

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

Wednesday, April 21, 1971

Senate called to order by the President.

Prayer by the Honorable Catherine Carswell of Portland.

Reading of the Journal of yesterday.

Papers From The House

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the subject matter of the Bill: "An Act Creating the Maine Health Care Facilities Labor Relations Act," House Paper 746, Legislative Document 967, introduced at the regular session of the 105th Legislature, to determine whether the best interests of the State would be served by enactment of such legislation; and be it further

ORDERED, that the State Department of Labor and Industry be directed to provide the Committee with such technical advice and other assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report its findings and recommendations together with implementing legislation at the next regular session of the Legislature; and be it further

ORDERED, that upon joint passage of this Order a copy be transmitted forthwith to said Department of Labor and Industry as notice of the pending study. (H. P. 1281)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Berry of Cumberland, placed on the Special Legislative Research Table.

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 Business, Travel and Recreation on Sunday." (H. P. 696) (L. D. 939)

Bill, "An Act to Limit the Number of Lobster Traps Per Lobster and Crab License." (H. P. 846) (L. D. 1157)

Bill, "An Act Regulating Lobster Traps on Trawls." (H. P. 847) (L. D. 1158)

Bill, "An Act Amending the Uniform Flag Law." (H. P. 861) (L. D. 1185)

Bill, "An Act Relating to Fallout Shelters in Public Buildings." (H. P. 722) (L. D. 968)

Bill, "An Act Prohibiting the Expenditures of Public Funds to Promote or Oppose Measures to be Voted on at Elections." (H. P. 874) (L. D. 1278)

Bill, "An Act Relating to Vacation Leave for State Employees." (H. P. 366) (L. D. 473)

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

Mr. JOHNSON of Somerset: Mr. President, with reference to Bill, "An Act Amending the Uniform Flag Law" (H. P. 861) (L. D. 1185), I would move that we now substitute the bill for the report.

The PRESIDENT: The Chair would inform the Senator that in order to substitute the bill for the report, under Joint Rule 17-A, it requires a two-thirds vote of both branches of the legislature.

Mr. JOHNSON: I am willing to try it, sir. It is my intention to table the bill after we have reconsidered the report, and to refer it ultimately back to the Committee.

The PRESIDENT: The chair would inform the Senator that perhaps a better way to accomplish this would be to let the matter go this morning and then prepare a joint order recalling it from the legislative files with a two-thirds vote. This would be done upon concurrence of both branches.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Quinn of Penobscot:

WHEREAS, in the year 1861 military drill was instituted in the public school system of the City of Bangor; and

WHEREAS, the City of Bangor has the distinction of being the first

of the nation's cities to adopt such a military training program; and

WHEREAS, the Junior Reserve Officers' Training Corps at Bangor High School is currently in its 110th year of continuous operation; and

WHEREAS, this is indeed the "nation's oldest" ROTC program and will officially celebrate its 110th anniversary of a most colorful heritage on May 14, 1971; now, therefore, be it

ORDERED, the House concurring, that we, the Members of the One Hundred and Fifth Legislature of the State of Maine now assembled, do hereby acknowledge the observance of May 14, 1971 as Junior ROTC Day in the State of Maine and join all our citizens in support of Junior ROTC, its traditions and goals; and be it further

ORDERED, that duly attested copies of this joint order be transmitted forthwith to the principal of Bangor High School and director of the ROTC Department in honor of this special observance. (S. P. 547)

Which was Read and Passed.
Sent down for concurrence.

Ought to Pass

The Committee on County Government on, Bill, "An Act to Change the Method of Filling Vacancies in Office of Register of Deeds." (H. P. 665) (L. D. 894)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act Providing that House Trailers on Land Owned by the Owner of the Trailer Shall be Taxed as Real Estate." (H. P. 924) (L. D. 1276)

Reported that the same Ought to Pass.

Come 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.

Ought to Pass - As Amended

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Regulations for Upland Game and Fur-bearing Animals." (H. P. 390) (L. D. 505)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-141).

The Committee on Agriculture on, Bill, "An Act to Establish a Colt Stake Program for Maine Standard Bred Horses." (H. P. 476) (L. D. 837)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-139).

The Committee on Judiciary on, Bill, "An Act Relating to Fees for Recording Marriage Intentions and Issuing License." (H. P. 812) (L. D. 1085)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-152)

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed as Amended by Committee Amendment "A".

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

Ought to Pass in New Draft

The Committee on Taxation on, Bill, "An Act Relating to Clarifying the Sales Tax Law as It Relates to Gratuities and Service Charges in Eating Establishments." (H. P. 752) (L. D. 1021)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1277) (L. D. 1677)

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

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

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Regulate Noise Pollution of the Supersonic Transport under the Environmental Improvement Commission." (H. P. 657) (L. D. 887)

Reported that the same Ought Not to Pass.

Signed:
Senator:

SCHULTEN of Sagadahoc

Representatives:

AULT of Wayne
 MacLEOD of Bar Harbor
 CURRAN of Bangor
 HERRICK of Harmony
 BROWN of York
 HARDY of Hope

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1274) (L. D. 1675)

Signed:

Senators:

GRAHAM of Cumberland
 VIOLETTE of Aroostook

Representatives:

WHITSON of Portland
 KILROY of Portland
 SMITH of Waterville
 CUMMINGS of Newport

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

Which reports were Read.

Mr. Schulten of Sagadahoc moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Graham of Cumberland, tabled and specially assigned for April 23, 1971, pending the motion by Mr. Schulten of Sagadahoc to Accept the Majority Ought Not to Pass Report of the Committee.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees." (H. P. 364) (L. D. 471)

Reported that the same Ought to Pass.

Signed:

Senators:

JOHNSON of Somerset
 WYMAN of Washington
 CLIFFORD of Androscoggin

Representatives:

MARSTALLER of Freeport
 STILLINGS of Berwick
 GOODWIN of Bath
 CURTIS of Orono
 STARBIRD of Kingman Township
 COONEY of Webster

FARRINGTON of

Old Orchard Beach

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

Signed:

Representatives:

HODGDON of Kittery
 DONAGHY of Lubec

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

Which reports were Read, the Majority Ought to Pass Report of the Committee Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on, Joint Resolution Memorializing Congress to Lower the Retirement Age Under Social Security From 65 to 62 Years. (H. P. 1002) (L. D. 1364) reported that the same Ought to be Adopted.

