

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, April 20, 1971

Senate called to order by the President.

Prayer by the Rev. W. Harper Welch of Portland.

Reading of the Journal of yesterday.

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

Bill, "An Act Reclassifying the Waters of Lake Auburn and Little Wilson Pond, Androscoggin County," (H. P. 606) (L. D. 808)

In the House April 13, 1971, Passed to be Engrossed.

In the Senate April 15, 1971, Passed to be Engrossed as Amended by Senate Amendment "A" (S-85) in non-concurrence.

Comes from the House, that Body having Insisted, and Asked for a Committee of Conference.

(On motion by Mr. Violette of Aroostook, tabled until later in today's session.)

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on County Government be directed to report out a bill which will relate to payments to the law libraries of the several counties of the State. (H. P. 1278)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

The Bill today received from the House requiring Reference to Committee was acted upon in concurrence.

Orders

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act Relating to Criminal Trespass in Buildings and on Premises." (S. P. 532) (L. D. 1568)

(S. P. 546)

Which was Read and Passed.

Under suspension of the rules, sent down forthwith for concurrence.

Committee Reports

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 Privileged Communications between Certain Professional Persons and Their Clients." (H. P. 937) (L. D. 1291)

Bill, "An Act Relating to Privileged Communications between Registered Social Workers and Clients." (H. P. 1023) (L. D. 1405)

Bill, "An Act Relating to Legal Grievances." (H. P. 991) (L. D. 1353)

Bill, "An Act Relating to Vacancies in State and County Offices Before Officers - elect Die or Resign." (H. P. 122) (L. D. 166)

Bill, "An Act Relating to Reimbursement to Municipalities for Loss of Tax Revenue on Real Property Acquired by the State." (H. P. 1036) (L. D. 1427)

Leave to Withdraw

The Committee on County Government on, Bill, "An Act to Eliminate Charges for Copies of Deeds Furnished to Municipalities." (H. P. 932) (L. D. 1286)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to Informer's Fees for Violation of the Fish and Game Laws." (H. P. 939) (L. D. 1298)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to Indemnity for Persons Erroneously Convicted and Pardoned." (H. P. 990) (L. D. 1352)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act Relating to Claim for Benefits under Employment Security Law." (H. P. 775) (L. D. 1041)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act to Extend Coverage of the Minimum Wage on Construction Projects." (H. P. 995) (L. D. 1357)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act Relating to Increased Payments and Amounts under the Employment Security Law." (H. P. 599) (L. D. 794)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act Relating to Representation of the Board of Harbor Commissioners for the Harbor of Portland by the Attorney General." (H. P. 1078) (L. D. 1470)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees." (H. P. 288) (L. D. 388)

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.

Leave to Withdraw - Covered by Other Legislation

The Committee on Appropriations and Financial Affairs on, Resolve Providing for Purchase of One Hundred Copies of History of Winslow (H. P. 290) (L. D. 390)

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

The Committee on Appropriations and Financial Affairs on, Resolve Providing for Purchase of One Hundred Copies of History of Albion. (H. P. 872) (L. D. 1194)

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

The Committee on Appropriations and Financial Affairs on, Resolve Providing for Purchase of Copies of History of Three Corners. (H. P. 90) (L. D. 134)

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

The Committee on Appropriations and Financial Affairs on, Resolve Providing for Purchase of Copies of History of Cape Elizabeth. (H. P. 520) (L. D. 683)

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

The Committee on Appropriations and Financial Affairs on, Resolve Providing for Purchase of One Hundred Copies of "Lisbon, the History of a Small Maine Town." (H. P. 519) (L. D. 682)

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

The Committee on Appropriations and Financial Affairs on, Resolve Providing for Purchase of Copies of History of Clinton. (H. P. 126) (L. D. 181)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Change of Reference

The Committee on State Government on, Bill, "An Act Establishing Minimum Qualifications for Law Enforcement Officers." (H. P. 860) (L. D. 1184)

Reported that the same be referred to the Committee on Legal Affairs.

Come from the House, the report Read and Accepted and the Bill Referred to the Committee on Legal Affairs.

Which reports was Read and Accepted, and the Bill Referred to the Committee on Legal Affairs in concurrence.

