

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, March 4, 1971

Senate called to order by the Secretary.

The SECRETARY: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. Secretary, I move that the Senator from Cumberland, Senator Berry, act as President pro tem.

The SECRETARY: Is it the pleasure of the Senate that the Senator from Cumberland, Senator Berry, act as President pro tem?

Thereupon, Senator Richard N. Berry was unanimously elected President pro tem for today's session, and was escorted to the rostrum by the Sergeant-at-Arms where he assumed the duties of that office.

Prayer by the Honorable Albert W. Hoffses of Camden.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to the Number of Signatures Required on Nomination Papers." (S. P. 32) (L. D. 65)

In the Senate February 5, 1971, Passed to be Engrossed.

Comes from the House, recommitted to the Committee on Election Laws, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

House Papers

Bills today received from the House requiring Reference to Committees were acted upon in concurrence.

**Senate Papers
Agriculture**

Mr. Harding of Aroostook presented, Bill, "An Act Establishing Licensing for the Marketing of Potatoes." (S. P. 401) (L. D. 1117)

Which was referred to the Committee on Agriculture and Ordered Printed.

Sent down for concurrence.

**Appropriations and Financial
Affairs**

Mr. Graham of Cumberland presented, Bill, "An Act to Provide

for New Ferry Landings at Cousin's Island or Littlejohns Island and Chebeague Island." (S. P. 400) (L. D. 1175)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Business Legislation

Mr. Shute of Franklin presented, Bill, "An Act Relating to Proof of Financial Responsibility under Financial Responsibility Law." (S. P. 402) (L. D. 1176)

The same Senator presented, Bill, "An Act Relating to Return of Deposit for Security under Financial Responsibility Law." (S. P. 403) (L. D. 1177)

Which were referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Mr. Conley of Cumberland presented, Bill, "An Act Creating the Cumberland County Recreation Center." (S. P. 404) (L. D. 1221)

On motion by Mr. Conley of Cumberland, tabled and tomorrow assigned pending Reference to Committee.

Election Laws

Mr. Shute of Franklin presented, Bill, "An Act Relating to Voters Resigning or Removed from the Voting List." (S. P. 405) (L. D. 1178)

Which was referred to the Committee on Election Laws and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Hoffses of Knox presented, Bill, "An Act Relating to Careless Discharge of Firearms." (S. P. 406) (L. D. 1222)

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Natural Resources

Mr. Bernard of Androscoggin presented, Bill, "An Act Empowering the Environmental Improvement Commission to Conduct Studies Relating to Noise Pollution." (S. P. 407) (L. D. 1223)

The same Senator presented, Bill, "An Act to Encourage Aquaculture in Maine's Marine Waters." (S. P. 408) (L. D. 1242)

Mr. Graham of Cumberland presented, Bill, "An Act Adopting Air Quality Regions." (S. P. 409) (L. D. 1224)

Which were referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. Graham of Cumberland presented, Bill, "An Act Relating to Transportation to Islands in Casco Bay." (S. P. 410) (L. D. 1225)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Shute of Franklin presented, Bill, "An Act Relating to Powers and Duties of Personnel of the Forestry Department." (S. P. 411) (L. D. 1226)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Taxation

Mr. Fortier of Oxford presented, Bill, "An Act Relating to Rate of Interest on Property Taxes." (S. P. 412) (L. D. 1227)

Which was referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

Transportation

Mr. Shute of Franklin presented, Bill, "An Act Relating to Records of Sales of Motor Vehicles by Dealers and Transporters." (S. P. 413) (L. D. 1228)

The same Senator presented Bill, "An Act Creating a Medical Advisory Board for Medical Criteria and Vision Standards for Motor Vehicle Drivers." (S. P. 414) (L. D. 1230)

Which were referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

Veterans and Retirement

Mr. Shute of Franklin presented, Bill, "An Act Relating to Service Retirement of Law Enforcement Officers in the Departments of Sea and Shore Fisheries and Inland Fisheries and Game." (S. P. 415) (L. D. 1231)

Which was referred to the Committee on Veterans and Retirement and Ordered Printed.

Sent down for concurrence.