Signed:

Senator:

JOHNSON of Somerset

Representatives:

STILLINGS of Berwick
 STARBIRD of

Kingman Township
 GOODWIN of Bath
 FARRINGTON of

Old Orchard Beach
 COONEY of Webster
 HODGDON of Kittery
 CURTIS of Orono

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

Signed:

Senators:

WYMAN of Washington
 CLIFFORD of

Androscoggin

Representatives:

DONAGHY of Lubec
 MARSTALLER of

Freeport

Comes from the House, the Majority Ought to be Adopted report Read and Accepted, and the Joint Resolution Read and Adopted.

Which reports were Read.

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on State Government on,

RESOLUTION Proposing an Amendment to the Constitution Repealing the Provisions Which Establish the Treasurer of State As a Constitutional Officer, (H. P. 437) (L. D. 572) reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset

WYMAN of Washington

Representatives:

HODGDON of Kittery

CURTIS of Orono

MARSTALLER of

Freeport

DONAGHY of Lubec

STILLINGS of Berwick

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

Signed:

Senator:

CLIFFORD of

Androscoggin

Representatives:

GOODWIN of Bath

FARRINGTON of

Old Orchard Beach

COONEY of Webster

STARBIRD of

Kingman Township

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

Which reports were Read.

Mr. Clifford of Androscoggin moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

Mr. BERRY of Cumberland: Mr. President, I would request a division.

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

Mr. CLIFFORD of Androscoggin: Mr. President, I don't mean to be critical of the man who is presently in office. As far as I know, he is certainly a very nice, pleasant

gentleman and he is qualified and capable, so that I don't need to delve in to personalities when I ask you to accept the Minority Ought to Pass Report. But I think this job has become a political reward for old-time politicians without any regard to qualifications or experience that the man has in fiscal and financial matters. I think we should take it out of the political arena, and if we do we wouldn't be so apt to get a person who is not qualified. We would look to a man who has some experience in these matters, and I think this is a good thing. I think that we would strengthen state government by doing this.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I would be inclined to agree with the gentleman from Androscoggin, Senator Clifford, that this is a political appointment, but it is a political appointment through the election by the legislature. As far as I am concerned, it would seem to me that a political appointment of this nature is perhaps a lot more responsive to the legislature than having an appointment that is not politically motivated.

This gentleman and this department in the past year has earned about five million dollars in interest. The cost of his budget in his department per year is about \$131,000. And he is to a certain extent an arm of the legislature, and we do have a certain amount of control over his position, even though it may be political, which is perhaps a good thing. And I would hope that the motion to accept the Minority Ought to Pass Report would be defeated.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that the Senate accept the Minority Ought to Pass Report of the Committee.

A division has been requested. As many Senators as are in favor of accepting the Minority Ought to Pass 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. Fifteen Senators having voted in the affirmative, and sixteen 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 State Government on,

RESOLUTION, Proposing a n Amendment to the Constitution Providing for the Election of the Attorney General by the Electors. (H. P. 545) (L. D. 717) reported that the same Ought Not to Pass.

signed:

Senators:

JOHNSON of Somerset
WYMAN of Washington
CLIFFORD of
Androscoggin

Representatives:

DONAGHY of Lubec
HODGDON of Kittery
COONEY of Webster
FARRINGTON of

Old Orchard Beach

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

Signed:

Representatives:

MARSTALLER of
Freeport
CURTIS of Orono
STARBIRD of
Kingman Township
STILLINGS of Berwick
GOODWIN of Bath

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

Which reports were Read.

Mr. Hichens of York moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

On motion by Mr. Johnson of Somerset, a division was had. Three Senators having voted in the affirmative and twenty-six Senators having voted in the negative, the motion to accept the Minority

Ought to Pass Report of the Committee 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 Exempting Certain Non-profit Community Organizations from the Sales Tax." (H. P. 1003) (L. D. 1365) reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
HICHENS of York
FORTIER of Oxford

Representatives:

ROSS of Bath
COTTRELL of Portland
DRIGOTAS of Auburn
CYR of Madawaska
McCLOSKEY of Bangor
COLLINS of Caribou
MORRELL of Brunswick
FINEMORE of

Bridgewater

TRASK of Milo

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

Signed:

Representative:

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.

Senate

Ought to Pass in New Draft

Mr. Bernard for the Committee on Fisheries and Wildlife on, Bill, "An Act to Clarify Law Relating to Experiments on Polluted Shellfish." (S. P. 191) (L. D. 552) reported that the same Ought to Pass in New Draft Under New Title: Bill, "An Act to Prohibit the Importing and Introduction to our Coastal Waters of any Uncertified Marine Species." (S. P. 513) (L. D. 1370)

Which report was Read and Accepted, the Bill in New Draft 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 Prohibiting Use of Motor Vehicles on Frozen Surface of Part of Sasanoa River." (H. P. 843) (L. D. 1155)

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

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

Bill, "An Act Relating to the Administration of Welfare Programs." (H. P. 1271) (L. D. 1672)

Bill, "An Act Relating to Escape of Prisoners Following Removal from a State Institution or County Jail for Appearance in Court." (H. P. 1272) (L. D. 1673)

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

House - As Amended

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

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

Bill, "An Act Providing for Hunter-Orange Garments When Hunting." (H. P. 64) (L. D. 105)

(On motion by Mr. Hoffses of Knox, temporarily set aside.)

Bill, "An Act Establishing the Maine Apple Fund and Maine Apple Commission." (H. P. 253) (L. D. 335)

Which were Read a Second Time and, except for the matter set aside, Passed to be Engrossed, as Amended, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the matter temporarily set aside at the request of Mr. Hoffses of Knox: Bill, "An Act Providing for Hunter-Orange Garments When Hunting." (H. P. 64) (L. D. 105)

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-98 was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As was pointed out yesterday when we reconsidered this matter, the purpose of this amendment is to continue the law as we now have it requiring the wearing of fluorescent orange in the southwestern part of the state, so to speak. Although the title of the amendment says the "Southern zone", you will read under Section 2468 that it points out specifically that area of the state south of U.S. Route 2 and west of the Kennebec River during the 1971 and 1972 deer hunting seasons.

As was also mentioned yesterday, we hopefully are going to pass some bill which will cut down on our deer season to preserve our deer herd, and this will increase the pressure. I would hope that the members of this Senate would go along with this amendment to require the wearing of fluorescent clothing in the built-up section of the state.

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

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

Senate

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

Bill, "An Act Relating to the Maine Law Enforcement and Criminal Justice Academy." (S. P. 426) (L. D. 1246)

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

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to Insurance of State-owned Property." (S. P. 135) (L. D. 347)

Bill, "An Act Creating Oxford County Commissioner Districts." (S. P. 270) (L. D. 798)

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 to Clarify the Sea and Shore Fisheries Law. (H. P. 147) (L. D. 202)

An Act Relating to Appeals on Questions of Law in Criminal Cases. (H. P. 885) (L. D. 1206)

An Act Relating to Educational Programs for Optometrists. (H. P. 936) (L. D. 1290)

An Act Relating to Catering at Events and Gatherings. (H. P. 1257) (L. D. 1589)

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

Bill, "An Act to Create a School Administrative District in the Town of Madawaska," (H. P. 641) (L. D. 871)

Comes from the House, having Failed of Enactment.

