

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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Senate take from the Unassigned Table Bill, "An Act Relating to the Declaration and Payment of Estimated Tax for Corporations under the Maine Income Tax Law." (H. P. 464) (L. D. 569)

Tabled — June 9, 1977 by Senator Speers of Kennebec

Pending — Enactment

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L. D. 569. Is this the pleasure of the Senate? It is a vote.

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

(See Action Later Today)

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Unassigned Table Bill, "An Act Relating to Suitability of Employment." (H. P. 764) (L. D. 903)

Tabled — June 14, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L. D. 903. Is this the pleasure of the Senate? It is a vote.

Which was Passed to be Engrossed, as amended, in concurrence.

Sent forthwith to the Engrossing Department.

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Unassigned Table

RESOLVE to Authorize the Maine Guarantee Authority to Issue a Payment in Lieu of Taxes to the Town of Pittsfield. (H. P. 1476) (L. D. 1709)

Tabled — June 24, 1977 by Senator Speers of Kennebec.

Pending — Final Passage

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L. D. 1709. Is this the pleasure of the Senate? It is a vote.

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

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Unassigned Table Bill, "An Act Concerning Displaced Homemakers." (H. P. 700) (L. D. 842)

Tabled — June 24, 1977 by Senator Speers of Kennebec

Pending — Enactment

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L. D. 842. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, I move that the Senate suspend its rules.

The PRESIDENT: The Senator from Aroostook, Senator Collins, now moves that the Senate suspend its rules. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, I move that we reconsider our action whereby this Bill was passed to be engrossed.

The PRESIDENT: The Senator from Aroostook, Senator Collins, now moves that the Senate reconsider its action whereby this bill

was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, I offer Senate Amendment "A" (S-367) and move its adoption.

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

Senate Amendment "A" Read.

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

Mr. COLLINS: Mr. President, this amendment changes the composition of the Displaced Homemakers Advisory Council by eliminating the Legislative Member and by eliminating appointment by the President of the Senate and the Speaker of the House to the Council.

The Amendment is necessary to avoid possible objections indicated by the Attorney General.

Senate Amendment "A" Adopted.

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

Sent down forthwith for concurrence.

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Unassigned Table

RESOLVE, to Appropriate \$8,956 to the Town of Milbridge to Reimburse it for Burglary Loss. (H. P. 1759) (L. D. 1891)

Tabled — June 29, 1977 by Senator Speers of Kennebec.

Pending — Reference.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Unassigned Table L. D. 1891. Is it the pleasure of the Senate? It is a vote.

Under Suspension of the Rules, the Resolve Read Once without reference to Committee. Under further suspension of the Rules, Read a Second Time.

The Resolve, Passed to be Engrossed, in concurrence, without Reference to Committee.

Sent Forthwith to the Engrossing Department.

The PRESIDENT: The Senate will be at ease for a few moments, and the two Floorleaders will approach the Rostrum.

(At ease.)

Senate Called to order by the President.

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Tabled until Later Table L. D. 388.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate take from the Table

Bill, "an Act Relating to the Maine Turnpike Authority." (H. P. 343) (L. D. 388)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Adoption of Senate Amendment "A" (S-371)

Is it the pleasure of the Senate? It is a vote.

The pending question is adoption of Senate Amendment "A".

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I now present Senate Amendment "A" to Senate Amendment "A" (S-385) and move its adoption.

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

Senate Amendment "A" to Senate Amendment "A" Read.

The PRESIDENT: The Chair recognizes the

Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate, this Amendment eliminates one of the toll booths on the Turnpike, and the Amendment is now the Bill. It raises the toll from .35 to .50.

It is a compromise on our part. This morning we fought a good fight. Unfortunately the Members of this Body voted not to be in our favor. This compromise is something that we can live with. It is something that will bring in enough revenue to take care of the maintenance of the Maine Turnpike, additional revenues for other maintenance that we need to do, and I would hope that the Senate would adopt this Amendment.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, I oppose the adoption of this Amendment. In fact, I will go so far as to ask for its indefinite postponement.

This morning we did fight a very logical and intelligent battle on this particular matter, and I do not want to rehash all of the points that we have gone over, but I think the most important thing I want to stress this afternoon is the Amendment which I presented, which is now the Bill, was all the problems and complaints and objections that everybody had raised since the inception of that particular Bill. In my opinion, and in the opinion of the people who were involved in the drafting of the particular Amendment, this was a reasonable compromise.

