

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

Friday, April 16, 1971

Senate called to order by the President.

Prayer by the Honorable Carroll E. Minkowsky of Lewiston.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox.

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 20, at 9 o'clock in the morning. (S. P. 510)

Which was Read and Passed.

Sent down forthwith for concurrence.

Papers from the House**Joint Order**

WHEREAS, former members of the Legislature were recognized and honored by Welcome Back ceremonies of April 14, 1971; and

WHEREAS, the Culinary Arts Department of Southern Maine Vocational Technical Institute greatly assisted this effort by serving a buffet luncheon in the Hall of Flags; and

WHEREAS, amid recollections of fond memories of the day one often heard messages of gratitude for such a pleasant meal; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the One Hundred and Fifth Legislature now assembled, extend a special note of thanks to the students and staff of Southern Maine Vocational-Technical Institute Culinary Arts Department, and might also comment that if the Legislature were grading their work for the day they would all have received straight A's; and be it further

ORDERED, that a copy of this Order, duly attested by the Speaker of the House and President of the Senate, and bearing the Great Seal of the State of Maine, be immediately transmitted to Mr. William Brisse, the students and staff, in recognition of their outstanding work.

(H. P. 1276)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Maine Education Council, established under chapter 452 of the public laws of 1967, is authorized and directed to conduct a comprehensive study of the Bill, "An Act to Fund the Costs of Public School Education from State Sources," H. P. 835, L. D. 1131, as introduced at the regular session of the 105th Legislature; and be it further

ORDERED, that the Maine Education Council submit a written report of their findings, together with any necessary recommendations and implementing legislation, to the next regular or special session of the Legislature; and be it further

ORDERED, upon joint passage, that a copy of this Order be immediately transmitted to said Council as notice of this proposed study.

(H. P. 1275)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Berry of Cumberland, tabled and tomorrow Assigned, pending passage.

Communications

State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine 04330

April 15, 1971

Hon. Harry N. Starbranch
Secretary of the Senate
105th Legislature

Sir:

The Speaker today appointed the following Committees of Conference on the disagreeing action of the two branches of the Legislature on:

Bill "An Act relating to Black Bass Fishing in Lakes, Ponds and Rivers" (H. P. 673) (L. D. 910)

Messrs. KELLEY of Southport

PORTER of Lincoln
HANCOCK of Casco

Bill "An Act relating to Open Season for Fishing in Lakes, Ponds, Rivers, Brooks and Streams" (H. P. 672) (L. D. 909)

Messrs. KELLEY of Southport

PORTER of Lincoln

HANCOCK of Casco

Bill "An Act relating to Age Limit for Motor Vehicle Operator Licenses" (S. P. 4) (L. D. 18)

Messrs. LEBEL of Van Buren

DUDLEY of Enfield

McNALLY of Ellsworth

Bill "An Act relating to Riding in Trailers" (H. P. 471) (L. D. 599)

Messrs. SIMPSON of Standish

LEE of Albion

WOOD of Brooks

Bill "An Act to Revise the Laws Relating to Authority for Granting Degrees and to Approval of Degree-granting Institutions" (H. P. 706) (L. D. 949)

Messrs. WOODBURY of Gray

HASKELL of Houlton

BITHER of Houlton

Respectfully,

(s) BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered Placed on File.

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 to Reimburse School Administrative District No. 54 for Additional School Construction Costs." (H. P. 1144) (L. D. 1585)

Bill, "An Act to Regulate Otter and Beam Trawls." (H. P. 1018) (L. D. 1397)

Bill, "An Act Prohibiting Draggings within York County." (H. P. 648) (L. D. 879)

Leave to Withdraw

The Committee on Fisheries and Wildlife on, Bill, "An Act to Increase the License Fee and Limit the Number of Marine Worm Digger's Licenses Issued." (H. P. 414) (L. D. 541)

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Use of Draggings in Part of New Meadows River, Sagadahoc and Cumberland Counties." (H. P. 338) (L. D. 447)

Reported that the same be granted Leave to Withdraw.