Committee Reports House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Damages Caused by Traveling Circuses, Carnivals and Public Exhibitions." (H. P. 351) (L. D. 460)

Bill, "An Act Relating to Publicizing a List of Delinquent Taxpayers." (H. P. 510) (L. D. 655)

Bill, "An Act Relating to Inheritance Tax Exemptions for Brothers and Sisters." (H. P. 243) (L. D. 324)

Leave to Withdraw

The Committee on Labor on, Bill, "An Act to Prohibit Industrial Homework." (H. P. 346) (L. D. 455)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Exempting Clothing for Children Under Sixteen from the Sales Tax." (H. P. 310) (L. D. 410)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Legal Affairs on, Bill, "An Act Relating to Precautions at Railroad Crossings." (H. P. 354) (L. D. 463)

Reported that the same Ought to Pass.

Comes from the House, recommended to the Committee on Legal Affairs.

Which was recommitted to the Committee on Legal Affairs in concurrence.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Exempting Sales to Community Action Agencies from Sales Tax." (H. P. 509) (L. D. 654)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
HICHENS of York
FORTIER of Oxford

Representatives:

TRASK of Milo
FINEMORE
of Bridgewater
COLLINS of Caribou
MORRELL of Brunswick
COTTRELL of Portland
ROSS of Bath
DRIGOTAS of Auburn
DAM of Skowhegan
CYR of Madawaska

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

Signed:

Representative:

McCLOSKEY of Bangor
Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read.

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

Mr. GRAHAM of Cumberland: Mr. President, I would humbly move that we accept the Ought to Pass Report of the Committee.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Graham, moves that the Senate accept the Minority Ought to Pass Report.

The Chair recognizes the same Senator.

Mr. GRAHAM: Mr. President and Members of the Senate: I think we ought to realize that these community action agencies are part of the anti-poverty program. This program brings millions of dollars into the state.

The amount of money that would be gained by taxing these agencies would be about \$9,000, I under-

stand, and this is excellent work for our low-income families. It provides headstart programs, dental care, food distribution and other aids to the poor. By taxing these funds we are, in effect, taxing the poor. I, therefore, hope that we accept the Ought to Pass report of the Committee.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: Your Committee on Taxation heard this bill. It was debated very thoroughly. I won't go into detail and bore the Senate with it, but we came out with a twelve to one Ought Not to Pass Report.

Sometimes this Taxation Committee is called the "tax exemption committee", and I think that speaks a lot in itself. So I certainly oppose the motion of the good Senator from Cumberland, Senator Graham.

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

Thereupon, on motion by Mr. Graham of Cumberland, a division was had. Three Senators having voted in the affirmative and twenty-three Senators having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Relating to Taxation under Maine Income Tax Law of Pension Payments Granted by Other States." (H. P. 470) (L. D. 598)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
HICHENS of York
FORTIER of Oxford

Representatives:

FINEMORE
of Bridgewater
MORRELL of Brunswick
COLLINS of Caribou
ROSS of Bath
TRASK of Milo

COTTRELL of Portland
DRIGOTAS of Auburn
DAM of Skowhegan
CYR of Madawaska

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

Signed:

Representative:

McCLOSKEY of Bangor

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read.

Thereupon, on motion by Mr. Wyman of Washington, the Majority Ought Not to Pass Report of the Committee was Accepted in Concurrence.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Repealing the Bounty on Bobcat." (H. P. 389) (L. D. 504)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HOFFSES of Knox
ANDERSON of Hancock

Representatives:

BUNKER of Gouldsboro
LEWIS of Bristol
KELLEY of Machias
KELLEY of Southport
PARKS of Presque Isle
BOURGAIN of Fort Kent
CALL of Lewiston
MANCHESTER

of Mechanic Falls
PORTER of Lincoln
LEWIN of Augusta

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

Signed:

Senator:

BERNARD

of Androscoggin

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read.

On motion by Mr. Hoffses of Knox, the Majority Ought Not to Pass Report was Accepted in concurrence.

Senate

Ought to Pass — As Amended

Mr. Hichens for the Committee on Taxation on, Bill, "An Act to Repeal Tax Exemption for Planting and Cultivating Forest Trees." (S. P. 67) (L. D. 132)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-21).

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act to Clarify Certain Forestry Laws." (S. P. 112) (L. D. 291)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-22).