Ought to Pass

The Committee on Fisheries and Wildlife on, Bill, "An Act Prohibiting Use of Motor Vehicles on Frozen Surface of Part of Sasanoa River." (H. P. 843) (L. D. 1155)

Reported that the same Ought to Pass.

The Committee on Education on, Bill, "An Act Relating to the Four Corners Community School District." (H. P. 1145) (L. D. 1586)

Reported that the same Ought to Pass.

The Committee on Public Utilities on, Bill, "An Act Relating to Vacancies in the Trustees of Mapleton Sewer District." (H. P. 1234) (L. D. 1550)

Reported that the same Ought to Pass.

Comes from the House, the reports Read and Accepted and the Bills Passed to be Engrossed.

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

The Committee on Public Utilities on, Bill, "An Act Increasing Indebtedness of Berwick Sewer District." (H. P. 1096) (L. D. 1484)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-144).

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

Ought to Pass in New Draft

The Committee on Health and Institutional Services on, Bill, "An Act Relating to the Administration of Aid to the Aged, Blind, Disabled and Medically Indigent." (H. P. 342) (L. D. 451)

Reported that the same Ought to Pass in New Draft Under New Title: Bill, "An Act Relating to the Administration of Welfare Programs." (H. P. 1271) (L. D. 1672)

The Committee on Judiciary on, Bill, "An Act Relating to Escape of Prisoners Following Removal from a State Institution or County Jail for Appearance in Court." (H. P. 886) (L. D. 1207)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1272) (L. D. 1673)

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 State Government on,

RESOLUTION, Proposing a n Amendment to the Constitution Re-

pealing the Limitation to Highway Purposes for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles. (H. P. 370) (L. D. 521)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset

WYMAN of Washington

Representatives:

DONAGHY of Lubec

MARSTALLER of

Freeport

CURTIS of Orono

HODGDON of Kittery

STILLINGS of Berwick

COONEY of Webster

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

Signed:

Senator:

CLIFFORD of

Androscoggin

Representatives:

STARBIRD of

Kingman Township

GOODWIN of Bath

FARRINGTON of

Old Orchard Beach

Comes from the House, the Reports and Resolution Indefinitely Postponed.

Which reports were Read.

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

Divided Report

The Majority of the Committee on Taxation on Bill, "An Act Exempting New Machinery and Equipment Used for Manufacturing and Research from Sales and Use Tax." (H. P. 546) (L. D. 718)

Reported that the same Ought Not to Pass.

Signed:

Senator:

HICHENS of York

Representatives:

FINEMORE

of Bridgewater

ROSS of Bath

COTTRELL of Portland

DRIGOTAS of Auburn

CYR of Madawaska

McCLOSKEY of Bangor

COLLINS of Caribou

MORRELL of Brunswick

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

Signed:

Senators:

WYMAN of Washington

FORTIER of Oxford

Representatives:

TRASK of Milo

DAM of Skowhegan

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

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Create a School Administrative District for the Town of Orono." (H. P. 804) (L. D. 1077)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec

CHICK of Kennebec

MINKOWSKY

of Androscoggin

Representatives:

LAWRY of Fairfield

LYNCH

of Livermore Falls

WOODBURY of Gray

SIMPSON of Standish

HASKELL of Houlton

TYNDALE

of Kennebunkport

MILLETT of Dixmont

LUCAS of Portland

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

Signed:

Representatives:

MURRAY of Bangor

BITHER of Houlton

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

Which reports were Read.

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

Senate

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 Judicial Divisions of the District Court." (S. P. 377) (L. D. 1113)

Bill, "An Act Establishing a Statewide Open Deer Season for the Month of November." (S. P. 2) (L. D. 16)

Bill, "An Act Relating to Open Season on Deer in Management Units." (S. P. 389) (L. D. 1179)

Sent to the House.

Leave to Withdraw

Mr. Johnson for the Committee on State Government on, Bill, "An Act Relating to Term of Office of Department Heads Appointed by the Governor." (S. P. 55) (L. D. 95)

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. Anderson for the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Open Season on Moose." (S. P. 141) (L. D. 380)

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

Mr. Johnson for the Committee on State Government on, Bill, "An Act Relating to the Maine Law Enforcement and Criminal Justice Academy." (S. P. 426) (L. D. 1246)

Reported that the same Ought to Pass.

