and take here on everybody's part. For instance, I would point out to Senator Huber from Cumberland that there is actually only four days difference in the allowable legislative session between Senator Clifford's amendment, which calls for April 1st, and the present legislation as endorsed by Senator Curtis which calls for the first Friday in April. Now, a difference of four days certainly in this time frame isn't going to kill us.

I think what we are all saying too is that pressure is going to accomplish what we have been unable to accomplish by legislation. And as was pointed out by several previous speakers, there is a feeling that we could be restructuring our method of procedure here. And as again has been pointed out many times, we are not going to do it until something is pointed right at our head, and that thing has got to be a final adjournment date.

I heard on the radio this morning that the Senate in New Hampshire is going in and has assigned thirty-eight bills to committee, and they are coming back in another month to consider them. Well, this may open up a possible method of procedure. As many of the previous speakers indicated, committee action without the legislature in session is one of the most progressive things that can be done to speed the adjournment date. We haven't tried that and I think we can.

I have queried by communication to Senator Clifford the unique three-fifths vote. I don't see the necessity of interjecting here a new requirement for qualifying a vote of the legislature, and I would think that a two-thirds vote would be quite consistent in our methods. I think his extensions of three and five days are very good ones. I think the bill as proposed by the committee, which is the basic bill, which would permit a two-thirds vote of the legislature to set any adjournment date in the future is not workable at all. It

would just put us right back where we are now.

So I would hope that with a little give and take we could move this along. I would suggest that Senator Clifford's amendment is a good one. We have two bodies in this legislature to consider and we certainly don't want to see this fail. I would hope that if there are problems that we could work them out after we adopt this amendment, and I would urge in the spirit of progress and cooperation that we do vote to accept it.

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

Mr. CIANCHETTE: Mr. President, I just hope that the Senate takes note that on a very rare occasion the Senator from Cumberland, Senator Berry, and I agree.

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

Mr. HUBER: Mr. President and Members of the Senate: I would simply like to clarify that I don't oppose this amendment and didn't rise to oppose it when I first spoke. I really was expressing my own fervent hope that we do get out of here as quickly as possible.

I would like to add that in the last session I proposed an amendment to the joint rules which would limit the bills introduced by each legislator to ten — and perhaps maybe it should have been limited to five instead — without approval of the Reference of Bills Committee. I think with a time limitation, and perhaps a limitation on the number of bills introduced by each legislator would also be in order to try and limit the duplication and the proliferation of often trivial legislation before this body. I perhaps, when this bill does get to second reading, may make another attempt to put such a limitation into effect. This limitation passed in the Senate 27 to 5, but was defeated in the other body.

I do think some limitation is in order, but I think a limitation in which a legislator can set his own priorities as to the importance of bills may be a better way, perhaps in conjunction with a time limitation. And I simply wanted to reinforce the fact that I am not opposed to this amendment per se.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I want to rise to second the thinking of the good Senator from Penobscot, Senator Curtis. I think he stated his position very well. We are kidding ourselves if we think that the legislature cannot string itself out as long as it wants, but I do think that the barrier that this bill sets up is a more formidable barrier than just specifying a number of legislative days. I think is rather utopian to think that we are going to come in here for a few days and then go out, and then come in, and so on. I think it is much better for us to know the exact date of our departure, with the possible exception of having it overridden by two-thirds, than for us to have an actual set day which will not be known too well by the public. When we set a date, it makes it much more clear to the public, and it is the public pressure which will bring the legislature to a halt rather than any set number of days.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "A" to Committee

Amendment "A". The Chair will order a division. All those Senators in favor of the adoption of Senate Amendment "A" to Committee Amendment "A" will please rise in their places until counted. Those opposed will please rise in their places until counted.

A division washad, 19 having voted in the affirmative, and 10 having voted in the negative, Senate Amendment "A" to Committee Amendment "A" was Adopted.

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

Mr. WYMAN: Mr. President, I have an amendment that is being prepared and should be ready momentarily. If there is no further business I would appreciate it if we could recess for a very few minutes.

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

Mr. SPEERS: Mr. President, I would inquire through the Chair as to whether the amendment the Senator from Washington, Senator Wyman, refers to is an amendment to the committee amendment or to the bill.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to the Senator from Washington, Senator Wyman, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. WYMAN: Mr. President, I can't answer at the moment because I had an amendment drawn and I was going to introduce it, and then I was told it had to be changed. I will have it very, very shortly because I signed it, and then I can answer that question.