The Committee on Health and Institutional Services on, Bill, "An Act to Provide for Temporary and Conditional Licenses for Boarding Homes and Day Care Facilities." (H. P. 1020) (L. D. 1399)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act to Permit the Transfer of County Jail Inmates to the Men's Correctional Center or State Prison Upon Proof of Incorrigibility." (H. P. 849) (L. D. 1163)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the reports Read and Accepted.

Which reports were Read and Accepted in Concurrence.

The Committee on Judiciary on, Bill, "An Act to Exempt Members of the Legislature from Jury Service." (H. P. 962) (L. D. 1323)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: You might be interested as to why this bill did not receive favorable reaction from the Committee. Of course, if a person is in the legislature, he would only have to contact the judge and he would be exempted during the time he was in the legislature. However, he could, of course, when the legislature is not in session be called upon to serve on a jury like any other citizen.

Generally, the members of the Judiciary Committee and the members of the judiciary throughout Maine like to have responsible people like legislators able to serve on juries when they are available, and that is the reason this was given leave to withdraw.

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

Thereupon, the Leave to Withdraw Report of the Committee was Accepted in concurrence.

The Committee on Judiciary on, Bill, "An Act to Impose a Fee for Waiving the Waiting Period before Marriage." (H. P. 813) (L. D. 1086)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Resolve Providing Funds for Repair of Certain Road in Town of Glenburn, Penobscot County. (H. P. 977) (L. D. 1339)

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 Veterans and Retirement on Bill, "An Act Relating to Amount of Life Insurance for Certain Retired State Employees." (H. P. 793) (L. D. 1069)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed.

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

Ought to Pass in New Draft

The Committee on Education on, Bill, "An Act Relating to Tuition for State Wards." (H. P. 483) (L. D. 624)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1267) (L. D. 1669)

The Committee on Liquor Control on, Bill, "An Act Relating to Wholesale Purchase of Wine and Malt Beverages by Food Servicing Organizations for International Travel." (H. P. 915) (L. D. 1261)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1269) (L. D. 1671)

The Committee on Education on, Bill, "An Act Providing Funds for Elementary School Guidance Counsellors." (H. P. 1016) (L. D. 1395)

Reported that the same Ought to Pass in New Draft Under New Title "An Act Relating to Elementary School Guidance Counsellors," (H. P. 1268) (L. D. 1670)

Come from the House, the reports Read and Accepted and the Bills in New Draft Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills in New Draft Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Size and Construction of Railroad Caboose Cars." (H. P. 348) (L. D. 457)

Reported that the same Ought Not to Pass.

Signed:

Senator:

TANOUS of Penobscot

Representatives:

GOOD of Westfield

LINCOLN of Bethel

LEE of Albion

KELLEY of Machias

ROLLINS of Dixfield

SIMPSON of Millinocket

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-119).

Signed:

Senators:

MARCOTTE of York

LEVINE of Kennebec

Representatives:

McTEAGUE of Brunswick

BUSTIN of Augusta

GENEST of Waterville

BEDARD of Saco

Comes from the House, the reports and Bill Indefinitely Postponed.

Which reports were Read.

Mr. Tanous of Penobscot moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Levine of Kennebec, tabled and specially assigned for April 21, 1971, pending the motion by Mr. Tanous of Penobscot to Accept the Majority Ought Not to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Agriculture on, Bill, "An Act Establishing the Maine Apple Fund and Maine Apple Commission." (H. P. 253) (L. D. 335)

Reported that the same Ought Not to Pass.

Signed:

Representatives:

MOSHER of Gorham
HALL of Windham
WILLIAMS of Hodgdon
ALBERT of Limestone
MAHANY of Easton
WEBBER of Belfast
BERRY of Buxton

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-124).

Signed:

Senators:

CHICK of Kennebec
PEABODY of Aroostook
LEVINE of Kennebec

Representatives:

EVANS of Freedom
CLARK of Jefferson

Comes from the House, the reports and Bill Indefinitely Postponed.

