

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

Programs for Alcohol Abusers Convicted of Operating under the Influence and other Minor Crimes and the Establishment of a Program of Substance Abuse." (H. P. 731) (L. D. 857)

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

(See Action Later Today)

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

RESOLUTION, Proposing an Amendment to the Constitution to delegate Certain Emergency Budgetary Powers to a Joint Legislative Committee. (H. P. 1397) (L. D. 1658)

In the Senate, June 21, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-676) in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-855) thereto, and House Amendment "A" (H-897) in non-concurrence.

On motion of Mr. Collins of Aroostook,

The Senate voted to Recede and Concur.

Non-concurrent Matter

Joint Order (S. P. 570) Relative to Committee on Veterans and Retirement reporting out Bill on funds to cover state's share of retirement costs.

In the Senate June 24, 1977 Read and Passed. Comes from the House, Indefinitely Postponed.

On motion of Mr. Collins of Knox,

The Senate voted to Recede and Concur.

House Paper

RESOLVE, Designating 2 Bridges Over the Kennebec River in Skowhegan as the "Margaret Chase Smith Bridges." (Emergency) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 25). (H. P. 1807)

Comes from the House, Passed to be Engrossed without reference to Committee.

On motion of Mr. Conley of Cumberland,
Under suspension of the rules, Resolve read twice.

Passed to be Engrossed without reference to Committee, in concurrence.

**Paper from the House
Enactor**

The Committee on Engrossed Bills reports as truly and strictly engrossed the following: "An Act Concerning the Administration of Property Tax Laws Administered by the Bureau of Taxation" (H. P. 244) (L. D. 318)

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

(Off Record Remarks)

On motion of Mr. Huber of Cumberland,
Recessed until the sound of the bell.

(After Recess)

The Senate called to order by the President.

The PRESIDENT: The Chair understands the Senator from Kennebec, Senator Speers, now moves that the Senate take from the Tabled later Table, L. D. 857, An Act to Raise the Tax on Beer, Wine and other Alcoholic Beverages to Provide Funds for the Operation of Alcoholic Treatment Facilities, the Establishment of Education and Treatment Programs for Alcohol Abusers Convicted of Operating under the Influence and other Minor Crimes and the Establishment of a Program of Substance Abuse. Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: Mr. President and Members of the Senate: I simply would like to relate the

funding of the Office of Alcoholism and Drug Abuse Prevention and the history through the appropriation process and subsequent amendments.

The Departmental recommendations on its biennial basis recommends \$2.8 million provided for this program. The Appropriations Committee raised this to \$3 million for the biennium which was subsequently increased by an Amendment in the Senate to \$3,340,000.00. If this bill should pass with the roughly \$2.5 million annual tax increase included in the bill, the biennial spending for this program would go from the \$2.8 million recommended by the Department to \$7,796,000.00, an increase of well over a doubling. I am not sure whether that is intent of this bill, but it does represent in the second year of the biennium, and presumably for each year subsequently if the program is continued, \$2,492,000.00 of increased taxation. The total tax revenue raised by the bill during the budget biennium would be \$4.361 million, for this provides for the 90 day delay in implementation of this Act which is not an Emergency Act. Because I think that this is an enormous increase in one specific program, which I know the program has merit, but I am not sure how this relates to the other needs of the State, I would move that this bill and all accompanying papers, be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that L. D. 857 be indefinitely postponed. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

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

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

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

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: Not to belabor the issue because I know that probably just about everybody's mind is made up and I know that there is a lot of apprehension about Taxation Bills, especially in the waning hours of the Legislature, and I also realize that it is very easy to forget the flowery speeches that were made on this floor regarding the issue of alcohol earlier in the session, when it is 8:30 in the evening on July 7th within 48 hours of adjournment, it is very easy to forget what was said here. It disturbs me a little bit, because many people did stand on the floor of this Senate and say that we will have an issue coming along later, and we can help to deal with this problem perhaps a little bit with some proper funding, and I guess I am not making too much sense maybe, because I had not planned on speaking on this, I did not stop to write anything down, but I just hope that this evening when you do vote, you search your consciences, people that have supported this bill all the way through the process, in the Committee and elsewhere, and I hope we certainly will have enough votes to pass this and probably see it bounce high, and off the second floor, and probably have another chance to vote on it a little bit later on. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that L. D. 857 and its accompanying papers be indefinitely postponed.