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

Mr. KATZ: Mr. President, I would presume that the amendment has to do with the compensation rather than the length of the session, in which case this being just a committee report, it can be dealt with now.

The PRESIDENT: The Senate will be at ease pending the distribution of the amendment by the good Senator from Washington, Senator Wyman.

(Senate at Ease)

Called to order by the President.

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

Mr. WYMAN: Mr. President and Members of the Senate: The parliamentary handling of this is bothering me some. I had Senate Amendment "B", and it was changed to Senate Amendment "A", and now it is changed to Senate Amendment "B", which I hope is in order. It is Senate Amendment "B" to Committee Amendment "A".

The PRESIDENT: The Senator from Washington, Senator Wyman, now offers Senate Amendment "B" to Committee Amendment "A" and moves its adoption.

The Secretary will read Senate Amendment "B".

Senate Amendment "B", Filing No. S-41, to Committee Amendment "A" was Read.

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

Mr. CURTIS: Mr. President and Members of the Senate: It would seem to me from reading it very quickly — and since it has been distributed, we have only had a moment to look at it — that this is very similar to Committee Amendment

"B", which was not accepted. And it seems to me that it also reduces the salaries of legislators in the future. I hope that we do not accept it, and I ask for a division.

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

Mr. WYMAN: Mr. President and Members of the Senate: It puts the salary back where it was and it does eliminate an increase in salary. It seems to me that when we are asking the state employees to go with very little or no increase, and we are trying to hold our budget down, that we can afford to come back here without increasing our own salaries, and I don't want to be on record as favoring an increase in our salaries. I think it is just as simple as that, because I think the legislature has a poor image, I think the people are watching us, and I don't think that this is any time to increase our salaries. I think we can well afford to leave them where they are.

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

Mr. BERRY: Mr. President and Members of the Senate: The present salary schedule of the legislature was arrived at primarily after a lot of research by a group of citizens who put a lot of time into it. The established salary of the legislature is quite similar to the established civil service ranges of salaries for various state employees. We are not affecting our own salary here based on action we have taken but action on this blue ribbon committee which everybody has said did an outstanding job. I think that we would be doing a disservice to future legislators in passing something like this. So I would move that this be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Senate Amendment "B" to Committee Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I still feel that we have problems. We have a poor image, and I think that when we raise our salaries, regardless of committee reports or what we have to back it up, we are wrong. I would ask for a roll call on this.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I would just like to reiterate some of the words of the good Senator from Cumberland, Senator Berry, has stated. The legislature itself is not increasing the salaries of the legislature or the incoming legislature, the 108th. This is a law that was passed the previous session, which does not go into effect and does not affect any one of us sitting here unless we do return. I think the fact is that there would be many people within this state who could really not afford to take the time from their jobs that they presently hold to represent the broad thinking of this state. I think that it is unfair in a sense that we should economically deprive some very able people in this state because of the fact that the salary is so minimal that it would deprive them the right to serve here, and I would hope that this Senate Amendment would be rejected.

The PRESIDENT: The Chair recognizes

the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: I rise to support the good Senator from Washington, Senator Wyman, with his amendment. We just passed an amendment which limited the session to 100 days for the regular session, and the special session, the so-called second year regular session, to 50 days. And whereas we have not taken action as of yet to compensate the state employees with additional compensation, we are now in the process, or I understand we are going to be in the process of possibly researching programs which are low priority programs or programs which we don't feel need to be funded. With this committee report we accepted today, with the amendment of Senator Clifford, for the regular session the legislators are going to be compensated for 100 days to the tune of \$8,500. Now it doesn't take very long to figure out that that is \$85 a day.

Now, we are a citizen legislature, correct? Many of the people have outside interests, jobs or businesses, whatever the case may be here, and in the second session the figure is \$2,500 for 50 days. And as it was passed in the 106th, I believe, the committee meetings throughout the summer or throughout the fall, whatever the case may be, is additional revenue. And I don't think anybody here can say that they have actually lost their business or lost their house or lost money to provide food for the table with the present salary as it stands now. And I think we would be acting in the best interests of the citizens, the taxpayers of this state, if we forego this raise that we are supposed to receive, or the next legislature is supposed to receive, the 108th, and sort of try to assist in removing some of the burden on the taxpayers of this state.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I noticed an article in the newspaper where there are a couple of characters running around the state calling themselves Price and Pride looking for legislative candidates. I too have been running around the state to some degree looking for legislative candidates. I understand the chief executive has put an ad in the newspaper asking for responsible people to offer themselves as candidates to the legislature. We all want good, honest, desirable, hard-working people to be members of this body. I am sure that is the aim of many of us to do that.