Which reports were Read.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I would like to move that the Senate accept the Minority Ought to Pass as Amended Report, and I would like to speak to my motion.

The PRESIDENT: The Senator from Kennebec, Senator Chick, moves that the Senate accept the Ought to Pass as Amended Report of the Committee.

The Senator has the floor.

Mr. CHICK: Mr. President and Members of the Senate: I would like to speak briefly to you on this bill. This bill was presented after a study by the Maine Pomological Society, which held many meetings throughout the state and finally, in a poll of all apple growers secured a favorable report from over sixty percent of them.

The last meeting that was held on this bill prior to its introduction was at the Trade Show in the middle of January of this year, at

which time the bill was discussed. It was asked if there was any opposition at the meeting, and nobody opposed the bill at the meeting at that time.

After the bill had been introduced and heard there has been quite a few small growers, not all small either, some medium sized growers, who have expressed opposition to this bill.

I mentioned that most of the letters I have seen pertained to the original bill, which called for a deduction of five cents a bushel tax and a 500 bushel exemption. However, Committee Amendment "A" does provide for a tax of only three cents and a 1,000 bushel exemption.

Now, this bill is badly needed by the industry. Among some of the letters, for instance, I have seen reference to the fact that we have a New York — New England Apple Institute at the present time, which is voluntary, and they thought it was doing a good job. However, I checked up with the Institute and those members who thought it was doing a good job do not contribute to the program, and they are really getting a free ride on the contributions of other members.

To just give you an idea of the efforts that have been made by the apple growers who believe it is necessary to promote, there is about 168 apple growers in Maine at the present time, and 31 of those growers contributed to the Institute on a voluntary basis in 1966. That is 31 out of 168. In 1967, 30 growers contributed. In 1968, 40 growers contributed. And in 1969, 37 of the 168 growers contributed. So I think you can plainly see that there are a lot of growers who are benefitting by the contributions of a few.

You did have a letter on your desks some days ago in which they listed 26 growers of the larger growers that are opposed to the bill, that is, from 10,000 bushels up. So I checked with the Institute to see what their record had been in contributing on a voluntary basis, and I find that three of the 26 have contributed only one year of the last three. Five have contributed two different years. Three have contributed three years. 15

out of the 26 have not contributed during any of the last three years.

I noticed, for instance, the two largest growers, one with 70,000 bushels and one with 40,000, they have contributed in none of the last three years.

So, with the market conditions the way they are, it is becoming increasingly difficult to find a profitable outlet for our apples. Most of our competing states already have a similar bill, they are spending more money in the marketplace, and we are having increasingly more opposition to a good market in the eastern part of the country.

I think the best illustration of what an industry tax could do for a group is the milk people in the state. We have had an industry tax on milk for quite some time, and I think everybody is in agreement that it has done a wonderful job for the dairy industry.

The other thing I thought I would bring up to you was to briefly review the situation in New York State. To do that, I am going to quote some from a paper prepared by a Dr. Max Bunk, Professor of Marketing at Cornell University. He has a national reputation as a marketing specialist. A short time ago he was asked by a group of New York growers to review their apple tax program and to give his evaluation of the same. So I am going to quote just a few items from his paper. I quote him: "If market development is not the responsibility of apple producers, one might well raise the question of whose responsibility it is. Quite obviously the individual producer acting alone can do little to build, strengthen and protect the market."

I might say that the New York tax was passed in 1959. "In 1959", and I am quoting from his paper, "New York had a 20 million bushel apple crop. This brought the growers 28.3 million dollars. In 1968 we again had a 20 million crop in New York State, and this crop brought the growers 49.8 million dollars, 73 percent more dollars."