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Limiting the Amount of Money Spent by Candidates Seeking Political Office." (S. P. 25) (L. D. 58)

Reported that the same Ought to Pass, in New Draft under same title (S. P. 398) (L. D. 1011)

Signed:

Senators:

SHUTE of Franklin
MOORE of Cumberland
MARTIN of Piscataquis

Representatives:

VINCENT of Portland
BUNKER of Gouldsboro
WOOD of Castine
MARSTALLER

of Freeport

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

Signed:

Representatives:

HANCOCK of Casco
BINNETTE of Old Town
BROWN of York
BOUDREAU of Portland

Which reports were Read.

On motion by Mr. Shute of Franklin, the Majority Ought to Pass in New Draft Report of the Committee was Accepted, the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Providing for Western Hancock District Court to be Held at Bucksport." (S. P. 97) (L. D. 261)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HARDING of Aroostook

Representatives:

LUND of Augusta

HEWES of Cape Elizabeth

CARRIER of Westbrook

PAGE of Fryeburg

HENLEY of Norway

KELLEY of Caribou

WHEELER of Portland

ORESTIS of Lewiston

WHITE of Guilford

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

Signed:

Senators:

TANOUS of Penobscot

QUINN of Penobscot

Representative:

BAKER of Orrington

Which reports were Read.

On motion by Mr. Anderson of Hancock, tabled and specially assigned for March 16, 1971 pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Cheating by False Pretenses." (S. P. 66) (L. D. 131)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

QUINN of Penobscot

Representatives:

HEWES of Cape Elizabeth

CARRIER of Westbrook

BAKER of Orrington

ORESTIS of Lewiston

WHITE of Guilford

PAGE of Fryeburg

HENLEY of Norway

WHEELER of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by

Committee Amendment "A" (S-23).

Signed:

Senator:

HARDING of Aroostook

Representatives:

KELLEY of Caribou

LUND of Augusta.

Which reports were Read.

Mr. Harding of Aroostook moved that the Minority Ought to Pass, as Amended, Report of the Committee be Accepted.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I guess there comes a time when brother attorneys, especially when you are both members of the Judiciary Committee, must come to a parting of the ways on certain bills, and I guess this happens to be the first one that we have come out in disagreement on.

This particular bill, if you would look at it and read it through, or I can briefly explain it to you: It puts into a different category the violation of cheating by false pretenses where it involves an individual who uses his own name. In other words, if an individual uses his own name and passes a check with insufficient funds, this particular bill mandates that it be treated as a misdemeanor.

The members of the Committee who voted that this bill ought not to pass felt that the present law left it up to the judge of the court or the county attorney, or both, to determine whether to prosecute the individual for the violation as a misdemeanor or for the violation as a felony. The present law permits the judge, prosecutor or complainant to prosecute the individual either in the capacity of a violation as a misdemeanor or as a felony. And I assume that originally the legislature enacted this legislation in this way so that the judge and the prosecutor or the complainant would have some leverage or some discretion as to whether to treat the violator as an individual who commits a misdemeanor or commits a felony. So we just felt that we should leave the law as it is, and let the judge

or county attorney and complainant continue to use their own discretion as to whether they should treat the violation as a misdemeanor or as a felony. We don't want to mandate to the courts or to the judge that they must treat this offense as a misdemeanor because we think that if the judge and the prosecutor feel that it is a felony, or that it is serious enough to be a felony, then they ought to have the opportunity to treat it as a felony if they so desire. If they feel it is a misdemeanor then they can so choose to treat it as a misdemeanor. Thank you.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I think my brother, the Senator from Penobscot, Senator Tanous, has really hit upon the essence of the whole problem, and that is that there has been uneven justice in the treatment of these check cases.

What he says is correct. In this instance where the individual has used the genuine signature, his own signature, and it has been a fictitious account, most judges and most county attorneys have prosecuted it as a misdemeanor, but there are some judges and some prosecutors in some counties who prosecute this as a felony. Now, in our County of Aroostook at one term of court twenty-five per cent of the time was taken up with what we call these nuisance check-type of cases.