The Amendment before you this afternoon presented by Senator Farley of York does away with one of the toll barriers at Scarborough Downs or in that particular vicinity. From my investigation on this particular matter with people who have facts and statistics, this would mean at least a 38 percent loss of revenue on the four barrier system. The estimated revenue from the Department of Transportation and to the Maine Turnpike Authority from computerized statistics estimates that the revenue would be in the vicinity of \$9 million per year. You lose 38 percent for that one particular toll gate, and you are destroying this entire Bill that I have presented today.

In fact, a toll gate that is in that particular Amendment, I think the revenue far exceeds what we do have coming in from the York toll gate itself, and I was somewhat disappointed when this was taken up in caucus because it appeared to me to be becoming somewhat of a party issue, and I can assure you, Mr. President and Members of the Senate, when I got involved with this particular Bill, long before it was drafted and presented to the Maine Senate, because of my concern and what effect it would have upon my city, that we worked very diligently in trying to work out a compromise, and we finally did reach such a compromise.

I would say, Mr. President and Members of the Senate, that you would be destroying all of the hard work that has gone into the Amendment which is now the bill that I presented this morning, hard work of many municipalities and many people, the Department of Transportation, the Maine Turnpike Authority, who really have compromised far beyond my expectations in what you see before you this afternoon.

I asked this morning that the Senators from the County of York be somewhat compassionate and try to be a little understanding in that eventually they will have a toll-free system beyond 1989. All this boils down to is a little patience.

If we were not faced with the termination of the Turnpike Authority at this particular segment of time, I am sure I would have no difficulty in convincing both Senator Danton and Senator Farley that the proposal in that Turnpike Authority for reduced tolls in that area is a great advantage to their constituency, and I am

quite sure they would concur with that, but unfortunately it appears to be at a point where the leopard is catching up with the prey, and although the Senate does not want to let go, and I think this is a wrong approach to use at this particular segment of time.

I believe this is a timely piece of Legislation, that we are not procrastinating, that we are acting in a very, very responsible manner to look at the long range of this particular Turnpike Authority, and I think it is about time we addressed this, and enact the Bill, or enact the Amendment as I presented this morning intact without any further Amendments.

On that particular basis, Mr. President, I would definitely move for the indefinite postponement of this Amendment offered by Senator Farley, and I would ask for a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate, when the good Senator from Androscoggin, Senator Minkowsky, talks about compromise, I am sure the two Senators from York, and I want to make one thing understood here today, that I am not just representing York and Cumberland County. I think I am speaking for the people of Maine.

Now we compromised this Bill. We eliminated one toll booth. This morning we did not want any at all. We have settled for three. The tolls that the Senator spoke about this morning were .35. This afternoon we are talking about .50, and the toll that we eliminated he said accounted for 38 percent of the Maine Turnpike traffic, even larger, if you can believe this, even larger than the traffic that comes in through York. Now I am not an engineer nor do I have the statistics at hand, but to me that just does not sound right.

Now we had a caucus on this, and the Senator left the caucus for about five minutes and he came back with all of this information. I have not seen any facts, any figures, any dollars, but the compromise has been made. Three toll booths one in York, one in Gray, one in West Gardiner, - from .35 to .50. Can anyone tell me that they are not going to generate enough money?

Now let us talk about the whole State of Maine and its citizens. What is wrong with the people from the northern part of the State getting on I-95 and getting off at 6A and going all the way down to Saco, Biddeford, Kennebunk, Sanford, or even to York and getting off. Is there anything wrong with that. Our citizens, our taxpayers, our gas taxpayers.

Now I think that it is time that the Department of Transportation got a message from this Senate. Maybe if the Senate 36 years ago would have stood up and have had some debate on this issue, maybe we would have done what New Hampshire did after we built the Maine Turnpike. They did not give it to an Authority. They kept it as a State run Turnpike, and all of the revenues that they raised on that short Turnpike of 13 miles takes care of their roads throughout their whole State. Maybe that is the foresight that we should have had 36 years ago. And to say that we did not have any compromise on this Bill, I think the good Senator from Androscoggin is mistaken.

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

Mr. FARLEY: Mr. President and Members of the Senate, Senator Minkowsky's Amendment which he calls a compromise allows commuters in the Lewiston-Auburn area to travel 31 miles north into Augusta toll free. The Amendment I have before you merely asks that we ride 12 miles north into Portland without paying a toll.