Then further on he says, "Between 1947 and 1959 apple crops brought New York State growers an average of 24.5 million dollars. Since then the crop has brought

an average of 39.2 million dollars. In the 13 years prior to 1960 there was but one year that brought in as much money as the poorest year during the 60's." And it was during the 60's that they had the apple tax in New York State. "It is also significant that average crop size since 1959 has been 26 percent larger than during the years before, and it must be remembered that traditionally in the apple business a large crop brings growers less money."

I think another thing that is quite significant in our area, and I quote him: "It is significant to the Washington State apple growers this year that they will spend more dollars on television in New York City alone than New York State has in its entire promotional fund." This, I think, points out one of the reasons why we have had perhaps a hard marketing situation over the last two years, because they have continually increased the amount of promotion in our area. He notes that in 1959 New York State apple growers provided a promotional budget of \$343,000 and in 1969 will provide \$380,000. And he emphasized the need for New York growers continuing to put more effort into promoting to hold the market for their apples.

I will quote just one more thing from his paper. "You can't make money in the apple business without making an investment in production. And you won't stay in the apple business long without making an investment in marketing." That is the last message in his paper that he gave to the apple growers in New York.

Now, I feel very strongly that this is a good thing for the apple industry in the State of Maine, and I hope that the Senate will go along with accepting the Minority Ought to Pass Report. I thank you.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I support the motion of the good Senator from Kennebec, Senator Chick. When we are talking about apples we should look at all of the agricultural picture in the State of Maine. The only

segment of industry that is doing very good is the dairy industry. The cause of them now being financially sound is that they advertise their product and the people demand their product. And when the product is in demand they can get a good price for it and make a living.

We have one segment of the agricultural industry, the potato business, which is in financial trouble now, and part of it is because they didn't advertise our good Maine potatoes. When the housewives go in to buy potatoes a lot of them don't know that Maine has a good potato. If they don't buy them you can't get a good price. We have the same situation now with Maine apples.

We want the apple growers to help themselves, to be able to get a good price for their products. To do so, they have got to advertise, and their product should be in demand. If a housewife goes in and wants a special kind of apples, she will not mind paying five or ten cents more for them, but she has got to know what she is buying. The only way she will be able to know is if she sees the product advertised. Do we don't want the apple growers to be in the same financial distress that the potato growers are, and that is why I urge the Senate to support the motion of Senator Chick.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I have had more letters in opposition to this bill than on any other issue this session. I have had not one letter in favor of it.

These are small apple growers. It would simply place a burden on them, and they are struggling now to keep their heads above water. I would urge that the Majority Ought Not to Pass Report be accepted.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I can only agree with the good Senator from Kennebec on this matter. I am involved in blueberry

growing, and we have a tax there. I am involved in sardine canning, and we have a tax there. In sardine canning it goes almost entirely to promotion, and I think it does a great deal for us.

I think that when we say that we are not going to help ourselves we are just hiding our heads in the sand, and putting the small grower out of business that much faster. I certainly hope that we will support the Senator from Kennebec, Senator Chick.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Chick, that the Senate Accept the Minority Ought to Pass as Amended Report of the Committee on Bill, "An Act Establishing the Maine Apple Fund and Maine Apple Commission."

The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Chick, to Accept the Minority Ought to Pass Report of the Committee will rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twelve Senators having voted in the affirmative, and twelve 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 Health and Institutional Services on, Bill, "An Act Relating to the Rendering of Treatment and Services to Minors for Drug Abuse Without Parental Consent." (H. P. 391) (L. D. 506)

Reported that the same Ought to Pass.

Signed:
Senators:

GREELEY of Waldo
MINKOWSKY of Androscoggin

Representatives:

LESSARD of Lisbon
DOYLE of Bangor
CLEMENTE of Portland
PAYSON of Falmouth

CUMMINGS of Newport
SANTORO of Portland

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

Signed:

Senator:

HICHENS of York
Representatives:

BERRY of Madison

LEWIS of Bristol

DYAR of Strong

McCORMICK of Union

Comes from the House, the Majority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "B" (H-137).

Which reports were Read.