Mr. Wyman for the Committee on State Government on, Bill, "An Act Relating to Compensation of Municipalities for the Loss of Services of Municipal Law Enforcement Officials." (S. P. 384) (L. D. 1140)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and

Tomorrow Assigned for Second Reading.

Ought to Pass - As Amended

Mr. Johnson for the Committee on State Government on, Bill, "An Act Relating to Insurance of State-owned Property." (S. P. 135) (L. D. 347)

Reported that the same Ought to Pass as Amended by Committee Amendment "A". (S-94)

Mr. Martin for the Committee on County Government on, Bill, "An Act Creating Oxford County Commissioner Districts." (S. P. 270) (L. D. 798)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-91)

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 Fisheries and Wildlife on, Bill, "An Act Relating to Night Hunting for Wild Animals." (S. P. 22) (L. D. 50)

Reported that the same Ought to Pass.

Signed:

Senators:

HOFFSES of Knox

BERNARD of

Androscoggin

ANDERSON of Hancock

Representatives:

PARKS of Presque Isle

PORTER of Lincoln

LEWIS of Bristol

KELLEY of Southport

KELLEY of Machias

LEWIN of Augusta

CALL of Lewiston

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

Signed:

Representatives:

MANCHESTER of

Mechanic Falls

BUNKER of Gouldsboro

BOURGOIN of

Eagle Lake

Which reports were Read.

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Regulating Catching Lobsters for Noncommercial Home Consumption Use." (S. P. 474) (L. D. 1494)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HOFFSES of Knox

ANDERSON of Hancock

Representatives:

PARKS of Presque Isle

PORTER of Lincoln

LEWIS of Bristol

KELLEY of Southport

LEWIN of Augusta

CALL of Lewiston

KELLEY of Machias

BUNKER of Gouldsboro

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

Signed:

Senator:

Bernard of Androscoggin

Representatives:

MANCHESTER of

Mechanic Falls

BOURGOIN of

Eagle Lake

Which reports were Read.

Mr. Hoffses of Knox then moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

On motion by Mr. Levine of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Hoffses of Knox to Accept the Majority Ought Not to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Fees for Transcripts of Evidence Furnished by Official Court Reporters." (S. P. 252) (L. D. 759)

Reported that the same Ought Not to Pass.

Signed:
Senators:

TANOUS of Penobscot
QUINN of Penobscot

Representatives:

CARRIER of Westbrook
LUND of Augusta
BAKER of Orrington
PAGE of Fryeburg
WHITE of Guilford
HENLEY of Norway
HEWES of

Cape Elizabeth

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-92)

Signed:
Senator:

HARDING of Aroostook

Representatives:

WHEELER of Portland
KELLEY of Caribou
ORESTIS of Lewiston

Which reports were Read, and the Majority Ought Not to Pass Report of the Committee Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Suspension of Motor Vehicle Operator's License and Registration." (S. P. 192) (L. D. 553)

Reported that the same Ought to Pass.

Signed:
Senators:

TANOUS of Penobscot
QUINN of Penobscot

Representatives:

HEWES of
Cape Elizabeth
BAKER of Orrington
WHITE of Guilford
PAGE of Fryeburg
HENLEY of Norway

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-93)

Signed:
Senator:

HARDING of Aroostook

Representatives:

LUND of Augusta
CARRIER of Westbrook
KELLEY of Caribou

WHEELER of Portland
ORESTIS of Lewiston

Which reports were Read.

Mr. Tanous of Penobscot moved that the Senate Accept the Majority Ought to Pass Report of the Committee.

On motion by Mr. Harding of Aroostook, tabled and specially assigned for April 22, 1971, pending the motion by Mr. Tanous of Penobscot to accept the Majority Ought to Pass Report of the Committee.