I know that I have run into this situation many times when a person says, "Gee, I would really like to do that, but by golly I can't afford it. How much did you say they pay down there? How much would I get if I were down there." It certainly is a very serious consideration of many legislators, or would be legislators, that they made a reasonable amount of money to justify taking themselves away from their job or away from their business to be able to come down here. I don't think that the amount of money that the legislators receive, compared to the expenses they have, is a great deal of money. I don't think it is going to balance the state budget. And I am not sure it would be a wise investment to reduce the pay. For that reason, I am going to oppose this motion, and I hope you will too.

The PRESIDENT: The Chair recognizes

the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I voted against the increase of legislative salaries in the 106th Legislature, and I guess if I had to vote again for a further increase, I would vote against a further increase, not only because of the economic times but I think the legislature should take more steps than it has to reform itself before, it seems to me, the salaries should be increased.

I also voted for report "B" from the State Government Committee because I feel that the \$25 per diem in the second regular session no longer is serving its originally intended purpose.

However, I am going to oppose this amendment because I think that when the 106th Legislature took the action to raise the salary, I think that many people made plans to seek legislative office under the assumption that the salary would be at a certain level, and I think that it is a little late now to be talking about not increasing it to that salary which was voted two or three years ago.

I don't think that this is a good method to save money for the state. I think a better method would be to more evenly distribute the amount of money paid to legislators between the first regular and the second regular sessions, and to eliminate the windfall which is the \$25 per diem. I don't think that this really is the proper way to go, and I am going to oppose the motion to indefinitely postpone. Thank you.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: I think this may have gone a little bit too far. I knew, as everyone did here, what the salary was going to be when I presented my first petition for nomination, and I probably would be serving even if the salary were less. For the hours that we put in, we do not receive minimum wage. I don't think anywhere near that, and the compensation that we do get as individuals would be barely sufficient to meet daily needs down here. If this were to be reduced by this amount, what it would mean for me, just on a quick calculation, is that I probably wouldn't be able to have my wife and child down here with me. The income just wouldn't be sufficient to do that. When you are from Aroostook County it would be a great deterrent. I know as a young person, to have to come to Augusta without having the opportunity to bring your family down, since we don't have the opportunity to go home during the week as many other legislators do.

So I think that in light of this, and the remarks especially of one of the previous speakers, there are young candidates now in the State of Maine who are looking quite closely at running for office this month, and I think that if the legislature were to enact this amendment that many of them I know personally would be discouraged from coming down, because the citizens of the State of Maine are really quite surprised. I have found, when they find exactly what it is that legislators are paid. I think once they realize what we are paid that we are not going to be accused for being in the state legislature for the money that is provided. So I hope that we will defeat this amendment and get on about our business.

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

Mr. CURTIS: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Berry, referred to a report which we have been using while we are analyzing this question of legislative pay. The report is called Legislative Compensation in Maine, Some First Steps. It is a report to the 106th Maine Legislature by the Commission on Legislative Compensation, which was a commission of citizens who were appointed by the Governor, by the President of the Senate, and by the Speaker of the House. They made the recommendations, and included in their cover letter, dated December 1973, Mr. Morgan, the Chairman of the Commission, said, "We claim no perfection for any of our recommendations but we can say that they were reached after careful study of the task that Maine legislators perform, and that the dollar figures mentioned are in all cases the most modest we could in conscience suggest." Included in the report are two paragraphs that I think would be worth while reading so that we understand what citizens consider when they look at legislative pay.

"The present salary is not realistic in this day of rising costs and lengthening sessions, and it does not reflect the heavy demands and high importance of the position of a state legislator. The present legislature lacks representation from many age and income groups within the population. The commission feels that it would be in the best interest of the state to take steps to broaden the opportunity for service in the legislature. The ideal situation would be one in which every capable and interested citizen, regardless of economic circumstance, would be able to serve in the legislature. The ideal may be beyond our grasp but the gap between ideal and reality in Maine is now so great that narrowing it is morally imperative."

This report was made in 1973. The recommendations were for a salary of \$5,000 in the first year and \$2,500 in the second year of the biennium. In 1977, at least if this amendment is defeated, we will finally be starting to approach that level.