On motion by Mr. Katz of Kennebec, the Bill was Indefinitely Postponed.

Resolve, Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction. (H. P. 89) (L. D. 133)

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would draw the attention of the members of the Senate to item No. 1 on our table and today assigned calendar, which covers L. D. 117 which intended to reclassify the Prestile Stream. I would like to very briefly discuss the interrelationship of L. D. 133, which is a resolve appropriating money from the general fund to reimburse the Town of Mars Hill Utility District for bond interest.

Back in the 102nd Legislature we downgraded the Prestile Stream and I am not going to belabor your ears with the reasons and subsequent history but, be that as it

may, we did, and in an act of good faith to the people of Mars Hill who had just completed construction of a sewerage treatment plant, the legislature said in fact that you people have honestly attempted to meet the classification requirements of the state water classification program, and the legislature has by its act rendered your sewage treatment plant of no use to you and, therefore, we, the people of the State of Maine, feel that you should be reimbursed for the carrying cost of the money you invested in that plant. This was a high-minded, lofty, and laudable thing for the legislature to have done, this was in the 103rd Legislature. In the 104th we did exactly the same thing for the same reasons. And at that time in both those legislatures, an attempt to upgrade the Prestile Stream was defeated. Well, history looked as though it was going to repeat itself in both instances in the 105th, but a very peculiar thing happened when L. D. 117 was presented before the Natural Resources Committee. The people of Mars Hill were reported to have requested that the bill be given Leave to Withdraw, and the reason that they gave for this request was that if Prestile Stream was upgraded then they would have to pay the bond interest on the sewage treatment plant bond.

So I call to your attention that I consider this a breach of good faith on the part of the people of Mars Hill. It astonishes me a little bit, frankly. I just hope that a few people are not pre-empting the majority viewpoint here. I just hope that the majority of the people in Mars Hill don't feel this way, but anyway that is what happened, and that is why I made the motion that the Bill be substituted for the Leave to Withdraw Report.

I feel that there is serious question whether this legislature should reimburse financially the Mars Hill Utility District if the people of Mars Hill are content to live under the situation where the waters of the Prestile Stream are a classification where they are happy to have them, which has been downgraded by the 102nd.

Now, I hasten to point out that perhaps at the moment there is a different state of pollution in the Prestile Stream, however, if it is not being polluted it probably should be upgraded. I see no reason that there should be a change in the efforts to upgrade the Prestile Stream, but that is not the point I am making now. I say that I think we should seriously question should we pay money to the people of Mars Hill if they are content to receive the state subsidy because they don't want this river upgraded?

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Dunn.

Thereupon, on motion by Mr. Dunn of Oxford, placed on the Special Appropriations Table.

Emergency

An Act Appropriating Funds for Comprehensive State-wide Planning and Services for the Developmentally Disabled. (H. P. 564) (L. D. 740)

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

Orders of the Day

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

HOUSE REPORT — Leave to Withdraw from the Committee on Natural Resources on Bill, "An Act Reclassifying Prestile Stream." (H. P. 77) (L. D. 117)

Tabled — April 14, 1971 by Senator Violette of Aroostook.

Pending — Motion by Senator Berry of Cumberland to Substitute the Bill for the Report.

Mr. Berry of Cumberland then withdrew his motion to Substitute the Bill for the Report.

Thereupon, on further motion by the same Senator, the Senate voted to Accept the Leave to Withdraw Report of the Committee in concurrence.

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

HOUSE REPORTS — from the Committee on Judiciary on Bill, "An Act Relating to Mental Illness as a Ground for Divorce." (H. P.

883) (L. D. 1204) Majority Report, Ought to Pass as Amended by Committee Amendment "A" Filing H-117; Minority Report, Ought Not to Pass.

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

Pending — Motion by Senator Tanous of Penobscot to Accept the Majority Ought to Pass Report as Amended by Committee Amendment "A" Filing H-117.

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

Mr. TANOUS of Penobscot: It was my impression, Mr. President, that I had made the motion to accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Chair would inform the Senator that evidently a mistake was made in the stamping of the bill, as the Senator signed the Minority Ought Not to Pass Report of the Committee. So, the motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, to accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise in opposition to the motion of the good Senator from Penobscot, Senator Tanous, and when the vote is taken, I would ask it be taken by a division.

I would like to speak briefly to this bill. I was one of the signers of the Majority Ought to Pass Report. The good lady who introduced this is a member of the other house; she is not a member of my party. This bill previously was introduced by the good Senator from Franklin, Senator Shute.

I would like to mention that thirty-two other states in the union do provide for a dissolution of the marriage, or a divorce, as the case may be, and we are talking about semantics when we talk that way, but thirty-two other states do provide a similar ground for relief.

Now, this bill provides that before a person would be entitled to a divorce the other party would have had to have been in a mental institution for seven consecutive continuous years. Now, the way the

situation now is, the people who have money leave the State of Maine when they find themselves in this situation and they get a divorce. This is sort of a prison for the very poor people, and I can recall four years ago some of the people who came before our committee and begged for relief. I remember one man in his forties who had a family to bring up, and he was not a person who earned very much money, and we can condemn him if we want, but I had somewhat shared the hardship that that man shared, not through mental illness, but otherwise, and I know what he went through of getting housekeeper after housekeeper, and they would leave, and the problem which presented itself. Finally he was very frank. He came before the committee and he said, "I found someone and we fell in love, and we share the same problems, we try and raise our two families together." But it wasn't possible for them to get married. They had, as it were, to live in sin because they didn't have the money to go to another state and get a divorce. Well, the way the situation developed, they didn't come before the committee this time because they stayed in the prison long enough and they had moved to another state and they did get a divorce, and they did remarry.

This bill only affects, members of the Senate, probably a handful of people in this state. The marriage that we are talking about has already dissolved because the other party has been in a mental institution for seven years and there is no marriage left. All this bill does is to provide a way out of the prison for these very few people, and we are talking about a handful of people. So, it is an area of compassion for these very few people that I ask for your support, and I hope that you vote against the motion that has been made to accept the Ought Not to Pass Report.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Sen-

ate: I too have compassion for anyone that is mentally ill and is hospitalized. In fact, perhaps my compassion is with those people rather than the ones that are on the outside. If we are going to embark on the road of passing laws whereby we are going to make mental illness a grounds for divorce, then we are certainly deviating from the trend of the present law.