Divided Report

The Majority of the Committee on State Government on

RESOLUTION, Proposing a n Amendment to the Constitution to Provide for the Selection and Duties of a Lieutenant Governor. (S. P. 203) (L. D. 588)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 545) (L. D. 1393)

Signed:
Senators:

JOHNSON of Somerset
CLIFFORD

of Androscoggin

Representatives:

STILLINGS of Berwick
MARSTALLER

of Freeport

FARRINGTON

of Old Orchard Beach

GOODWIN of Bath

STARBIRD

of Kingman Township

CURTIS of Orono

COONEY of Webster

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

Signed:
Senator:

WYMAN of Washington

Representatives:

DONAGHY of Lubec
HODGDON of Kittery

Which reports were Read.

Mr. Berry of Cumberland moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Johnson of Somerset, tabled and Tomorrow Assigned, pending the motion by Mr. Berry of Cumberland to Accept the Minority Ought

Not to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Relating to the Adequacy of Public Utility Service." (S. P. 453) (L. D. 1311)

Reported that the same Ought Not to Pass.

Signed:

Senator:

MOORE of Cumberland
Representatives:

BARTLETT

of South Berwick
TYNDALE

of Kennebunkport

MOSHER of Gorham

WILLIAMS of Hodgdon

EMERY of Auburn

CONLEY

of South Portland

MARSH of Hampden

RAND of Yarmouth

BERUBE of Lewiston

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

Signed:

Senators:

MARCOTTE of York

VIOLETTE of Aroostook

Representative:

SHUTE

of Stockton Springs

Which reports were Read.

Mr. Moore of Cumberland moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

Mr. Shute of Franklin then moved that the matter be tabled and specially assigned for April 23, 1971, pending the Motion by Mr. Moore of Cumberland to Accept the Majority Ought Not to Pass Report of the Committee.

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

Mr. BERRY of Cumberland: Mr. President, speaking to the time of the tabling motion, we have done precious little this morning as far as progress is concerned. I am somewhat familiar with the background of this bill, and I am sure Senator Shute and Senator Moore are too. I think a lot could be

accomplished here if the tabling were for a much shorter time.

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

Mr. SHUTE of Franklin: Mr. President, I was aware of the fact that Thursday was a full day, having several tabled items already scheduled, but I will accept an earlier tabling date, and I withdraw my motion for Friday.

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

Thereupon, on motion by Mr. Moore of Cumberland, tabled and Tomorrow Assigned, pending the motion by that same Senator that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

Second Readers

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

House

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

Bill, "An Act Relating to Tuition for State Wards." (H. P. 1267) (L. D. 1669)

Bill, "An Act Relating to Wholesale Purchase of Wine and Malt Beverages for Servicing Organizations for International Travel." (H. P. 1269) (L. D. 1671)

Bill, "An Act Relating to Elementary School Guidance Counsellors." (H. P. 1268) (L. D. 1670)

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

Bill "An Act to Repeal the Prohibition of Publishing a Periodical by the Department of Economic Development." (H. P. 897) (L. D. 1217)

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

Senate Amendment "A", Filing No. S-89, was Read and Adopted.

Thereupon, the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Senate

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

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to Use of Weapons in the Allagash Wilderness Waterway." (S. P. 307) (L. D. 901)

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 to Authorize Cumberland County to Raise Money for a Bridge at Harpswell. (S. P. 172) (L. D. 524)

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

An Act Relating to Discrimination under the Personnel Law Because of Age or Physical Disability. (S. P. 420) (L. D. 1235)

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

An Act Relating to Staffing Committees of the Legislature. (H. P. 1250) (L. D. 1571)

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

An Act Relating to Uniforms for Full-time Deputy Sheriffs. (H. P. 839) (L. D. 1151)

(On motion by Mr. Quinn of Penobscot, tabled and Tomorrow Assigned, pending Enactment.)

Orders of the Day

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

Bill, "An Act Relating to Disturbing Schools." (S. P. 530) (L. D. 1547)

Tabled April 14, 1971 by Senator Kellam of Cumberland.

Pending—Enactment.

On motion by Mr. Kellam of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

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

Bill, "An Act Relating to Compensation Under Workmen's Compensation Law for Total Incapacity, Partial Incapacity and Death." (H. P. 1249) (L. D. 1570)

Tabled — April 15, 1971 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I have run into some problems on the constitutionality of this bill and I am waiting a decision from the Attorney General's office, so I wonder if somebody might not table this until next Thursday.