On motion by Mr. Minkowsky of Androscoggin, tabled and specially assigned for April 22, 1971, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Providing for Hunter-Orange Garments When Hunting." (H. P. 64) (L. D. 105)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-136).

Signed:

Sensors:

HOFFSES of Knox

BERNARD

of Androscoggin

Representatives:

BOURGOIN of Fort Kent

LEWIN of Augusta

PARKS of Presque Isle

CALL of Lewiston

LEWIS of Bristol

KELLEY of Southport

MANCHESTER of

Mechanic Falls

KELLEY of Machias

PORTER of Lincoln

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

Signed:

Senator:

ANDERSON of Hancock

Representative:

BUNKER of Gouldsboro

Comes from the House, the reports and Bill Indefinitely Postponed.

Which reports were Read.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This matter of blaze orange or fluorescent orange clothing has been before the sessions of legislature quite a number of times now, and I have each time signed against the measure. This time I signed for the measure for a few reasons, and I would name some of them.

We have more hunters in the woods now than we have had in the past. We held an executive session this morning and considered the deer bills which were before us, and hopefully we may come up with a shorter deer hunting season to preserve this very important and vital natural resource that we have.

I am aware that almost everyone that testified at the hearing, although they wear the fluorescent clothing themselves of their own free will, they were reluctant to be forced into wearing some fluorescent garment. But I did sign the Majority Ought to Pass Report on this thing for these various reasons.

It is my understanding that in the other body at the other end of the hall the bill was soundly defeated. It was pointed out that there was a reduction in the accidents by people wearing the clothing, and perhaps it would continue but, nevertheless, I am conscious of the objections by a great many of the people wearing it and the other circumstances that surrounded this matter, so I would move that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that L. D. 105 be indefinitely postponed in concurrence. Is this the pleasure of the Senate?

Thereupon, the Bill was Indefinitely Postponed in concurrence.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Relating to the Department of Education." (H. P. 1089) (L. D. 1478)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec

MINKOWSKY of

Androscoggin

Representatives:

TYNDALE of

Kennebunkport

BITHER of Houlton

SIMPSON of Standish

HASKELL of Houlton

WOODBURY of Gray

LYNCH of

Livermore Falls

LUCAS of Portland

The Minority of the same Committee on the same subject matter reported that the same be referred to the Committee on State Government.

Signed:

Senator:

CHICK of Kennebec

Representatives:

MILLETT of Dixmont

LAWRY of Fairfield

MURRAY of Bangor

Comes from the House, the Minority report Read and Accepted and the Bill Referred to the Committee on State Government.

Which reports were Read.

Mr. Chick of Kennebec moved that the Senate Accept the Minority Report of the Committee.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CHICK of Kennebec: Mr. President, I would just like to make one or two comments on this. It isn't a case with me of whether or not I favor the bill, but we are having quite a few bills to reorganize state government, and it just seems to be proper that they all should be handled by the same committee. For that reason I feel that this should be referred to State Government for consideration.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: It was the thinking of the majority of the Committee that this exact same subject, and I mean exact same subject, is in another bill being considered by State Government, one of the

Governor's reorganization programs, and consequently this bill should be disposed of. I oppose the motion to accept the Minority Report and ask for a division.

The PRESIDENT: A division has been requested. Is the Senate ready for the question? The pending question is the motion of the Senator from Kennebec, Senator Chick, that the Senate accept the Minority Report of the Committee on Education that this Bill, "An Act Relating to the Department of Education", be referred to the Committee on State Government in concurrence.

As many Senators as are in favor of accepting the Minority Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Fourteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the Minority Report of the Committee was Accepted and the Bill Referred to the Committee on State Government in concurrence.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Providing for Scholarships for North American Indians Residing in Maine." (H. P. 260) (L. D. 342) ask leave to report: that the Senate recede and concur with the House in passing the Bill to be engrossed as amended by Committee Amendment "A".