A divorce is granted today because of the fault of the other party. If you are going to make mental illness a fault, then I think we are going in the wrong direction.

If an individual is truly interested in dissolving a marriage where mental illness is involved, then why not prepare some other procedure, some dissolution procedure, of a marriage through the probate courts, perhaps, but let's not enact legislation which is going to penalize some individuals because they are mentally ill. If the proponents of the bill are in favor of dissolving a marriage when someone is mentally ill, then do so through the probate courts through another procedure, but for God's sake don't do it through a divorce procedure whereby you are going to penalize somebody because they are ill.

If you open the door to mental illness, who is to say that next year we won't pass it for an individual who has terminal cancer? Why should we not make that a ground for divorce, because this individual, his days are numbered and perhaps he would not be able to live the marriage life as he should, so let's make this grounds for divorce as well as mental illness. I think that the Ought Not to Pass Report of the Committee should definitely be accepted, and this matter should be disposed of once and for all. Thank you.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: As a member of the Judiciary Committee, I signed the Ought Not to Pass Report. In the State of Maine now we have that a divorce from the bonds of matrimony may

be decreed for the causes of adultery, impotence, extreme cruelty, utter desertion continued for three consecutive years next prior to the filing of the complaint, gross and confirmed habits of intoxication from the use of intoxicating liquors, opium or other drugs, cruel and abusive treatment, or on the complaint of the wife where the husband, being of sufficient ability of being able to labor and provide for her, grossly or wantonly and cruelly refuses and neglects to provide suitable maintenance for her. Now, those are the causes or grounds for divorce at the present time. And, if you will note, every one of them is the result of misbehavior on the part of the other spouse, misbehavior.

Now, they are trying to make illness grounds for divorce, mental illness. The poor unfortunate creature that has been afflicted with this, it is no fault of hers. She apparently likely has been a good spouse during her years. Now, if you make disease grounds for divorce, why not make polio, cancer or other diseases? I support the motion of the gentleman from Penobscot, Senator Tanous, that we should support the Ought Not to Pass Report of the Committee.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: Four years ago I participated in debate with my good seatmate, Senator Quinn, and with Mrs. Carswell. This was the same issue four years ago, an issue which, I am sorry to say, raises more emotionalism than rational. I think it is one of those issues that provokes this sort of discussion.

Yes, four years ago, as the Senator from Aroostook has indicated, I was the sponsor of a bill, "An Act Relating to Mental Illness as Grounds for Divorce." I entered this bill at that time on behalf of a constituent who had come to me telling me of the thirty years of mental torture, anguish, and uncertainty he had experienced as his wife remained inside a mental institution never to be released.

As a young man, full of hope, he had married. Time passed, and

their first and only child was born, a daughter. After giving birth something happened to the mother. She, as sometimes occurs, found motherhood an overpowering responsibility and could not cope with it. She was committed to the institution across the river. Five years went by, then ten, and the devoted husband went to see her as regularly as he could, but he had lost hope because after a while she did not even recognize him. Doctors had given up hope that the woman could ever be returned to a normal life. Fifteen years passed. The father had brought up his daughter, and in the meantime had met a woman who would be wedded to him to help renew the family but, alas, Maine's antiquated divorce laws that prohibit a mentally ill or feeble-minded person from marrying, that permit divorce in the case of adultery, impotence, extreme cruelty, all of those things enunciated by Senator Quinn, utter desertion, gross and confirmed habits of intoxication, which is nothing other than a form of sickness, cruel and abusive treatment, refusal or neglect to provide, but would not permit him to seek a divorce. Now, if these are exceptions to the admonition to love, honor and cherish until death do us part, then why not add, "or in the case where mental illness has confined a mate in a mental institution seven consecutive years."

In L. D. 1204 there is provided seven long years in which to prove medically that a cure is impossible before a divorce suit may be brought by either party. But my friend had no money and, as Senator Harding has pointed out, this is difficult for a person who has no money. He couldn't go to New York. He couldn't go to the divorce mills of Reno or Mexico. He found himself being discriminated against because of his lack of funds. Had his spouse been released, even for a single day, it would have been possible under the law to present a suit for divorce. Every attempt he had made to bring order and morality to his life had failed. More years passed by, thirty years of this enforced separation and he came to me, and I was a freshmen legislator in the

103rd, a newly elected representative from Farmington. I had never been aware of this problem before in my life. He was suffering from emphysema at that time, in his sixtieth year. He knew he didn't have too many years left and he wished me to make one last attempt to help him. He had spent the last ten years of his life in immorality, and it weighed heavily on his conscience. He knew that his God had not misjudged him, even though his fellow man had, and his fellow man's laws had been harsh with him. I failed in that attempt four years ago. By a narrow margin it failed in the 104th. And this past summer my friend who had sought my help passed away.

Today I plead this case in his memory and for those still living who need your pity and your compassionate understanding.

Prior to the hearing four years ago I received mail, from women mostly, who found themselves in similar situations, pleading for relief to end a marriage which could never be revitalized again, hopeful for finding a new mate to help rear children and to become father to them in the absence of one who could never return.

The lady from Bethel, Mrs. Lincoln, has brought this document before this legislature because she has received a similar request. She has received similar letters and I cite just one of them. "I am writing you as one who knows what it is like to have a husband in a state mental hospital. My husband has been there eleven years and cannot leave there. It is a lonely hard life for one on the outside. Of course, I realize they are not to blame, those that are ill, but neither is the other person. It is not helping in any way to deprive the one outside a chance of a normal life, of a home and a companion. I don't think that it is fair that we have to sacrifice the rest of our life for something that can't be changed. I feel that a person isn't given the freedom of choice in this matter. Christ didn't put man and woman on this earth to live alone. As for myself, I am not only living a lonely life, but I work all day at the mill and

saw and split wood when I get home at night. The way the law is now, that is all a future a woman has got. I think it is unfair and cruel. They get divorces on incompatibility and other such things, but when it comes to something hopeless, almost the same thing as being dead, we aren't given a chance. If you can make them see the light on this situation, I will be grateful to you the rest of my life."

I think that letter is typical of the type that I received on this same issue four years ago. So, this gentle lady offers this document, trusting that there are those among us who do have the compassion for a very, very few in our state unfortunate enough to find themselves in a situation where a mate has been committed to a mental institution for seven years without relief. Then and only then would the processes of law, under the enactment of this bill, and under which Senator Tanous has mentioned, make it permissive for one mate to find legal grounds for divorce, and I hope you will vote against the motion to accept the Ought Not to Pass Report.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: This bill states that if a person is confined to a mental institution for a period of seven years. Let's define a mental institution. I think that all mental institutions are established under a misnomer as they exist in present day. I feel that we are not giving our mentally ill patients a fair break. They are really living as the living dead, many of them.