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

Mr. PRAY: Mr. President and Members of the Senate: The last couple of days I have kind of tossed this issue through my mind quite heavily. I have before me an amendment that I had prepared that I was going to offer, but I am not going to offer it at this time, to forego the pay raise for the 108th and have it increased in the 109th. But then I stopped and I thought of the days that have been put in, the number of hours I have put in down here. I am usually here from 8 in the morning until 6 at night four days of the week anyway. I started thinking of the time I spent this summer and the people that I have been talking to in the last few weeks trying to get candidates throughout my senatorial district to run, and then I stopped and I thought about two years ago when I was approached, and the income that I have to support my wife and my two children with. I am not lucky enough to have my wife down because I have to leave her home to run the business so that I can provide all the things I want for my children and my wife.

For those reasons, after that consideration, I decided not to put my amendment in, and I have come to the conclusion that if we are going to have younger people, people that are starting

out with a family, if we want them down here in Augusta, if we want representation from people of all different income levels, then I think it is necessary that we continue on with the action of the 106th and continue in that pay scale. I know it weighed very heavily in the decision that I made in running. If it had not been for the increase coming under this 107th that I am going to enjoy in the 108th, then I would not have run last time.

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

Mr. WYMAN: Mr. President. I know I am repetitive, but it just seems to me that we have a very poor image, and when the word goes out that we have increased our salaries, it won't help us. I think this would do the Maine Legislature a lot of good to pass this bill, and I am sure we will find candidates who will come here and candidates who are competent. I would ask for a roll call vote.

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

Mr. PRAY: Mr. President. I would like to pose a question through the chair to the Chairman of the State Government Committee. If the legislature did not take action on this, would we be receiving more pay? Doesn't, in effect, this bill lower the pay?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair to the Senator from Penobscot, Senator Curtis, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. CURTIS: Mr. President and Members of the Senate: The answer to the question is yes, it would lower the pay. And as a matter of fact, I noticed that, although there is a statement of fact on this amendment, there is no fiscal note, and there should be a reduction for a fiscal note.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I am going to vote against this amendment, although I agree with the purpose of the Senator from Washington, Senator Wyman. And I would hope that if this amendment is defeated that the matter could be tabled until tomorrow, because I would like to take a look not at the reduction in the compensation but the basic question of the \$25 a day, which really was established for another purpose and really doesn't have the relevance that I would like to see in it.

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 until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Berry, that Senate Amendment "B" be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement of Senate Amendment "B"; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Cianchette, Clifford; Collins, Conley, Corson, Curtis, Cyr, Gahagan, Graham,

Hichens, Johnston, Katz, Merrill, O'Leary, Pray, Reeves, Speers, Trotzky.

NAYS: Senators Carbonneau, Cummings, Graffam, Greeley, Huber, Jackson, Marcotte, McNally, Roberts, Thomas, Wyman.

ABSENT: Senator Danton.

A roll call was had, 20 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with one Senator being absent, Senate Amendment "B" to Committee Amendment "A" was indefinitely postponed.

Mr. Katz of Kennebec then moved that the Bill be tabled and Tomorrow Assigned, pending Adoption of Committee Amendment "A", as Amended by Senate Amendment "A" Thereto.

A division was had, 12 having voted in the affirmative, and 18 having voted in the negative, the motion did not prevail.

Thereupon, Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

#### Joint Resolution STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

Joint Resolution Memorializing the Honorable Benjamin F. Bailar Postmaster General of the United States and the Citizens Stamp Advisory Committee to Order the Issuance of a Special Stamp Commemorating General Henry Knox.

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Special Session of the One Hundred and Seventh Legislative Session now assembled, most respectfully present and petition the Honorable Benjamin F. Bailar and the Citizens Stamp Advisory Committee, as follows:

WHEREAS, the American cause was in mortal danger in the winter of 1775-76. The Americans had the British penned up in Boston, with the Redcoats being unaware of the artillery shortages existing within the rebel ranks; and

WHEREAS, America might have lost its fight for nationhood in its infancy if General Henry Knox, a bookseller turned soldier, had not delivered the guns which allowed George Washington to strengthen his fledgling army and liberate Boston; and

WHEREAS, with the big guns from Fort Ticonderoga, Washington could defend his own siege positions, command Boston, and prevent the arrival of British supplies from the seas; and without them, the English would have massed enough men and equipment and sallied forth and crushed the Revolution; and