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

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

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

Bill, "An Act Relating to Installation of Sprinkler Systems in New Hotels." (S. P. 329) (L. D. 977)

Tabled — April 15, 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 fourth tabled and specially assigned matter:

SENATE REPORTS — from the Committee on Education on Bill, "An Act Relating to Conferring Associate Degrees by John F. Kennedy College." (S. P. 425) (L. D. 1238) (Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.)

Tabled — April 15, 1971 by Senator Hoffses of Knox.

Pending — Motion by Senator Katz of Kennebec to Accept the Majority Ought Not to Pass Report.

On motion by Mr. Berry of Cumberland, tabled and specially assigned for April 22, 1971, pending the motion by Senator Katz of Kennebec to Accept the Majority Ought Not to Pass Report of the Committee.

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

JOINT ORDER — Relative to Maine Education Council Conduct Study of Bill, "An Act to Fund the Costs of Public School Education from State Sources." (H. P. 835) (L. D. 1131) (H. P. 1275)

Tabled — April 16, 1971 by Senator Berry of Cumberland.

Pending — Passage.

Thereupon, the Joint Order was passed in concurrence.

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

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

Tabled — April 16, 1971 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This particular document troubles me just a little bit. We are talking about the individual's rights, and I think this is one which does infringe upon the individual's rights to some extent, to quite an extent.

Now, I talked with the members of the committee that heard this document, and they advised me that there was no objection to this bill. I think perhaps the reason for it is the same reason that the general public does not appear in opposition to many bills, because they are uninformed or they are not properly organized to their respective agents, if you will, or organized group to appear in op-

position to this particular type or similar types of legislation. Therefore, they were not there appearing in opposition to this bill.

I notice that the original bill had an age limit of fifty. The bill has been amended to require the limit to be upwards to sixty. Some of the members on the committee indicated that the evidence said that a large percentage of the people who have been examined for eye conditions relative to driving a motor vehicle were found to be affected. Now, if we are going to pass this type of legislation, and there is such a large percentage of the people whose eyes are not suitable to be driving an automobile without glasses, then why should we have any age limit? Let's say from the time that they are issued their first license that they shall have an examination as to the condition of their eyes. Why do we say fifty or sixty? Let's start right at the beginning.

Personally, I do not believe that this legislature should be passing this type of legislation and, Mr. President, I would move you that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that House Paper 442, Legislative Document 577, Bill, "An Act Relating to Elderly Persons' Examination for Motor Vehicle Operators' Licenses", be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: The title of this bill says "Examination of Elderly People", and of course the Bill said age fifty. We resented that. We felt that anyone over fifty was not elderly as far as the members of the Senate were concerned.

However, the people made a very good presentation on this particular day. It was the Lions Club on the coast, I believe in Bristol, and they examined about 800 people of all ages and found out that probably sixty percent of these people had eye failures and did not know it.

Now, we are talking about highway safety, and it would seem to me that I will certainly buy an

amendment that Senator Hoffses would like to put on it and make everybody have an eye test every two years. I think it will probably result in less deaths on the highway and less accidents. The cost would be nothing. The Motor Vehicle Department would give the eye tests except that if they gave it to everyone they would probably be jammed up a month before you had your license renewed. However, at age sixty, which it was amended to, there would be no problem. You could go down and have your eyes tested just as quickly as they could take you, and it would be over in ten minutes. However, you could go to your own physician and have your eyes tested there. We settled at age sixty, and we thought maybe it was a step in the right direction. In other words, fifty was maybe a little too low for elderly people and we thought sixty would be more in line with the title of the bill.

It is a safety factor here. Somewhere along the line we have got to face up to some of these things, especially with the greater number of automobiles and drivers that are perhaps physically not able to operate a vehicle without some kind of a correction to their eyes. I would certainly request a division on this motion.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: In rebuttal to the good Senator, the distinguished Senator from Somerset, he mentioned the word "safety". Now, let us for just a moment consider the accident rate that we are having here in the State of Maine. Is it over sixty, is that the big percentage of accidents, or is it somewhere in the twenty age bracket? Perhaps we should say that the twenty year olds should have glasses, from twenty to thirty, instead of the elderly people.