Let's talk about real compassion. We place them in hospitals which are not geared to give them the care and treatment for which they were committed. I can prove this. I have worked on this for years. I have the facts. In my opinion, this is a violation of their constitutional rights. And in other states the judges, the legislatures, and the executive branches of government are getting together to do something about this unconstitutional condition in which these mentally

ill people all over the nation find themselves in.

Now, we are not only committing them to an institution which cannot treat them properly but now we are asking, or some people are asking, that we make provisions in the law for these abandoned people to be again abandoned by their spouses, and I just think that this is a crime even to ask such a thing.

I think that we had better start to improve our mental institutions, define them properly, give these people the treatment that they deserve, for which they are committed, and then go forward. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate Accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Mental Illness as a Ground for Divorce."

A division has been requested. As many Senators as are in favor of accepting the Minority Ought Not to Pass 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. Seventeen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the motion to accept the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Relating to Interest Allowed in Civil Actions." (H. P. 1260) (L. D. 1643)

Tabled — April 14, 1971 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

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

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

HOUSE REPORT — Ought to Pass with Committee Amendment "A" Filing H-86 from the Committee on Business Legislation on Bill, "An Act Revising the Laws Relating to Licensed Small Loan Agencies." (H. P. 552) (L. D. 728)

Tabled — April 14, 1971 by Senator Johnson of Somerset.

Pending — Motion by Senator Levine of Kennebec to Indefinitely Postpone Bill and Report.

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

Mr. JOHNSON of Somerset: Mr. President, I yield to the distinguished Senator from Aroostook, Senator Harding.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise today in support of the motion that this bill and all its accompanying papers be indefinitely postponed, which motion was made by the good Senator from Kennebec, Senator Levine.

I realize that this bill was heard by the Business Legislation Committee, but it was with some regret that on that committee this year we did not have anyone from the Senate who had served on the committee four years ago and knew the background of why this limitation imposed upon the small loan companies was passed. Incidentally, the Business Legislation Committee four years ago was headed by the distinguished presiding officer of this body, the Senator from Penobscot, Senator MacLeod. The report which came out of that committee regulating the small loan industries was a unanimous report and was adopted by this legislature.

Now the reason for the 36-months limitation which this bill intends to repeal was the tremendous abuse which was found by the small loan companies in that they would loan more money to an individual than they knew he could repay. So he couldn't make the payments when they came due each month. In fact, he found it very difficult to pay the interest. And we heard testimony of how the small loan companies would take a mortgage on the furniture, on the dishes, on the plates,

in fact, on the supper table. And many times a collector would come when these people were eating their meals, and then he would say "Come on, pack up the stuff. We have got a mortgage on it and we are going to repossess it." This was the kind of abuse. And the individuals would not be able to ever pay off the principal; they would just make the interest payments and they were economic slaves for the rest of their lives almost to these small loan companies.

In bankruptcy, in which I do some work, we found so often that an individual who went into bankruptcy would have a loan, not with one of these small loan companies, but with three or four, and this is what pushed him into bankruptcy. So this remedial legislation was passed to regulate these small loan companies, and it has been helpful. In other words, a person can still borrow from a small loan company, but he has to pay the money back in 36 months or else the interest drops. So this encourages the small loan companies only to make loans that the individual can repay within the 36-month period. If they make a loan larger than that amount, they know that they will suffer because the interest will drop to 8%. This bill tries, in effect, to repeal that prohibition. It permits a renewal of the loan again if a small amount of money is put in, and they can charge this exorbitant interest for year after year for anybody's lifetime almost.

So I would hope that we would not undo at this legislature what was done at the 103rd Legislature after so great an effort was made. So I would hope that this body would indefinitely postpone this bill today. I know that this has been continued, it has been tabled from time to time, and I would hope that we might dispose of it finally here today. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Levine, that Bill, "An Act Revising the Laws Relating to Licensed Small Loan Agencies," be indefinitely postponed. As many Senators as are

in favor of indefinite postponement will say "Yes"; those opposed, "No."

A viva voce vote being taken, the motion prevailed and the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State." (S. P. 524) (L. D. 1519)

Tabled — April 14, 1971 by Senator Harding of Aroostook.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled and tomorrow Assigned, pending Enactment.

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

SENATE REPORTS — from the Committee on Natural Resources on Bill, "An Act Prohibiting the Landing of Supersonic Transport Planes in Maine." (S. P. 486) (L. D. 1456) Majority Report, Ought Not to Pass, Minority Report, Ought to Pass.

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

Pending — Acceptance of Either Report.

Mr. Kellam of Cumberland then moved that the Minority Ought to Pass Report be Accepted.

The PRESIDENT: The Senator has the floor.

Mr. KELLAM: Mr. President and Members of the Senate: This particular bill was one of three that were heard simultaneously by the Natural Resources Committee relative to what we refer to as the SST, the supersonic transport.

If you will look at the bill, L. D. 1456, it is relatively simple, actually. All it deals with is the landing of aircraft at airports in the State of Maine that give forth a certain amount of noise. Now this noise level has been determined by the experts in the field, I believe, as being about the most that the normal person should have to bear.

We do know that the supersonic transport, the one that was to be built in this country and is not now going to be, the one that the Russians are building and the ones that the British and French are building, do at this time give off greater noise than this. My understanding is that it is in the range of 120 decibels, and the bill in question prescribes 108 as the maximum amount.

Now, it appears to me that we should all accept the fact that noise pollution is a definite problem for everybody, and it is likely to get worse before it gets better, and there is no reason why the State of Maine should not take a positive stand in this field to try to protect our environment as to this particular nuisance and health hazard.

The bill actually does not prohibit the landing of a supersonic transport providing that supersonic transport can meet the noise levels set forth in the bill. We do know that they cannot do it now. I think it is only reasonable before we do permit these aircraft to land, before we have the United States airlines invest in these aircraft, we should have a determination that the noise will not be harmful to the people in the State of Maine. It would seem to me unreasonable to wait until the United States airlines had contracted to buy these very expensive aircraft and then hope that we can refine them to the point where they will not be too obnoxious to the public. It seems to me that it may take just a little while longer now, say, for the British and French to perfect their aircraft so it meets the present standards of noise similar to what we have on the 707, say, before the investment is made by the United States airlines to buy these aircraft.