A yes vote will be in favor of indefinite postponement.

A nay vote will be opposed.

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

ROLL CALL

YEA — Collins, D.; Collins, S.; Danton, Farley, Greeley, Huber, Merrill, Morrell, Pierce, Trotzky, Wyman.

NAY — Carpenter, Chapman, Conley, Cummings, Curtis, Hewes, Hichens, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, O'Leary, Pray, Redmond, Snowe, Speers, Usher.

ABSENT — Jackson.

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

Mr. WYMAN: Mr. President, I would like to change my vote from yea to nay.

The PRESIDENT: The Senator from Washington, Senator Wyman changes his vote from yea to nay.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I wish to change my vote from yea to nay.

The PRESIDENT: The Senator from Knox, Senator Collins, now changes his vote from yea to nay.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I wish to change my vote from yea to nay.

The PRESIDENT: The Senator from York, Senator Farley, now changes his vote from yea to nay.

8 Senators having voted in the affirmative, and 23 Senators in the negative, with 1 Senator being absent, the motion to indefinitely postpone does not prevail.

On motion of Mr. Huber of Cumberland,
Placed on Special Appropriations Table.

(At Ease)

The Senate called to order by the President.

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

Bill, "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (S. P. 590) (L. D. 1896)

In the Senate July 8, 1977 Passed to be Engrossed as amended by Senate Amendments "A" (S-374), "B" (S-375), "C" (S-377), "D" (S-378), "E" (S-380), "F" (S-381), "G" (S-382) and "H" (S-389).

Comes from the House, Passed to be Engrossed as amended by Senate Amendments "A" (S-374), "B" (S-375), "C" (S-377), "E" (S-380), "F" (S-381), "G" (S-382) and "H" (S-389); and House Amendments "A" (H-901), "B" (H-904), "C" (H-906), "D" (H-907), "I" (H-913), "J" (H-915), "K" (H-916), "L" (H-917), "N" (H-919), "O" (H-920), "R" (H-923), "S" (H-924), "T" (H-925), "U" (H-926), "V" (H-927), "W" (H-928), "Z" (H-931), "BB" (H-933), and "DD" (H-935) in non-concurrence.

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

Mr. COLLINS: Mr. President, I move that the Senate recede from its action whereby it Passed this Bill to be Engrossed.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate recede from its action whereby this bill was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. COLLINS: Mr. President, I move that the Senate recede from its action whereby it adopted Senate Amendment "D".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate recede from its action whereby it adopted Senate Amendment "D". Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. COLLINS: Mr. President, I move in-

definite postponement of Senate Amendment "D".

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

The Secretary will read House Amendment "A".

House Amendment "A" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "A".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate adopt House Amendment "A".

House Amendment "A" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "B".

House Amendment "B" Read.

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

Mr. COLLINS: Mr. President, I now move the adoption of House Amendment "B".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "B".

House Amendment "B" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "C".

House Amendment "C" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "C".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "C".

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I hope that we do not prolong this particular Evening Session, but I note that the statement of fact in House Amendment "C" states that this Amendment deletes Section 62 and 63 concerning Marine Resources from the Bill, and I would ask for a brief explanation as to those Sections.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I cannot give you a lot of detail about this, but I did talk with the Senate Chairman of the Marine Resources Committee before he left for Bath because of the accident that his wife suffered this evening, and he assured me that these sections should be deleted from the bill, that there have been some miscommunication to the Committee in getting this into the bill in the first place. I guess that is all I can tell you immediately.

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

House Amendment "C" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "D".

House Amendment "D" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "D".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "D".

House Amendment "D" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "I".

House Amendment "I" Read.

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

Mr. COLLINS: Mr. President, this deals with

mopeds and helmets and I move the adoption of House Amendment "I".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the Senate adopt House Amendment "I".

House Amendment "I" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "J".

House Amendment "J" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "J".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "J".