Now if we go to Kittery, we will have to pay the .50. If Senator Minkowsky is given 31 miles

toll-free, certainly we are entitled to 12.

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

Mr. MANGAN: Mr. President, it would seem that the compromises that have been reached would appear to be most reasonable in light of the fact that the people from Brunswick-Gardiner, whose orientation would be Augusta, would be paying some toll. It would seem that the people of Lewiston-Auburn whose basic orientation would be the sunny south, would have to pay a toll as they go through the Gray-Portland North area. It would seem that the people from Portland, if they are going north up the Maine Turnpike, are going to have to pay the toll. It would seem that the people from out of State as they come into the State are going to have to pay the toll. It would seem that the good Senator from Biddeford-Saco, who have a perfectly good highway up Route 1 to Portland, would certainly want to take it free all the way into Portland, if they wanted to. Now I realize their orientation is Portland. I also realize Lewiston's orientation is Portland, and I would suggest that if we had to pay a toll to go to Portland to watch a movie or to go shopping, I think Biddeford should pay a toll.

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

Mr. MERRILL: Mr. President and Members of the Senate, in spite of the enlightening generous remarks of the previous speaker, I would like to say that I believe this to be a good compromise. I think that it is a compromise that is going to be necessary to see this continued.

I know there has been a lot of talk about what may be done by various people that have a chance to have an influence on Legislation, including the Governor. I think it has been clear to the Governor, made clear that this Bill to extend the life of the Turnpike is probably not going to receive his signature, and probably is not going to be allowed to become law without it.

The point I would like to make clear here today is that with this compromise I can support this bill, without it I cannot. That is the position of the overwhelming number of people in the Democratic caucus. As a matter of fact, with the exception of the Senator from Androscoggin, Senator Minkowsky, everyone who attended the caucus has taken this position, and I want the parties to know here today that vote on this amendment that failure to enact this amendment will make this item very much the subject of a successful veto, so when it is voted on I hope that is recognized.

As to the 38 percent figure, that figure in no way takes into account the fact that there is an allowance here for an increase up to .50 at any one of these individual toll booths, and I would say, based on the number of automobiles that came through the York Toll Booth last year, I would point out that .50 on an automobile and \$1.00 on the trucks would raise just about the exact amount of money that is needed to maintain the whole road, and then you have the .35 at Gray and the .35 at Gardiner to undertake future activities and improvements and enlargements. I think that is enough, but I am suggesting to the Members of the Senate here that before you defeat this amendment, maybe you ought to consider whether or not you want this to be an item that is going to be sustained on a veto. I think that is the position it is going to be in. At least when the Republican leaders add up their votes, subtract 10 Democratic votes, if this amendment is not adopted.

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

Mr. CONLEY: Mr. President and Members of the Senate: I join my colleagues on my left in the motion to indefinitely postpone this bill.

As my colleague from Cumberland, Senator Merrill, has stated, we did a lot of soul-

searching on this bill when we had a caucus this afternoon, and it is unfortunate that the good Senator from Androscoggin, Senator Mangan, was unable to attend the caucus. We understand the position of our good Senator from Androscoggin, Senator Minkowsky, who is serving on the Transportation Committee, and also being very familiar with his own geographical situation.

But we do feel that this amendment that is being proposed is an equitable amendment, is a fair amendment, and certainly a reasonable amendment that can be supported. Now those of us down in the southern part of the state are still going to be hit with a toll increase to ride the turnpike, particularly to the south.

I believe that if this bill, once enacted and if vetoed by the Chief Executive, I am willing to pledge my commitment to support the override of the veto if this amendment is adopted. I am firmly convinced that if the amendment is not adopted, that several of my colleagues will vote against enactment, and will vote to sustain the veto if one were to come from the Chief Executive.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I am not too sure exactly how to construe this veto that has been banded around here a great deal. You know, sometimes you get to a point where the back room coalition knows more about what is going on than the people involved in the bill itself. Certainly I have been very closely involved with this piece of legislation, and I have not heard any rumblings from the Governor's Office that he is going to veto this bill. I did hear a few rumblings that he did not like the barrier system, because one of the arguments brought forth by one of his representatives at one of our caucuses was that he looked upon it as being dangerous. But that was the only argument of any relevance that I heard of at the time.

I am not that familiar with the barrier system in the other states. At least from what I have heard of it so far, I have not heard of any people losing arms or any fatalities materializing at the toll booths to discharge your money.

Maybe I am mistaken in my evaluation of this, but it seems like a political ploy, and I just do not appreciate that being used on such an important piece of legislation as the one before us this afternoon.