To explain to you what goes on as the difference between a misdemeanor and a felony, if it is a felony when this fellow was brought into the District Court, all the district court can do then is to bind him over. They cannot punish him; he is just bound over. Then they must take the bank officials and all these other people down to the grand jury to indict this person so all of these people then have to traipse down to the grand jury on this check case to prove it. Number three, then the fellow is entitled to a trial by jury, so again they make the trek.

This bill is intended to clarify the thing so that whether a fellow passes a check in Aroostook County or in Penobscot County, or Cumberland County, he will be treated the same way. In this instance it would be a misdemeanor if the fellow uses his own signature. In other words, I write my own name, Floyd Harding, on a check, but I don't have a bank account. This would be a misdemeanor. It was at the request of our own county attorney, incidentally, that I put in this bill. This also helps the state to prove its case, because all the state must do to prove its case, under my bill, is to send the fellow a five-day notice, and if he doesn't make that check good within five days that is *prima facie* evidence of the commission of the crime. So it saves bringing all these people to court three times on the matter.

So this is a good bill. It will provide for even dispensation of justice throughout the State of Maine, and it will help to keep our courts from being so clogged, as they are clogged, and these types of cases contribute to it. And in some counties our criminal docket is a year to a year and a half behind.

This is what is wrong with this particular case, in this particular type of situation where a fellow has passed a bad check. Under the system which the Senator from Penobscot, Senator Tanous, has suggested, it might be a year and a half before he would be punished. Under my system, under my bill, he would be punished promptly. He would come to District Court and he would either be fined, put in jail, or he would be disposed of, and he could get up to eleven months. That is eleven months at thirty days each month, and that is a long time. So he could be disposed of promptly. Under Senator Tanous's proposition, this same guy could be out on bail writing checks again.

So this would help to keep our courts unclogged. It would be an even dispensation of justice. It is a good bill and I hope you would go along with the Ought to Pass Report of the Committee.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I rise to support my good friend, the Senator from Penobscot, Senator Tanous. There is absolutely no need for this bill.

That which my good friend and fellow associate on the Committee referred to concerning bad checks is taken care of by a different statute, the one on fraudulent checks, and it does not necessarily come under these false pretenses, although there may be a fringe of false pretense. I hope the Senate will go along with the Majority Report of the Committee.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I beg to differ with my good friend, the Senator from Penobscot, Senator Quinn.

Under this statute that we are talking about, as I have mentioned to you, in our court, for the bad checks that are described here, they are indicted under that false pretense statute. He is correct in that there is another statute which covers checks for insufficient funds, and this is used where there is insufficient funds, and that is a misdemeanor. In other words, where a man has a checking account, but in that account he does not have sufficient funds, and he writes his true name, that is a misdemeanor.

In my situation, which I am talking about here, the man writes a check on a fictitious account and he uses his own name. This in many of the counties is treated as a felony as false pretenses, and so I beg to differ with my good friend because I have been through it.

I am putting this bill in, incidentally, at the request of our own county law enforcement officials because of the misunderstanding, and because it is treated different ways by different county attorneys and different judges, and it ought not to be.

If you commit a crime in the State of Maine, you should be

treated the same whether it is in Aroostook County or whether it is in Cumberland County, and this is the intent of this bill.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: When you boil it down, I mean, when you are arguing about a guy who is passing a check either in his own name or under a fictitious name, when you boil it down, the guy is a thief, whichever name he uses, and he has cheated somebody out of some money.

As I have mentioned, presently the law provides that the judge can treat this individual either in the capacity of a misdemeanor or as a felony, and I don't think that we should mandate that he treat this individual as committing a misdemeanor.

They would receive justice as quickly under the present law as they would if this law went through. I don't think that has any bearing on it whatsoever. And I ask, Mr. President, when the vote is taken that there be a division.

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

Mr. KATZ of Kennebec: Mr. President, I think there is a difference of opinion that I would like clarified. Just what is the procedure under existing law as a felony? Is it as the Senator from Aroostook has painted it, where the man is bound over and the grand jury then meets? Is there this delay, or how does the procedure change? Might I direct this question, if I may, through the Chair to the Senator from Penobscot, Senator Tanous?

The PRESIDENT pro tem: The Senator from Kennebec, Senator Katz, has posed a question through the Chair, to the Senator from Penobscot Senator Tanous, who may respond if he wishes.