WHEREAS, Knox, a military amateur at that time, who had helped engineer the fortifications, came to Washington with a plan to go after the guns captured from the British at forts on Lake Champlain; and

WHEREAS, it is recognized that General Knox performed a monumental deed by hauling 60 tons of artillery and supplies from Fort Ticonderoga in New York, across the length of Massachusetts to Boston in the dead of winter that numbed horses and oxen and terrified men; and

WHEREAS, for more than 300 miles

they pulled and pushed their cargo on rough-hewn sledges over treacherous mountain trails, through deep woods, across frozen lakes and rivers which often cracked under the weight, and through smothering snow; and

WHEREAS, when animals refused to struggle on, men pulled an impossible load, and when men hesitated, Knox's own assurance and courage kept them going and rallied the countryside to their aid; and

WHEREAS, it was impossible, but Knox, with a new Colonel's commission, and just 25 years old, set out for New York on November 17, 1775, racing as best he could on horseback over frozen roads, and thus he and his brother, William, reached Fort Ticonderoga on December 5th; and

WHEREAS, Knox selected 59 guns captured the previous spring by Ethan Allen and Benedict Arnold with total weight of 120,000 pounds which were loaded onto 3 boats; and

WHEREAS, Knox hurried south to prepare the land route, while William, meanwhile, began the 33-mile voyage down Lake George through a channel in the ice, which stretched a mile from each shore of the narrow lake, and on the first day out a boat struck a sunken rock and was freed only after exhausting labor; and

WHEREAS, halfway down the lake, the big scow struck again and sank in shallow water, and the guns were lifted from icy water by freezing hands and repairs to the scow were made in the middle of the lake, which allowed the priceless artillery to arrive at the southern end of the lake; and

WHEREAS, everything was transferred to 42 sledges pulled by 80 teams of oxen, and along crude roads, Indian trails, or none at all, through 3 feet of fresh loose powder; and they made no better than 2 miles a day, all at so great a strain that oxen and horses gave out and were abandoned with men often pushing the sleds; and

WHEREAS, while crossing the Mohawk River above Albany, one of the sledges crashed through the ice and sank and the precious cargo was fished out by frozen men; and

WHEREAS, when things seemed unendurable, Knox rallied the people of the countryside who came forth with fresh horses and men but only to be stalled again in Albany with thin ice; and

WHEREAS, Knox spent the first days of 1776 cutting holes in the ice to force up water which froze in layers, thickening the ice on the Hudson River until it could bear the weight of heavy guns; and

WHEREAS, south of Albany a sleigh shattered under its load and detained the column, but Knox plunged east into the Berkshires and reached Monterey, Massachusetts, on January 10th, and in his words, "after having climbed mountains from which we might almost have seen all the kingdoms of the earth;" and

WHEREAS, when the teamsters feared to descend the mountain with their heavy load, it was Knox who rallied them again and again through the snow, the icy winds and the thick forests; and

WHEREAS, Knox arrived at Washington's camp with an advance contingent on January 18th, and "the noble train of artillery," as he called it, was delivered on January 24, 1776, 47 days after leaving Ticonderoga; and

WHEREAS, on March 2nd, Knox's guns began shelling Boston, and on March 17th the British evacuated the city, a date still celebrated annually by Bostonians; and

WHEREAS, "the Tories were repelled; the rebels were relieved and the cradle of liberty was free;" and

WHEREAS, the men who performed this herculean task and perhaps saved his country was the least likely person in Washington's command to receive such a trust. When he was only 9 years old, Henry was forced to leave school and support his mother and 3-year-old brother with a job at a bookstore where he continued his education; and

WHEREAS, with nothing but book-learning to guide him, Knox aided in designing and building siege fortifications about Boston to which George Washington expressed great pleasure and surprise; and

WHEREAS, eventually, Knox became chief of artillery for the Continental Army and one of Washington's closest friends and trusted lieutenants and became active in most of the major battles of the Revolution; and

WHEREAS, Knox showed a facility at artillery warfare which continually amazed his learned British opponents and French allies alike and he designed a new gun carriage which enabled him to engage guns in greater number and mobility than Europeans had done; and

WHEREAS, it was Knox who personally directed the transport of Washington's troops across the Delaware on Christmas night, 1776, with "stentorian lungs and extraordinary exertions," for which he was awarded the rank of Brigadier General; and