On the part of the House:

HASKELL of Houlton

WOODBURY of Gray

LAWRY of Fairfield

On the part of the Senate:

KATZ of Kennebec

CHICK of Kennebec

MINKOWSKY

of Androscoggin

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur.

Senate

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

Bill, "An Act Relating to Disclosure of Interests Under the Right to Know Law." (S. P. 491) (L. D. 1382)

Sent to the House.

Leave to Withdraw

Mr. Harding for the Committee on Judiciary on, Bill, "An Act Abolishing Imprisonment for Debt." (S. P. 433) (L. D. 1253)

Reported that the same be granted Leave to Withdraw.

Which report Was Read and Accepted.

Sent down for concurrence.

Leave to Withdraw - Covered by Other Legislation

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Resolve Providing for Purchase of Fifty Copies Each of History of the District of Maine, Survey of the State of Maine and Tidewater Ice of the Kennebec. (S. P. 326) (L. D. 975)

Reported that the same be granted Leave to Withdraw - Covered by Other Legislation.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass - As Amended

Mr. Hoffses for the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Use of Weapons in the Allagash Wilderness Waterway." (S. P. 307) (L. D. 901)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-88).

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Relating to the Sharing of the State

Sales Tax Revenue." (S. P. 501) (L. D. 1461)

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

MORRELL of Brunswick
COLLINS of Caribou
McCLOSKEY of Bangor
DAM of Skowhegan
DRIGOTAS of Auburn
ROSS of Bath

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

Signed:

Representatives:

CYR of Bridgewater
COTTRELL of Portland

Which reports were Read.

On motion by Mr. Kellam of Cumberland, tabled and specially assigned for April 23, 1971, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Clarify the Regulation-making Power of the Environmental Improvement Commission." (S. P. 311) (L. D. 904)

Reported that the same Ought to Pass.

Signed:

Senators:

SCHULTEN of Sagadahoc
GRAHAM of Cumberland
VIOLETTE of Aroostook

Representatives:

WHITSON of Portland
CURRAN of Bangor
BROWN of York
CUMMINGS of Newport
SMITH of Waterville

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

Signed:

Representatives:

MacLEOD of Bar Harbor
AULT of Wayne
KILROY of Portland

HERRICK of Harmony
HARDY of Hope

Which reports were Read.

On motion by Mr. Schulten of Sagadahoc, the Majority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Relating to the Change of Name of the Old Cemetery Association." (H. P. 999) (L. D. 1361)

Bill, "An Act Increasing the Debt Limit of the Town of Wiscasset School District." (H. P. 1221) (L. D. 1434)

Resolve to Reimburse Donald H. Young of Portland for Damage to Property by Escapee from Boys Training Center. (H. P. 1032) (L. D. 1423)

Bill, "An Act to Create the Orono-Veazie Water District." (H. P. 1265) (L. D. 1665)

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

House — As Amended

Bill, "An Act Relating to Elderly Persons' Examinations for Motor Vehicle Operators' Licenses." (H. P. 442) (L. D. 577)

Which was Read a Second Time.

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

Bill, "An Act to Amend the Birch Point Village Corporation." (H. P. 942) (L. D. 1301)

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

Senate

Bill, "An Act Relating to Restitution of Funds Defrauded from Consumers." (H. P. 357) (L. D. 1053)

Bill, "An Act Creating an Advisory Commission for the Study of Public Support for Post-secondary Education in Maine." (S. P. 473) (L. D. 1492)

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

Senate — As Amended

Bill, "An Act to Provide Temporary Licenses for Administrators of Medical Care Facilities Other Than Hospitals." (S. P. 355) (L. D. 1051)

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

Sent down for concurrence.

Enactors

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

An Act Relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission. (S. P. 20) (L. D. 48)

An Act Relating to Retirement Allowance for Former Governors. (S. P. 521) (L. D. 1419)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriation Table.)