Now, this bill, as I say, actually does not discriminate against the SST; it just makes them perfect their aircraft prior to their being used in Maine.

It has come to my attention that the State of Massachusetts, both branches of that state, has passed such a bill. I am not sure what the stage of the bill is now in Mas-

sachusetts, but it at least has passed the branches one time. I have written down to ask for a copy of their bill and it has not been received, but I would like to have this bill be passed, at least in the initial stages, until some reasonable objection is made to it, rather than the fact that they worry about it might hurt business or some such thing as that. I believe the bill should be passed along as being the most reasonable of the SST bills that would be available to the state. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I rise to oppose the motion of the good Senator from Cumberland, Senator Kellam, on the basis that at this particular hearing before our committee it was my feeling in signing the Majority Ought Not to Pass Report that this bill was restrictive and also was not terribly realistic to the world we live in.

The landing of the supersonic planes more or less implies that these planes are going to come in at 1700 to 1800 miles an hour, whereas, we were given to understand that a supersonic plane has to cut its speed somewhere between 300 and 400 miles away from the airport. When they do land, they are landing then at the same conventional speeds as our present airplanes, which then puts them in a class of noise level on the pollution problem on the same level with all other planes landing at that particular airport.

Also, the fact that if you pass legislation like that, you are really overriding the prerogatives of the airport managers who have control of the planes that land and take off from their airports. They control all phases of it. It includes the speed of the planes. It also includes the noise level of these planes, and to take this away from an international airport like Bangor at a time like this, I think, would be very foolish on the part of the legislature.

Frankly, this is a matter that is causing grave concern to our federal authorities. They are work-

ing on this problem, and I think before we actually have a supersonic problem in Maine that this will be set down by federal guide lines. So on the basis that this legislation is not now needed, it is not needed in the real immediate future, I would recommend that the Minority Ought to Pass Report be overridden and that the Majority Ought Not to Pass Report be accepted.

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

Mr. KATZ of Kennebec: Mr. President, may I have the status of the signatories, please?

The PRESIDENT: The Secretary will give the report of the committee.

The SECRETARY: The Majority Ought Not to Pass Report was signed by Senator Schulten, Representative Ault, MacLeod, Hardy, Brown, Herrick and Curran. The Minority Ought to Pass Report was signed by Senator Graham, Representatives Kilroy, Whitson, Senator Violette, Representatives Smith and Cummings.

Mr. KATZ: Mr. President and Members of the Senate: In opposing the motion of the Senator from Cumberland, Senator Kellam, to accept the Minority Report, I call to the Senate's attention the fact that this bill does not do a couple of things.

In seeking to focus it on the supersonic transport plane, it completely ignores the fact that it is very possible that subsonic planes are going to be coming along with greater noise levels than this. And if it attempts to zero in on the noise, it is zeroing in on a particular kind of aircraft and, I think, ineffectively.

Second, by indicating the noise level of the aircraft, it doesn't indicate whether this is the maximum or normal noise level of the aircraft in flight or in approach on landing. I think that we probably have no objection as individuals living in Maine as to the noise level in the mid-Atlantic. We are concerned with the noise level on its approach to the airport in Maine, and this bill does not so distinguish.

But the real objection I have to this bill is the fact that Maine traditionally has been easing away from getting involved in questions of aircraft. I sponsored legislation last session that attempted to get Maine out of the business of safety investigations because the federal government is doing a good job. There was legislation last session that sought to put Maine into the control of intra and to some extent interstate commerce in aircraft, and the proponents threw their hands up in the air and said "It is a jungle; we don't want to get into it."

This session it was my understanding that the Governor was going to propose a bill that sought to control airline movements within the state. I haven't seen it appear on the calendar yet, and I think that the Executive Department is probably finding out that it is very difficult for a state intelligently and properly to get into the area of aircraft movement because it is so obviously not only an intrastate or an interstate, but an international problem.

I think this bill is unwise, it is poorly constructed and at the very, very least, it is substantially premature, in my estimation. Mr. President, may I request a division?

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: In listening to the objections that have been raised to this particular bill, they seem to strike a familiar chord. I am quite sure that the good Senator from Kennebec knows that if the bill was designed to regulate the speed of the airplanes coming in over the Atlantic that we would have a great deal more trouble doing that than we would by measuring the noise level as the plane landed or took off.

We know that these aircraft are tested as to noise levels. It becomes a source of common knowledge as to what the noise level is. And it doesn't really make a great deal of difference to those persons whose ear drums are

being burst whether it is being done by a supersonic plane or a subsonic plane. The fact of the matter is that we should regulate this type of pollution. And this is a bill that is designed to do it.

We have on the books today many laws relative to noisy mufflers on cars and motorcycles, and I guess farm equipment and everything else. It doesn't seem to bother particularly too many people that we regulate the noise level of a muffler, and yet do not feel that we can regulate a large transport plane which is deafening and could be very, very dangerous to the health of the individual who has to listen to it.

So I find that the objections to the bill, that really it is very difficult to treat them seriously; I will put it that way. I feel that this is a very important matter, and I think we should have the matter determined by the State of Maine. When the vote is taken I would like to have a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I will be very brief. I just want to try to explain the confusion that may have been raised by the debate so far.

One, this bill attempts to regular supersonic aircraft only. It doesn't say anything about subsonic aircraft. If the proponents of the bill wanted to control noise, they shouldn't have aimed in on the supersonic plane only.

Second, this bill restricts the airplane that creates a certain noise level, and it doesn't say in the process of approach or landing. Any airplane, according to this bill, if you read it, it says, any aircraft that makes a certain level of noise, whether it be out in the middle of the Atlantic Ocean or its final approach, is prohibited from landing. I don't think that is what the sponsors intended to do.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of

the Senate: This is one of three bills, I believe, that we heard on the subject of noise, and I signed the Ought to Pass Report. I will vote for the bill, because I think it does take a step in the right direction.

With regards to the debate on the issue itself, there is another bill which we had before the Senate this morning on the calendar, and which has been tabled until Friday. I think this is the bill where I would like to make my position known on the argument with regard to control of noise. I think it is probably a more comprehensive bill than the one we are now considering, while the matter of noise control itself is involved in the bill of the Senator from Cumberland, L. D. 1456. But I will vote for the bill because I think it does make some contribution to the problem. The bill that we are going to debate probably Friday, 1975, I think, in my judgment, is more comprehensive possibly and does a more comprehensive job on the matter of noise pollution, and that is the one, if I had any choice at all, that I would like to see passed by this legislature.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Kellam, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Prohibiting the Landing of Supersonic Transport Planes in Maine." A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please stand and remain standing until counted. Obviously more than one-fifth having arisen, a roll call is ordered.