I think that the Department of Transportation and the Maine Turnpike Authority have developed valid statistics, as to what the expectations of revenue are, just like when we formulate our budget, we know pretty much what is going to come in from our monthly sales tax. We have a pretty good idea what is going to come in from the State Income Tax. They are all estimates. These are estimates which I presented to you this afternoon as far as \$9 million, and I think they come from bona fide valid authority, but I have not seen statistics from Senator Merrill or Senator Danton or Senator Farley as to how much will that .50 that they propose in the southern part of the state really pick up what is being lost in revenues. It seems like just a way of getting around the entire issue by having that toll booth removed on the expectation that the .50 is going to make up the deficit of what my original proposal presented to you.

I still feel very strongly that that particular amendment from Senator Farley should be indefinitely postponed, and I still maintain I would like to have a roll call on it, Mr. President.

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

Mr. FARLEY: Mr. President and Members of the Senate: I read to you this morning a quotation by the Commissioner of the Department of Transportation, Roger Mallar, and it

was in response to the one toll, at Kittery of .75. He agreed that it would bring in \$4.7 million, which would be enough to maintain the Maine Turnpike or the proposed toll road.

Now this is now .50. I suppose you would have to project somewhere in the area of \$3.5 million. But at the same time we have raised it from .35 to .50 at the Gray exit and we have raised it from .35 to .50 at the West Gardiner exit. Now Senator Mangan a few minutes ago sat here and told everyone here from Brunswick, Falmouth, that you go north you are going to have to pay. As I said earlier, the only people who go north under the present setup who do not have to pay a toll, are the people in the Lewiston-Auburn area.

All we are suggesting is let us go the same amount of distance, even less, to a major area without paying tolls.

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

Mr. LOVELL: Mr. President and Members of the Senate: I have ridden on the Maine Turnpike since it was built, and if I had to drive up Route 1 and all of these other different routes, 202 and so forth, I would probably have been killed five or six times. The Maine Turnpike, I think, has saved my life many times, because it has always been a good road, and I do not care how much they charge. I would just as soon see it stay just the same way that it is. Let the state have the money. They need it. We did not pass the gas tax.

I never saw two Senators like the two good Senators from York, Senator Farley and Senator Danton, so persistent on any bill, except possibly maybe the other Senator from York, Senator Hichens, on a liquor bill of some sort. He is probably just as persistent. But I say let us vote on this bill and get it over with.

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

Mr. DANTON: Mr. President and Members of the Senate: I want to thank the good Senator from York, Senator Lovell, for making my case for me.

He is right. The Maine Turnpike is a safe road, and I want to make sure that people get off Route 1 and use the Maine Turnpike, and they will use it if we put up the proper barrier system.

What we are doing to them now, we are forcing them onto Route 1, and Route 1 in our area cannot stand any more traffic.

Now Senator Mangan from Androscoggin County tells us about what a nice road we have down in the Biddeford-Saco area. Obviously, I have been blind for the last 48 years, because I have seen no such nice road down in that area.

Now I would like to make one fact clear, that this is not just going to help York and Cumberland County. This will allow the entire State to use the Maine Turnpike if they so desire and put the .50 in, or to get off the Maine Turnpike, get onto I-95, get back onto the Maine Turnpike and put their .50 in the basket and keep going north. There is no way that you can escape. You have to go through one of those barriers, and again I want to say this is the whole purpose for my being so persistent, to make sure that people can travel safely.

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

Mr. MANGAN: Mr. President and Members of the Senate: I do not want to belabor the point. It is just very simply that we have 100,000 people in Androscoggin County, and as I was discussing earlier, the Biddeford thoroughway from Biddeford to Portland is still a four lane highway. I am not sure if Senator Danton has got a chance to see 202 lately, but 202 is not necessarily the best of roads, and I do not think the State of Maine is going to do much repairing on it in the foreseeable future at any point, and I think the State of Maine owes to the citizens of the Androscoggin County at least 31 miles to the

north which they will be getting; however, if the good Senator wishes to add a couple of more tolls between Biddeford and Portland, or make some kind of other provision, or even give us an extra lane on either side of 202, I might go along with his position. But at this point we are kind of fog-bound, in the same position as they are in Rumford, so to speak, and I feel that we have got to get the additional funds, the additional revenue, to not only widen the Maine Turnpike, but also to maintain additional roads in the State of Maine.