The Chair recognizes that Senator.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: If I am wrong, I am sure my brother from Aroostook, Senator Harding, will correct me,

but presently if an individual passes a bad check, so to speak, which either has insufficient funds or has no account whatsoever in the bank, the courts have a choice really of treating this individual in either the capacity of a misdemeanor or as a felony.

There are certain areas where there is no question about it, that it is a felony, and many, many times the judge feels that the violation is not bad enough so he reduces it to a misdemeanor. But they have the authority to either treat it as a misdemeanor or, if it is serious enough, they treat it as a felony.

Now, in a misdemeanor, any of these charges that the Senator from Aroostook, Senator Harding, has referred to, the judge can presently treat it as a misdemeanor and dispose of it immediately, if he so wishes. But if it is serious enough and bad enough, then the judge would probably treat it as a felony, and then it would be a bound-over case where the individual would be bound over to the Superior Court and he would be placed under bond during the bind-over period.

Senator Harding of Aroostook claims if we make a misdemeanor of the charge that an individual can be given quick justice, but if it is treated as a felony he is let out to roam and sign other bad checks. If it is treated as a misdemeanor, and he is fined immediately and gets out, well he can go out and pass another bad check to pay the fine, and I don't think that is right. So I again request a division. Thank you.

The PRESIDENT pro tem: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Aroostook, Senator Harding, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Relating to Cheating by False Pretenses," Senate Paper 66, Legislative Document 131.

A division has been requested. All those in favor of accepting the Minority Ought to Pass Report will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Seven Senators having voted in the affirmative and twenty-one Senators having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

At this point President MacLeod entered the Senate Chamber and proceeded to the rostrum where he thanked Senator Berry for performing the duties assigned to him as President pro tem.

Whereupon, the Sergeant-at-Arms escorted Senator Berry to his seat on the floor of the Chamber, amid the applause of the Members of the Senate.

Joint Order

Out of order and under suspension of the rules, On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the Secretary of the Senate purchase such equipment not to exceed \$500 for any one item and such stationery and supplies as may be needed to carry on the business of the Senate, and the Clerk of the House purchase such equipment not to exceed \$500 for any one item and such stationery and supplies as may be needed to carry on the business of the House.

(S. P. 416)

Which was Read and Passed.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Increasing the Indebtedness of Veazie Sewer District." (H. P. 501) (L. D. 647)

Bill, "An Act to Regulate Sewer Utilities." (H. P. 503) (L. D. 649)

Bill, "An Act Providing for Termination of the Old Town Great Works School District." (H. P. 523) (L. D. 686)

Bill, "An Act Repealing Law Relating to Permits for Aircraft Pilots to Transport Fish and Game." (H. P. 526) (L. D. 688)

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

House — As Amended

Bill, "An Act Creating County Commissioner District for Hancock County." (H. P. 330) (L. D. 439)

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

Senate

Bill, "An Act Exempting Sales to Certain Institutions from Sales Tax." (S. P. 242) (L. D. 703)

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

Senate — As Amended

Resolve, to Reimburse Myron F. Roberts of Camden for Property Damage by Highway Construction. (S. P. 115) (L. D. 294)

Bill, "An Act Providing for Adult Identification Cards under Liquor Law." (S. P. 119) (L. D. 298)

Bill, "An Act Relating to Reimbursement to Administrative Units for Unusual Enrollment Increases." (S. P. 259) (L. D. 765)

Which were 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:

An Act Relating to When Over-time Pay Commences for Employees. (S. P. 156) (L. D. 92)

(On motion by Mr. Moore of Cumberland, tabled and specially assigned for March 9, 1971, pending Enactment.)

An Act Creating the Maine Commercial Feed Law. (S. P. 79) (L. D. 173)

An Act Relating to Extension of Time for Operation of Certain Wastewater Treatment Plants without a Certified Operator. (S. P. 144) (L. D. 383)

An Act Regulating the Use of Power Boats on Lily Pond, Lincoln County. (H. P. 295) (L. D. 395)

An Act Relating to Return Date for Warrants Against Owner or Keeper of Unlicensed Dogs. (H. P. 395) (L. D. 581)

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

Emergency

An Act Relating to Membership of the Advisory Committee for a Research and Advance Study Center at the University of Maine in Portland. (H. P. 385) (L. D. 500)

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

Emergency

An Act Creating the Dexter Utility District. (H. P. 360) (L. D. 482)

This being an emergency measure and having received the affirmative votes of 29 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:

Bill, "An Act to Clarify the Recreation Authority Act." (H. P. 81) (L. D. 121)

Tabled—February 24, 1971 by Senator Berry of Cumberland.