An Act Increasing the Coverage and Entry Fee of Small Claims Law and Defining Certain Procedures. (H. P. 221) (L. D. 303)

An Act Relating to Meetings, Chairman and Employees of Board of Commissioners of the Profession of Pharmacy. (H. P. 454) (L. D. 609)

An Act to Provide for Administrative Enforcement of the Municipal Public Employees Labor-relations Law. (H. P. 600) (L. D. 801)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriation Table.)

An Act Authorizing Emergency Closing of Financial Institutions. (H. P. 1239) (L. D. 1525)

An Act Affecting Unemployment Compensation During a Stoppage of Work Because of a Labor Dispute. (H. P. 1254) (L. D. 1574)

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

Resolve, Appropriating Funds to Prevent Sawdust Pollution at South Branch Lake and Saponac Pond in

Penobscot County. (H. P. 894) (L. D. 1214)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriation Table.)

Emergency

Act to Authorize Pollution-control Facilities to Be Financed by the Issue of Revenue Obligation Securities under the Municipal Industrial and Recreation Obligations Act. (H. P. 1259) (L. D. 1618)

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 Increasing Funds for Lincoln County Court House Capital Improvements. (H. P. 1261) (L. D. 1644)

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.

Orders of the Day

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

Bill, "An Act Relating to Schedule of Rates of Motor Vehicles for Hire by Holders of Certificates of Public Convenience and Necessity from Public Utilities Commission." (S. P. 254) (L. D. 761)

Tabled — April 14, 1971 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

Mr. Moore of Cumberland presented Senate Amendment "A" and moved it Adoption.

Senate Amendment "A", Filing No. S-90, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

Resolution, Proposing an Amendment to the Constitution to Provide a Shorter Time for Establishing Voting Residence. (H. P. 525) (L. D. 687)

Tabled — April 14, 1971 by Senator Berry of Cumberland.

Pending — Final Passage.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am concerned about this proposed change in the Constitution which we have before us today. When that bill came before the committee, a non-resident could become a resident in thirty days and you would change your enrollment from one municipality to another in ten days.

At the hearing it was very strongly opposed. The registrars and town clerks were very much opposed to it. There was an amendment written up on it, a Committee Amendment, which I was opposed to, that would extend the time for a non-resident to become a resident to three months, and you could go from one town to another or one municipality and enroll as a voter in thirty days.

Now, we didn't have any hearing on this so that the registrars and town clerks and so on who handled this voter registration had no chance to appear for it.

I can't see the reason that we should shorten the time for becoming a voter in the state. We have taken care of the presidential election earlier in the session. This here can only cause confusion. A person that owns a piece of property and comes down here in the summer and stays at his place, either the camp or farmhouse that they have, they would be eligible under this. All they would have to do is register to vote and they could go in and get a resident's hunting license or a fishing license for a saving of thirty-five or forty dollars, which would hurt the Fish and Game Department tremendously. I can see many little things that this would confuse people with, and I am opposed to this bill before us today.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I agree with the Senator from Cumberland that the original proposition was unacceptable to the committee, but the sponsor came up with an amendment, and I signed the Ought to Pass Report on it.

I did so for several reasons, the principal one being that years ago when the Constitution was adopted and the six month residency requirement was established we had an altogether different world. Today we have a very mobile world, and people are moving around and establishing residence in one place or another.

As for the three months residency requirement, I see nothing wrong with this. A person cannot have two voting residences; he can only have one. If a person does move to the State of Maine and stays here three months, and likes it well enough to establish a voting residence here, he also would become a legal resident because you cannot have a voting residency without becoming a legal resident. I see nothing wrong with this. The federal voting rights act, as you will recall, made it possible for people to move around the country and be able to vote for president and vice president in thirty days, so I signed the Ought to Pass Report on this document. I believe that six months and thirty days is a reasonable requirement.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would wholeheartedly concur with the position taken on this bill by the Senator from Franklin, Senator Shute. I think that within reasonable limits we ought to allow our citizens every possible opportunity to vote. We know that with the means of transportation today and the means of communication we can certainly shorten the present period as it is in the constitution. I think the amendment provides reasonable

dates, and I certainly would hope that the Senate would enact this legislation. I would ask for a division, Mr. President, if it hasn't been requested.