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

Mr. DANTON: Mr. President, it is getting late and I know we all want to get home. Members of the Senate, I guess when you have served a few terms up here, maybe your mind starts to go off a little bit, but I think that the good Senator from Androscoggin, Senator Mangan, is again arguing my part of this whole thing. Of course, if we can get this Turnpike to be travelled by other people in the State, that there will be money left for him to get another lane on 202. If not, I am quite sure that this Bill is going to be in trouble.

I do not think that the Chief Executive will let this Bill become a law. I have reason to believe that. He feels that there was a commitment made 36 years ago that these bonds would be retired and the Turnpike become toll free, and then my good friend, the Senator from Androscoggin, Senator Mangan, I want you to get up and tell me how you are going to raise the \$5 million to maintain the Maine Turnpike.

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

Mr. MANGAN: Mr. President and Members of the Senate: I am not attempting to belabor the point. I do not think I have been arguing the abolition of the tolls on the Turnpike. I think that with the tolls that have been introduced in the Bill this morning I think will be adequate to provide the additional funds for the State of Maine.

The PRESIDENT: Is the Senate ready for the question? The pending question is the indefinite postponement of Senate Amendment "A" to Senate Amendment "A" on Motion by the Senator from Androscoggin, Senator Minkowsky.

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

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

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

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 — Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Huber, Katz, Lovell, Mangan, McNally, Minkowsky, Pierce, Redmond, Snowe, Speers, Trotzky.

NAY — Carpenter, Conley, Danton, Farley, Hewes, Hichens, Levine, Martin, Merrill, Morrell, O'Leary, Pray, Usher, Wyman.

ABSENT — Jackson.

17 Senators having voted in the affirmative, and 14 Senators in the negative, with 1 Senator being absent, the Motion to indefinitely postpone Senate Amendment "A" to Senate Amendment "A" does prevail.

Senator Morrell of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. MORRELL: Mr. President, I briefly would just like to draw the attention of the

Senate to Bill, "an Act Relating to the Declaration and Payment of Estimated Tax for Corporations under the Maine Income Tax Law." (H. P. 464) (L. D. 569) which we have enacted, and just to comment on this. This came out of the Executive Department as a one time increase in revenues by stepping up the payment of corporate taxes by \$400,000.00. It is calculated in the Appropriations Committee's amount of money available for L. D.'s and to the reserve for contingency; however, I think we should all recognize that it is a tax increase on Maine business, and everybody ought to know about it.

(See Action Later Today)

Senator Hewes of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. HEWES: Mr. President and Members of the Senate, I would like to commend the good Senator from Knox, Senator Collins, relative to the doctor-patient-physician, or what have you, privilege. Half an hour or so ago I discussed Section 123 of the Errors and Omissions Bill, which is L. D. 1896. Since then I have checked the Rules of Evidence. He has shown me the enabling Legislation by which the rules were promulgated. He was absolutely correct. Once again, he was correct, as seems to be the case.

I thank you.

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

Mrs. SPEERS: Mr. President, I wonder if we might dispose of the item that we have before us at the present time, and I would ask whether or not a pending Motion at the present time is the adoption of Senate Amendment "A" to L. D. 388.

The PRESIDENT: The Chair would answer the Senator in the affirmative.

Senate Amendment "A" Adopted.

The Bill, as amended, Passed to be engrossed, in non-concurrence.

Sent down for concurrence forthwith.

Reconsidered Matter

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

Mr. KATZ: Mr. President, I move that the Senate reconsider its action whereby it enacted Bill, "an Act Relating to the Declaration and Payment of Estimated Tax for Corporations under the Maine Income Tax Law" (H. P. 464) (L. D. 569).

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby it enacted L. D. 569.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I would oppose reconsideration, The \$400,000.00 that would be generated by this Bill are included in the Governor's budget and/or included in all of the revenue estimates used in our calculations throughout the appropriations process.

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

Mr. KATZ: Mr. President I would like to suggest that, as I understand it, this \$400,000.00 is a one-time surplus item, and as such will be going into surplus. I understand that there is going to be a surplus for contingencies, even after we dispose of the L. D.'s. If there are any emergencies during the next fiscal year, we will be coming back in January. I find it very, very difficult, and as a matter of fact it was a voice vote under the gavel and I said a weak no. I find it very difficult to vote for the enactment of a measure which increases taxes, or at least the cash flow from taxes in order to put the dollar into unappropriated surplus if I am correct.

I guess my Motion now in asking for recon-