The pending question before the Senate is the motion of the Senator from Cumberland, Senator Kellam, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Prohibiting the Landing of Supersonic Transport Planes in Maine." A

"Yes" vote will be in favor of accepting the Minority Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Carswell, Clifford, Conley, Danton, Graham, Harding, Kellam, Marcotte, Martin, Minkowsky, Violette and President MacLeod.

NAYS: Senators Anderson, Berry, Chick, Dunn, Fortier, Greeley, Hichens, Hoffses, Johnson, Katz, Levine, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous and Wyman.

A roll call was had. Thirteen Senators having voted in the affirmative, and nineteen 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.

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

Bill, "An Act Prohibiting the Turning Back of Speedometers or Odometers on Motor Vehicles." (H. P. 1244) (L. D. 1553)

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

Pending — Adoption of Senate Amendment "A" Filing S-74 to House Amendment "A" Filing H-102.

Thereupon, Senate Amendment "A" to House Amendment "A" was Adopted and House Amendment "A", as Amended by Senate Amendment "A" t h e r e t o , 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:

Bill, "An Act Increasing Minimum Wages." (S. P. 16) (L. D. 44)

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

Pending — Adoption of Senate Amendment "A" Filing S-68.

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

Mr. KATZ of Kennebec: Mr. President, it has been a while since

I presented Senate Amendment "A". It is a very simple amendment, if you will notice under Filing S-68. What it does is increase the minimum wage in the State of Maine from \$1.60 to \$1.75. I would request a division and urge its adoption.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I don't enjoy standing up here and opposing my good friend from Kennebec, Senator Katz, especially after he was recognized by the Calumet Club here in the area. I am told that because of his efforts on this bill they may want the award back. I hinted to them they should consider such an action.

In all seriousness, I am opposing his proposed amendment, and I am opposing it because I have prepared another amendment, which is before you on this bill, which has scaled down the minimum wage to \$1.80 starting next October, and \$2.00 a year and a half from now. I did this because I feel that by amending the bill it will be acceptable to a greater majority of my fellow members in the Senate and the other branch as well.

I also called Washington, and I am told that the federal government is going to increase the minimum wage to \$1.80 in January of '72, which is ten weeks after we will have adopted ours, and to \$2.00 in January of '73, again which will be ten weeks after this one is adopted, if we do so adopt this minimum wage. So I ask all of you to defeat the motion of Senator Katz and permit me to introduce my amendment on a scaled-down version and allow this bill to go along to the other branch for debate over there.

Now, I have debated this bill and I have told you of the need for such legislation. I am not going to repeat myself, except that I only want to mention that I was very pleased to see the vote on that small loan bill this morning, because all of you are aware that the small loan companies have the best lobbyists in the state working for them on that bill, and the Senators, through their

own feeling of responsibility toward the people of this state, killed that bill. And I feel that way about this bill, because the opponents of the \$2.00 minimum wage, so to speak, are here in force to oppose this bill, and I certainly hope that my good friends in the Senate, with a feeling of duty towards the people, that we will pass this bill in spite of all the strong opposition to it by strong lobbyists. I ask your support.

Mr. President, am I in order at this time to make a motion to indefinitely postpone Senator Katz's proposed amendment?

The PRESIDENT: The motion would be in order.

Mr. TANOUS: I so move, and I request a division.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that Senate Amendment "A" be indefinitely postponed. A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The heavy hand of a motion to indefinitely postpone strains my cordial feelings this morning.

I just wanted to clear up the implication as to a heavy lobby. The only lobbyist who has approached me on the question of minimum wage asked me not to introduce any amendments because of the confidence, and the confidence I shared, that Senator Tanous's bill in its original, rigid shape would have been defeated. I agree with that conclusion, but I have a feeling, a completely unilateral feeling, that a minimum wage increase this session is warranted and that both parties should support it.

With respect to the reference of the impending immediately effective federal legislation, my I urge the Senate never, never to hold your breath while you are waiting for federal legislation that is just around the corner. I understand that some of us who entered into a program of sewage treatment about four sessions ago on the predication that federal money would flow are still holding our breath, and it is getting a little painful.

Completely on the merits of the situation, ladies and gentlemen, a minimum wage increase is in order this session. And Maine is one of the few states that in recent years has tried to keep up with the facts of life as they exist. Some states, you will notice, have minimum wages that are something like \$.90 an hour, and these states have almost abrogated their responsibility to take care of the welfare of the people. I think a \$1.75 increased minimum wage now can get the votes to accomplish something and, as far as I am concerned, that is the name of the game this session.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I support the position of Senator Tanous of Penobscot, but I am sure that he did not mean to indicate in his debate that those who have honest opinions on this were taking these opinions as a result of heavy lobbying. I know and have talked a great deal with members of the Senate who have very sincere feelings that an increase of significance in the minimum wage will cause hardship around the state. I think that there was no intention made here that these people have arrived at their decision other than on an honest appraisal of the facts.

I hope you will vote for the defeat of the present amendment and support the one which Senator Tanous will offer.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Senate Amendment "A" be indefinitely postponed. A division has been requested. As many Senators as are in favor of indefinite postponement of Senate Amendment "A" will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Mr. Tanous of Penobscot then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-96, was Read.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, a division was had. Nineteen Senators having voted in the affirmative, and ten Senators having voted in the negative, the motion prevailed.

Whereupon, the Bill, as Amended, was Passed to be Engrossed.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Labor on Bill, "An Act Relating to Size and Construction of Railroad Caboose Cars." (H. P. 348) (L. D. 457) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass as Amended by Committee Amendment "A" Filing H-119.

Tabled — April 16, 1971 by Senator Levine of Kennebec.

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

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

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

SENATE REPORTS — from the Committee on Fisheries and Wildlife on Bill, "An Act Regulating Catching Lobsters for Noncommercial Home Consumption Use." (S. P. 474) (L. D. 1494) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 20, 1971 by Senator Levine of Kennebec.

Pending — Motion by Senator Hoffses of Knox to Accept the Majority Ought Not to Pass Report.

On motion by Mr. Hoffses of Knox, retabled and specially assigned for April 23, 1971, pending the motion by that same Senator

to Accept the Majority Ought Not to Pass Report of the Committee.

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

SENATE REPORTS — from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Provide for the Selection and Duties of a Lieutenant Governor (S. P. 203) (L. D. 588) Majority Report, Ought to Pass in New Draft (S. P. 545) (L. D. 1678) Minority Report, Ought Not to Pass.

Tabled — April 20, 1971 by Senator Johnson of Somerset.