The PRESIDENT: The Chair would inform the Senator that this is a Constitutional Resolution and requires a two-thirds vote.

Is the Senate ready for the question? This is a Constitutional Amendment, and in order for its passage it requires the affirmative vote of two-thirds of those members present and voting. Will all those Senators in favor of the passage of this Resolution please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

Fifteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, and fifteen being less than the required two-thirds vote, the Resolution Failed of Passage.

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

Bill, "An Act Relating to Geographically Isolated Small High Schools." (S. P. 257) (L. D. 763)

Tabled — April 14, 1971 by Senator Dunn of Oxford.

Pending — Enactment.

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

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

Bill, "An Act Relating to the Requirement for a Board of Registration." (H. P. 1242) (L. D. 1551)

Tabled — April 15, 1971 by Senator Shute of Franklin.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for April 22, 1971, pending Passage to be Engrossed.

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

Bill, "An Act Increasing Compensation for Members of the

State Board of Barbers." (H. P. 907) (L. D. 1251)

Tabled — April 15, 1971 by Senator Minkowsky of Androscoggin.

Pending — Adoption of Senate Amendment "A" Filing S-83.

Mr. Minkowsky of Androscoggin then moved that Senate Amendment "A" be Indefinitely Postponed.

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

Mr. JOHNSON of Somerset: Mr. President, I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: The reason I asked for the indefinite postponement of this particular amendment is that this amendment is a rider to the barbers bill. It has not had a public hearing or advertised as such, and I don't feel that this is the proper ethical way of handling things. I would request a division on this.

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that Senate Amendment "A" be Indefinitely Postponed.

As many Senators as are in favor of the motion of the Senator from Androscoggin, Senator Minkowsky, that Senate Amendment "A" be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Eighteen Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion to Indefinitely Postpone Senate Amendment "A" prevailed.

Thereupon, the Bill was Passed to be Engrossed in concurrence.

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

Bill, "An Act Relating to Fees for Inspection of Motor Vehicles." (H. P. 1256) (L. D. 1576)

Tabled — April 15, 1971 by Senator Johnson of Somerset.

Pending — Passage to be Engrossed.

Mr. Bernard of Androscoggin presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-87, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Appropriating Funds for Overtime in State Employment and Establishing Hours for a Work Day and a Work Week for Certain Employees." (H. P. 278) (L. D. 367)

Tabled — April 15, 1971 by Senator Berry of Cumberland.

Pending — Adoption of Senate Amendment "A", Filing S-50.

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

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on State Government on Bill, "An Act to Repeal the Prohibition of Publishing a Periodical by the Department of Economic Development." (H. P. 897) (L. D. 1217) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 15, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Clifford of Androscoggin, the Minority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

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

Bill, "An Act Transferring Services to Alcoholics and Drug Addicts to the Bureau of Mental Health." (H. P. 674) (L. D. 911)

Tabled — April 15, 1971 by Senator Carswell of Cumberland.

Pending — Motion by Senator Minkowsky of Androscoggin to Reconsider Indefinite Postponement.

On motion by Mr. Hichens of York, retabled and specially assigned for April 22, 1971, pending the motion by Mr. Minkowsky of Androscoggin to Reconsider Indefinite Postponement.

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

Bill, "An Act Relating to Duty of State Board of Education Concerning Interscholastic Activities." (H. P. 985) (L. D. 1347)

Tabled — April 15, 1971 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

Reconsidered Matter

Mr. Tanous of Penobscot moved that the Senate reconsider its action of yesterday whereby on Bill, "An Act Relating to Retail Sale of Fortified Wine", (H. P. 656) (L. D. 897), the Senate voted to Adhere.

Mr. Shute of Franklin then requested a division.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Tanous of Penobscot to Reconsider.

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, Adjourned until Tuesday, April 20, 1971, at 9 o'clock in the morning.