House Amendment "J" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "K".

House Amendment "K" Read.

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

Mr. CURTIS: Mr. President, I move indefinite postponement of House Amendment "K", because this is a substantive matter which provides for the additional confirmation of five new people that are not now subject to confirmation by the Legislature, namely, the five Commissioners of the Housing Authority, and it is definitely an issue which was discussed by this Legislature and reviewed carefully by the State Government Committee a year ago and with the significant substantive changes.

The PRESIDENT: The Senator from Penobscot, Senator Curtis now moves the Senate indefinitely postpone House Amendment "K". Is it the pleasure of the Senate? It is a vote.

The PRESIDENT: The Secretary will read House Amendment "L".

House Amendment "L" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "L".

The PRESIDENT: The Senator from Knox, Senator Collins now moves that House Amendment "L" be adopted.

House Amendment "L" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "N".

House Amendment "N" Read.

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

Mr. COLLINS: Mr. President, this matter troubles me because it appears innocent on its face, it has a potential cost. It permits someone to waive retirement benefits and, of course, the usual reason for doing this would be to become eligible for Medicaid assistance from the state. While it would help the retirement system, of course, it would result in some additional demand on the Medicaid assistance program. I do not know enough about that, members of the Appropriations Committee would know better than I. I would, therefore, recommend indefinite postponement of House Amendment "N".

The PRESIDENT: The Senator from Knox, Senator Collins now moves that House Amendment "N" be Indefinitely Postponed.

House Amendment "N" indefinitely postponed, in non-concurrence.

The PRESIDENT: The Secretary will read House Amendment "O".

House Amendment "O" Read.

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

Mr. COLLINS: Mr. President, I move the indefinite postponement of House Amendment "O". This is a proposed Amendment to the Tort Claims Act purporting to amend a Section that is not yet law. A Section that was part of the bill that we sent to the Governor's desk yesterday.

It is somewhat confusing in a technical sense, but beyond that it would increase the cost of the insurance that is provided under that Act, and because of the substantial impact that it might have, I recommend that we not pass it.

The PRESIDENT: The Senator from Knox, Senator Collins moves that House Amendment "O" be indefinitely postponed.

House Amendment "O" indefinitely postponed in non-concurrence.

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

Mr. CONLEY: I move the Senate reconsider its action whereby it indefinitely postponed House Amendment "N".

The PRESIDENT: The Senator from Cumberland, Senator Conley now moves the Senate reconsider its action whereby it indefinitely postponed House Amendment "N". Is it the pleasure of the Senate to reconsider its action in this matter? It is a vote.

Mr. CONLEY: Mr. President, I am sorry I did not quite clearly hear the alphabet going through by the good Senator from Knox, and I thought he was making reference to House Amendment "M" when he made his remarks dealing with this particular amendment.

The sponsor of the amendment told me that he had checked this amendment through with the Bureau of Retirement, with Mr. Blodgett, and that Mr. Blodgett supported the amendment. It is my understanding that what it does primarily, is that anyone who is on the retirement plan, has a little additional revenue or does not have enough revenue to stay in one of these nursing homes, that the local property tax would assume, or the city would have to pick up that assessment under the general assistance law and this would somehow or other clarify that, and that Mr. Blodgett had agreed to the Amendment and the sponsor of the amendment had asked me to speak on his behalf.

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

Mr. COLLINS: Mr. President, I think it is quite clear that this might be a small benefit to the retirement system, but that is not the problem that I see with it. If we permit any great number of new people to qualify for other assistance, the tax burden will fall in a different place. Whereas, under the retirement system it is all a funded system. I suggested, when I spoke on this originally, that some member of the Appropriations Committee would undoubtedly be able to comment more intelligently than I can about it. I just would not dare to recommend it to the Senate, because I do not have any conception of how big a price tag potentially may be on that kind of a change. We just do not know how many people might say, "Well I won't accept my \$100.00 a month plus of retirement money in order that I can get \$400.00 a month of Medicaid assistance money," some of which is federally funded and all that. I do not know the arithmetic. I would invite comments from those better informed than I about that.