Pending—Passage to be Engrossed.

On motion by Mr. Moore of Cumberland, retabled and specially assigned for March 11, 1971 pending Passage to be Engrossed.

The President laid before the Senate the second tabled and specially assigned matter:

SENATE REPORT—from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (S. P. 57) (L. D. 96) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—February 26, 1971 by Senator Berry of Cumberland.

Pending—Motion by Senator Levine of Kennebec to Accept Minority Ought to Pass Report.

Thereupon, on motion by Mr. Berry of Cumberland, retabled and specially assigned for March 9, 1971, pending the motion by Mr. Levine of Kennebec to Accept the Minority Ought to Pass Report of the Committee.

The President laid before the Senate the third tabled and specially assigned matter: Bill, "An Act Relating to Use of Motorboats on Ox Brook Lakes, Washington County." (H. P. 296) (L. D. 396)

Tabled—February 26, 1971 by Senator Hoffses of Knox.

Pending—Adoption of Committee Amendment "A" — Filing H-29.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I think perhaps a word of explanation would be in order here. This bill came out of the Fisheries and Wildlife Committee with a unanimous Ought to Pass Report.

At the time of the hearing we heard a very limited number of witnesses testify and that limited number were in favor of this particular L. D. Since that time the sponsor of this document, Representative Mills of Eastport, has contacted me and he has pointed out that some circumstances which he was not aware of surround this matter, and there have since been a number of people from that area who have been concerned over the decision by the committee. And I had the assurance of the sponsor of this bill that he is no longer interested in the matter and he would welcome the withdrawal of this particular document.

Under those circumstances, Mr. President, I would move that Legislative Document 396, "An Act Relating to Use of Motorboats on Ox Brook Lakes, Washington County", and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves

that House Paper 296, Legislative Document 396, be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

The President laid before the Senate the fourth tabled and specially assigned matter:

Bill, "An Act Relating to Certain Penalties Under Fish and Game Laws." (H. P. 170) (L. D. 228)

Tabled—March 3, 1971 by Senator Harding of Aroostook.

Pending—Consideration.

On motion by Mr. Harding of Aroostook, retabled and tomorrow assigned, pending further consideration.

The President laid before the Senate the fifth tabled and specially assigned matter:

HOUSE REPORTS—from the Committee on Legal Affairs on Bill, "An Act requiring Referendum Election on Certain Municipal Public Works Appropriations." (H. P. 103) (L. D. 147) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—March 3, 1971 by Senator Hoffses of Knox.

Pending—Motion by Senator Quinn of Penobscot to Accept the Majority Ought Not to Pass Report.

On motion by Mr. Quinn of Penobscot, retabled and specially assigned for March 10, 1971, pending the motion by that Senator to Accept the Majority Ought Not to Pass Report.

The President laid before the Senate the sixth tabled and specially assigned matter:

Bill, "An Act Relating to Length of Certain Motor Vehicles." (H. P. 213) (L. D. 280)

Tabled—March 3, 1971 by Senator Hoffses of Knox.

Pending—Passage to be Engrossed.

On motion by Mr. Hoffses of Knox, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the seventh tabled and specially assigned matter:

Bill, "An Act Classifying Mousam River, Main Stem, West Branch." (H. P. 202) (L. D. 269)

Tabled—March 3, 1971 by Senator Danton of York.

Pending — Passage to be Engrossed.

On motion by Mr. Danton of York, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

Reconsidered Matter

On motion by Mr. Dunn of Oxford, the Senate voted to reconsider its action of yesterday

whereby Joint Order — Relative to State Government Committee Reporting out a Bill Relative to Stepchildren, (S. P. 399) received Passage.

On further motion by the same Senator, tabled and specially assigned for March 9, 1971, pending Passage.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.