Now, I want to take exception with the good gentleman from Somerset. I do not consider the age sixty as being in the category of elderly, because I am approach-

ing that age myself, and I resent it, Senator Johnson.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Knox, Senator Hoffses, that Bill, "An Act Relating to Elderly Persons' Examination for Motor Vehicle Operators' Licenses", be indefinitely postponed. A division has been requested. As many as are in favor of the motion of the Senator from Knox, Senator Hoffses, that this bill be indefinitely postponed will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Fifteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, the motion prevailed.

Sent down for concurrence.

The President laid before the Senate the seventh 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 16, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

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

Bill, "An Act Relating to Retail Sale of Fortified Wine." (H. P. 656) (L. D. 897)

Tabled — April 16, 1971 by Senator Berry of Cumberland.

Pending — Motion by Senator Tanous of Penobscot to Reconsider Action Whereby Senate Voted to Adhere.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for April 22, 1971, pending the motion by Mr. Tanous of Penobscot to Reconsider.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Violette of Aroostook:

Non-concurrent Matter

Bill, "An Act Reclassifying the Waters of Lake Auburn and Little Wilson Pond, Androscoggin County." (H. P. 606) (L. D. 808)

In the House April 13, 1971, Passed to be Engrossed.

In the Senate April 15, 1971, Passed to be Engrossed as Amended by Senate Amendment "A" (S-85) in non-concurrence.

Comes from the House, that Body having Insisted, and Asked for a Committee of Conference.

Thereupon, on motion by Mr. Violet of Aroostook, the Senate voted to Insist and Join in a Committee of Conference.

Reconsidered Matters

Mr. Clifford of Androscoggin moved that the Senate reconsider its action of yesterday whereby Bill, "An Act Establishing the Maine Apple Fund and Maine Apple Commission", (H. P. 253) (L. D. 335), was Indefinitely Postponed.

On motion by Mr. Dunn of Oxford, a division was had. Fifteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, the motion to reconsider prevailed.

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

On motion by Mr. Hoffses of Knox, the Senate voted to reconsider its action of yesterday whereby Bill, "An Act Providing for Hunter-Orange Garments When Hunting", (H. P. 64) (L. D. 105), was Indefinitely Postponed.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: At the time that I spoke on this L. D., I was not aware of what situation would develop throughout the entire state as a result of this action. As many of you know, the southwestern part of the state has now for four years had a law which required a hunter to wear the hunter orange or blaze orange, as

the case may be, while hunting. If we were to indefinitely postpone this bill, it would mean we would go back to the original status and any form of clothing could be worn.

We have in the southwestern part of the state the greatest concentration of population. We do have an extremely heavy hunting pressure, and I would mention that the Committee on Fisheries and Wildlife have been giving very serious consideration to a shortening of our deer hunting season. If we should enact such a measure, it would mean a greater concentration of hunters throughout the entire state, and particularly in the southwestern area of the state, and we have proof that the wearing of this fluorescent orange clothing has cut down to some extent on the accidents. So, I feel that perhaps we should continue with the requirement of wearing the blaze orange in the southwestern part of the state as a safety measure. If this body would see fit to reconsider its action, I would endeavor to prepare some form of an amendment to this bill that we could continue with the requiring of the blaze orange in the southwestern part of the state.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass as Amended Report of the Committee in non-concurrence?

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

On motion by Mr. Levine of Kennebec, the Senate voted to reconsider its action of yesterday whereby Bill, "An Act Relating to Fees for Inspection of Motor Vehicles", (H. P. 1256) (L. D. 1576), was Passed to be Engrossed as Amended.

The same Senator then moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: Due to the absence of the good Senator from Androscoggin, Senator Bernard, I would ask if someone would table this until the next legislative day.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Levine of Kennebec that the Bill be Indefinitely Postponed.

On motion by Mr. Shute of Franklin, the Senate voted to

reconsider its action of yesterday whereby Resolution, Proposing an Amendment to the Constitution to Provide a Shorter Time for Establishing Voting Residence, (H. P. 525) (L. D. 687), Failed of Final Passage.

Thereupon, on further motion by the same Senator, tabled and specially assigned for April 22, 1971, pending Final Passage.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.