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

Mr. HUBER: Mr. President and Members of the Senate: Although I obviously have no specific information as the potential cost of this. I can see the problem outlined by the Senator from Knox, Senator Collins, and I would say, I think, speaking for the Appropriations Committee as a whole, we certainly do not want this bill on our Appropriations Table.

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

Mr. COLLINS: Mr. President, I would again move the indefinite postponement of House Amendment "N".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that House Amendment "N" be indefinitely postponed. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the indefinite postponement of House Amendment "N", please rise in their places to be counted.

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

17 Senators having voted in the affirmative, and 8 Senators in the negative, the motion to indefinitely postpone House Amendment "N" does prevail.

The PRESIDENT: The Secretary will read House Amendment "R".

House Amendment "R" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "R".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "R".

House Amendment "R" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "S".

House Amendment "S" Read.

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

Mr. COLLINS: Mr. President, I move that we adopt House Amendment "S".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "S".

House Amendment "S" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "T".

House Amendment "T" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "T", and in doing so, I would particularly invite the attention of the Elections Committee and the Education Committee Senators present. This requires the use of a checklist of voters in connection with the school budget meetings and I believe we have been assured that from the Chairman of the Education Committee that this is a proper item.

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment "T".

House Amendment "T" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "U".

House Amendment "U" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "U".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "U".

House Amendment "U" Adopted in concurrence.

The PRESIDENT: The Secretary will now read House Amendment "V".

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

Mr. COLLINS: Mr. President, this has to do with some corrections in the voting districts in the City of Portland. We conferred with the Senators from that City and found no objections, so I would move the adoption of House Amendment "V".

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

Mr. PIERCE: Mr. President and Members of the Senate: I think probably that this amendment is all right. However, without a map to check it over, I could not support it. I think that

as a member of the Reapportionment Committee, we have adopted no amendments since the full adoption of that plan without first either getting together as a committee and looking them over by map, and since it really does not matter whether we do this now or we do it in January, since the bill does not take effect until later in the year. I guess I would ask the Senate to go the cautious route and move for indefinite postponement of the amendment at this point.

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

Mr. CONLEY: Mr. President and Members of the Senate: In reading the amendment, I personally do not see any problem with it. The only thing I can see is that they are using the center of each of these streets as a dividing line. Postponing the adoption of the Amendment may possibly lead to a conflict with the City Clerk's Office when it comes time to reapportion the City Wards dealing with the election of the City Council, because my understanding now is that they are going to have to conform with the new districts as established by the Reapportionment Committee, and that will have to be done right away. So, I do not honestly see objections myself to the amendment. I have checked with my colleague from Portland, Senator Merrill, who said he did not carry this particular section at the time he was running, but because of the way that the Reapportionment Commission allegedly drafted the lines, the way that it presently reads now is that one of the streets would run right through the Convent out there on Stevens Avenue and that street is discontinued. That is my understanding why the reason for the amendment, and so long as we would not have any problems, come the fall, and in the redistricting of the City Council lines, I would hope that the Senate would move to adopt the amendment and if the good Senator from Kennebec, Senator Pierce, checks out and finds that there is a problem with it, I will be the first to support the repeal of it.

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

Mr. PIERCE: Mr. President, I guess I will go the uncautious route since I have great faith in Mrs. Boudreau. I was just afraid from what I heard, that it came from the City Clerk and was taken over the phone, was put in at the last minute and I have some apprehension that it was checked out the way that I would like to see it checked out. I do not feel comfortable with it but I will withdraw my motion to indefinitely postpone.

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

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

Mr. CONLEY: Mr. President, if it would make the good Senator from Kennebec, Senator Pierce, rest any more comfortably tonight, I can inform him that the City Clerk is a Republican.

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment "V".

House Amendment "V" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "W".

House Amendment "W" Read.

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

Mrs. COLLINS: Mr. President, when I first saw this a few minutes ago it scared me to death because it has half a dozen different topics in it. Since then, I have been able to confer with the staff of the Legislative Research Office and the objective of this particular amendment is to renumber several sections which have been enacted during this session of Legislature. In running through the Statement

of Fact explanations with the staff members, what they say makes some sense to me. I am not entirely without qualms about it because of what appears with respect to the Uniform Property Tax. If the Chairman of the Appropriations Committee and the Chairman of the Education Committee were to read the material on the last page of the text about the Uniform Property Tax, and assures that that appears to be in good order. I think in that event I could recommend adoption of this.