WHEREAS, Knox was with Washington at Valley Forge and at Yorktown, he organized a military academy for the new army and he was the first to embrace Washington in farewell at war's end; and

WHEREAS, this self-taught bookseller-soldier became a Major General and succeeded Washington as Commander of the Army after the war; and

WHEREAS, Knox became the country's first Secretary of War in Washington's Cabinet, and later enjoyed success as a businessman and country squire on his estate in Thomaston, Maine; and

WHEREAS, it was Henry Knox who represented young America, this self-made general, too unsophisticated to be cowed by the impossible, and with that exquisite American capacity to do what couldn't be done, simply because it was there, and he was there, and it needed doing, and he knew he could do it when few others would dare try; now, therefore, be it

RESOLVED: That We, your Memorialists, in view of this outstanding General and his record of accomplishments, recommend and urge the Honorable Benjamin F. Bailar, Postmaster General of the United States and the Citizens Stamp Advisory Committee to take appropriate action by ordering the issuance of a special stamp commemorating General Henry Knox; and be it further

RESOLVED: That copies of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Benjamin F. Bailar, Postmaster General, and the Honorable Members of the Citizens Stamp Advisory Committee, Mr. Ernest Borgnine, Dr. James Mutejka, Dr. Virginia Noelke, Mr. John Sawyer, Mr. John Thomas, Dr. Dorothy Worcester, Mr. Belmont Faries, Mr. Stevan Dohanos, Mr. Bradbury Thompson, Mr. James Conlon, Mr. J.

Carter Brown, Mr. Franklin Bruns, Mr. Emerson Clark and Mr. James Wyeth, and be it further

RESOLVED: That the Secretary of State be directed to transmit forthwith suitable copies of this Memorial to the Vice President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress and to each Member of the Maine Congressional Delegation. (H. P. 2201)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

#### Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

##### House Papers

Bill, "An Act Relating to the Effective Dates for School Lunch Programs and Occupational Safety and Health in Public Employment." (H. P. 2207) (L. D. 2307)

Bill, "An Act to Provide for a Line Budget Procedure for All School Systems." (H. P. 2208) (L. D. 2308)

Come from the House referred to the Committee on Education and Ordered Printed.

Which were referred to the Committee on Education and Ordered Printed in concurrence.

#### Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

##### Committee Report Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Require Home Health Care Coverage to be Offered in all Health Care Policies and Contracts." (H. P. 2088) (L. D. 2247)

Reports that the same be granted Leave to Withdraw.

Comes from the House, Bill and accompanying papers Recommended to the Committee on Business Legislation.

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

Mr. THOMAS: Mr. President, I move that the Senate accept the leave to withdraw report in non-concurrence, and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. THOMAS: Mr. President and Members of the Senate: This bill is a result of a study report that we had during the summer and the fall. It is a very complicated and a very intricate bill. Neither the home health care agencies who are involved or the insurance companies involved like the bill. In fact, there is a severe question of constitutionality.

On the 9th of March I put an order into the Senate, which is in your journal, asking three questions of the Justices of the Supreme Court. Since the committee's action of leave to withdraw last week, the Attorney General has requested the questions be returned. They are in his office. He is now holding them in abeyance, not knowing whether to send them to the justices or not. We do not have time to conduct another public hearing, we do not have time to rewrite this act, and it is highly questionable whether we would have a report from the justices in time. Therefore, we feel that this bill should be

granted leave to withdraw and that we submit it to the 108th legislature.

The PRESIDENT: Is it the pleasure of the Senate to accept the leave to withdraw report of the committee in non-concurrence?

The motion prevailed.

Sent down for concurrence.

#### Reconsidered Matter

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

Mr. CORSON: Mr. President, we have just received a communication from the Department of Education raising some questions or potential problems with the constitutional amendment regarding revenues for bond service and prohibiting bonding for current expenditures. I would move that the Senate reconsider its action whereby it finally passed this resolution.

The PRESIDENT: The Senator from Somerset, Senator Corson, now moves that the Senate reconsider its action whereby Resolution, Proposing an Amendment to the Constitution to Assure Revenues for Bond Service and Prohibit State Bonding of Current Expenditures, (S. P. 689) (L. D. 2206), was finally passed.

The Chair recognizes the Senator from Somerset, Senator Corson.

Thereupon, on motion by Mr. Corson of Somerset, tabled and Tomorrow Assigned, pending the motion by that Senator to Reconsider.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.