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

Mr. KATZ: Mr. President, I will disappear from the floor and check out Sections 3747 which gives the Uniform Property Tax, and also assure the Senator that there is no provisions within this lengthy amendment for the greenbelt, but I will check out the property tax.

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

Mr. COLLINS: Mr. President, I ask that this matter be set aside and that we proceed with the other amendments.

The PRESIDENT: House Amendment "W" will be set aside.

The Secretary will read House Amendment "Z".

House Amendment "Z" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "Z".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "Z".

House Amendment "Z" Adopted, in concurrence.

The PRESIDENT: The Secretary will Read House Amendment "BB".

House Amendment "BB" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "BB".

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

Mr. MANGAN: Mr. President, I would move the indefinite postponement of House Amendment "BB" and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. MANGAN: Mr. President, this matter has been in controversy in the County of Androscoggin for many, many months now, ever since the election of the new sheriff. It relates to the purchase of uniforms and to an illegal act which was done prior to the election of the Sheriff in the County of Androscoggin. The specific issue that I wish to raise now, is that the Legislative Delegation had a meeting and there were eight out of nineteen at the meeting and they approved this by a 5-3 vote, and I would question the legality of the quorum at the meeting on this matter.

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, now moves the indefinite postponement of House Amendment "BB".

The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: Mr. President and Members of the Senate: I would oppose the motion to indefinitely postpone House Amendment "BB". The Androscoggin delegation did meet on this matter, although I did not attend the meeting. The Sheriff has already purchased these uniforms, as a matter of fact, he has taken out a personal note to pay for them himself. So, therefore, I feel that we should support this and it was the intent of the Legislative Delegation to have these uniforms purchased, and I request a Division.

The PRESIDENT: A Division has been requested. The pending question before the Senate is the motion by the Senator from

Androscoggin, Senator Mangan, that House Amendment "BB" be indefinitely postponed.

Will all those Senators in favor of the indefinite postponement of House Amendment "BB", please rise in their places to be counted.

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

3 Senators having voted in the affirmative and 21 Senators in the negative, the motion to indefinitely postpone House Amendment "BB" does not prevail.

House Amendment "BB" Adopted in concurrence.

The PRESIDENT: The Secretary will read House Amendment "DD".

House Amendment "DD" Read.

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

Mr. COLLINS: Mr. President, I move the adoption of House Amendment "DD".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "DD".

House Amendment "DD" Adopted in concurrence.

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

Mr. COLLINS: Mr. President, may we return to House Amendment "W". The Senator from Kennebec, Senator Katz, has assured me that this is in good order and I move the adoption of House Amendment "W".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the adoption of House Amendment "W".

House Amendment "W" Adopted in concurrence.

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

Mr. MANGAN: Mr. President, I present Senate Amendment "I" (S-390) and move its adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, now offers Senate Amendment "I", to L. D. 1896, and moves its adoption. The Secretary will read Senate Amendment "I".

Senate Amendment "I" Read.

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

Mr. MANGAN: Mr. President and Members of the Senate: This is a very simple amendment which was requested by a member of the other body who was not in the other body a little earlier.

This basically would correct a problem in one of the earlier gambling bills that went through which would permit the use of "Lucky Seven" machines and this is apparently a very important bill for some of the clubs in the City of Lewiston.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I would move the indefinite postponement of Senate Amendment "I" and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: The Bill, if I remember, was quite extensively studied by the Legal Affairs Committee, including, I believe, a study order prior to this session of legislature, and I am not quite sure exactly what this amendment does and, therefore, I would prefer to take the cautious route as alluded to earlier, and I am suspicious that this may be a fairly substantial change in the law. And so, therefore, I would hope that the Senate would indefinitely postpone this amendment.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves the indefinite postponement of Senate Amendment "I".

The Chair will order a Division.

Will all those Senators in favor of indefinite

postponement of Senate Amendment "I", please rise in their places to be counted.

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

20 Senators having voted in the affirmative, and 7 Senators in the negative, the motion to indefinitely postpone Senate Amendment "I" does prevail.

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

Mr. CONLEY: Mr. President and Members of the Senate: I again am looking at an amendment here that seems to me to be a change of substance in law and I hate to even say the amendment number because it is two letters, and it is "DD" again.

It states that no charge shall be made for the provision of housing facilities when the State Employee involved is required as a condition of his employment to reside in such housing facilities. It seems to me that only a few years ago that this was one of the very controversial items in legislation that came before the Senate in dealing primarily within the Departments of Mental Health and Correction, and I did believe there were other positions, and it seems to me that the law was changed at that time to make a moderate charge for the conveniences that were provided for such employees. There was a great deal of concern down at the Boys Training Center, I recall, in South Portland, and other situations such as that, and now I see where there is to be no charge made to any of the employees and I just think the Senate should be aware of that at the time of the adoption of this bill.

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

Mr. KATZ: Mr. President, may I ask if there are any financial implications to this Amendment?

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I note that this Amendment amends a law that was just enacted in this Session, and I would ask a question through the Chair as to what the difference is between the law that we apparently enacted, Public Law 1977, Chapter 78, Section 3A and what the changes are that are being made by this Amendment.

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

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President, it appears that there are several items here that are a perplexity on this Amendment and, therefore, I would move its indefinite postponement.

The PRESIDENT: The Chair understands that the Senator from Cumberland, Senator Morrell, moves that the Senate reconsider its action whereby it adopted House Amendment "DD".

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, I oppose the motion to reconsider. I really have no great knowledge about this Bill and as to how it pertains state-wide but I am familiar with a section of State Government — The Baxter Park Authority — in my district and I attended several meetings where they discussed their budget and one of the issues that came up was in relation to the housing facilities that we provide the Park Rangers, who were required to serve around the clock in the park, and the fact that a minimal charge was being charged for them to stay in the facilities in the Park for these Rangers, and I thought where

their duty called for them to be there through a 24 hour period, that to charge them out of the pay that they received, a minimal amount of rent, but still it was a certain amount which took away from what I considered some of the low salaries of these individuals, and that it was kind of an error, and I was kind of happy when I went through this long list of alphabetical Amendments and saw this one, I kind of thought it would take care of the problems in that area.

I would hate to see this Amendment reconsidered for the intention of indefinite postponement, due to the fact that we just do not seem to have the answers to all the questions at this time. I realize that we are in the final days of the Session and this could happen very readily and I am sorry that a number of the Sponsors of these particular Amendments are not around to explain them to everybody that could have concern about them. I would perhaps just try to guess at some of the answers to a couple of the questions that were raised earlier, or at least one of them, in reading just the Statement of Fact is that the last sentence says it deletes the provision that above a certain salary level such a state employee is charged for his housing. It would be just my guess that without going through the law that we enacted earlier or the present statutes that they would establish a certain salary level as to which individual would be charged and which would not be charged.

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

Mr. MORRELL: Mr. President, I would hope we would reconsider. Senator Pray has described precisely what is here, but as I read this, in no way can I feel that this is correcting an error or inconsistency. It is really changing the substance of what we had previously decided and I seriously would hope that we would reconsider.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of reconsideration of the adoption of House Amendment "DD", please rise in their places to be counted.

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

18 Senators having voted in the affirmative, and 7 Senators in the negative, the Motion to reconsider does prevail.

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

Mr. MORRELL: Mr. President, I now move the indefinite postponement of this Amendment.

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

House Amendment "DD" indefinitely postponed in non-concurrence.

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

Sent down for concurrence.

Papers from the House Enactor

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

Emergency

AN ACT Making Additional Appropriations for the Expenditures of State Government, to Make Allocations from the Highway Fund, Title II of the Public Works Act, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978 and June 30, 1979. (S. P. 588) (L. D. 1895)

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

Mr. MERRILL: Mr. President and Members of the Senate, I would just like to be very brief of course, we are about to vote on what is referred to as the Part II Budget, and I would