Pending — Motion by Senator Berry of Cumberland to Accept the Minority Ought Not to Pass Report.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I would oppose the motion of the good Senator from Cumberland, Senator Berry. I introduced this legislation and the committee changed it a little bit. I am not too happy about some of the changes, but I think it is a step in the right direction.

My idea was when I introduced this legislation to help the state economically by creating the office of Lieutenant Governor. I think if we pass this legislation, even if the wording in the bill is changed a little bit, I think it will still do the job.

I mentioned before the committee that I would like to see either the Governor or the Legislature assign special duties to the Lieutenant Governor, and the duties would be that he would head the Department of Economic Development, and he would also head the Environmental Improvement Commission. We need industry in the State of Maine, and we need clean industries. By having the Lieutenant Governor as head of the two departments it would give them more prestige and it would help bring new industries into the State of Maine.

I can give you an example of what happened concerning myself. We outgrew our place here in the

State of Maine and we were looking for a place to establish another industry. The welcome that we got from the Governor of New York and the department there decided us to establish our new plant in the State of New York. By the way, it is not going to be a small plant; it is going to be one of the largest in the industry. We are going to start with 150 people working, to start with, and we will be doing in excess of \$100,000,000 the first year. So that is quite a sizable amount, and it is going to be quite a sizable industry. But the cooperation I got over there from the Governor himself, he was interested in us and wrote us letters and talked with us.

By the way, the State of New York doesn't guarantee the loans as they do in the State of Maine. They only guarantee up to 30%, so that most of the money had to come from us. The State of Maine guarantees 90%, but the State of New York goes at it in a different and, I think, in a better way.

We have got here a football that everybody has been kicking around, and that is the Department of Economic Development. I think they have made a lot of mistakes and that is why, I think, if you pass this legislation we would help the state economically. I don't see why anybody should want to vote against it and indirectly hurt the state.

I was sorry that the good Senator from Washington, Senator Wyman, wasn't at the hearing. I think if he had heard my argument, I have got a lot of confidence in him, I think he would have signed the report Ought to Pass. I would like the Senate to vote against the motion of Senator Berry, and I hope that he himself changes his mind, if he follows my thinking. I am not making any party issue of it, and if the good Senator from Cumberland, Senator Berry, would like to amend it afterwards, in my thinking, I think he would agree with me on that, and I think he is going to vote with me, I hope.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Sen-

ate: I have seen this little jewel pass across our desks for over the past five sessions, I think, but I have never heard such a cogent argument as that Commissioner Keefe might be Lieutenant Governor of the State of Maine. It doesn't exactly convince me that I should support the position of Senator Levine. As a matter of fact, I think it has done just about the opposite, and I think he left me.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I would like to answer the remarks of the good Senator from Cumberland, Senator Berry.

The way the bill is written, it will be up to the people to nominate whoever they choose for Lieutenant Governor, and I have a lot of confidence in the people of the State of Maine. I haven't got anything against Mr. Keefe, but I think it would be somebody else who would be on the ticket rather than Mr. Keefe.

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

Mr. CLIFFORD of Androscoggin: Mr. President, could I ask for the signatories on this bill, please.

The PRESIDENT: The Secretary will read the report of the Committee.

The SECRETARY: The Ought to Pass in New Draft Report, which is the Majority Report, was signed by Senator Johnson, Representative Stillings, Marsteller, Senator Clifford, Representatives Farrington, Goodwin, Starbird, Curtis and Cooney.

The Minority Ought Not to Pass Report was signed by Representative Donaghy, Senator Wyman and Representative Hodgdon.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Resolution, Proposing an Amendment to the Constitution to Provide for the Selection

and Duties of a Lieutenant Governor.

The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, to accept the Minority Ought Not to Pass 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. Twelve Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought to pass in New Draft Report of the Committee was Accepted, the Resolution in New Draft Read Once and Tomorrow Assigned for Second Reading.

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

SENATE REPORTS — from the Committee on Public Utilities on Bill, "An Act Relating to the Adequacy of Public Utility Service." (S. P. 453) (L. D. 1311) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 20, 1971 by Senator Moore of Cumberland.

Pending — Motion by Senator Moore of Cumberland to Accept the Majority Ought Not to Pass Report.

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

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

Bill, "An Act to Authorize Cumberland to Raise Money for a Bridge at Harpswell." (S. P. 172) (L. D. 524).

Tabled — April 20, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

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

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

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

Tabled — April 20, 1971 by Senator Kellam of Cumberland.

Pending — Enactment.

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

Mr. KELLAM of Cumberland: Mr. President, I move that under suspension of the rules, we reconsider our action whereby we passed this bill to be engrossed for the purpose of submitting an amendment.

The PRESIDENT: The Senator from Cumberland, Senator Kellam, under suspension of the rules, moves that the Senate reconsider its action whereby Bill, "An Act Relating to Disturbing Schools", was passed to be engrossed.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Before we take action on the proposed amendment, I think perhaps, in order to save time, we should debate the proposed amendment. Perhaps Senator Kellam would tell us what his amendment proposes to do. I want to oppose his amendment and I feel that in the essence of saving time we ought to debate the proposed amendment at this time perhaps.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: This bill has to do with the disturbing of schools. But it also has to do, since it came out of Judiciary Committee, with the action of the University of Maine relative to safeguarding their property.

Now, on L. D. 1547, I believe, Section 2, the meat of the bill, is all new material inserted by the Judiciary Committee and, unfortunately, the bill got through the second reading before I realized that the bill was nothing like the original bill.

The action of the Judiciary Committee to help the trustees of the University of Maine regulate action on their property, I believe, is commendable, and I find no fault with it. The only problem I have is that the University of Maine's facilities are not all of a rural nature. The campus in the City of Portland is right in the middle of town and abuts some of our busiest streets.

My amendment, Filing S-99, would just strike out three or four words in about the fourth line from the bottom of the bill, where it says "and on contiguous streets and highways." In other words, the law then would permit University trustees to appoint persons to act as policemen who shall, within the limits of the property owned by or under the control of the University to possess all the powers of policemen in criminal cases. Now that strikes me to be a considerable amount of power, and I think that in our particular situation in Portland it may lead to difficulties by enhancing their jurisdiction to cover all contiguous streets and highways. As a matter of fact, it almost seems that with Route 1 going by the door, I would hate to think they would plan to chase somebody all the way to Eastport in case he gets on Route 1, but I assume they would probably either catch him or give up after a few miles. But I do object to the idea of them taking on these particular added responsibilities.

We have a police force in Portland which has adequately dealt with any problems arising on these streets in the past and, as I say, Forest Avenue, Brighton Avenue and Deering Avenue in Portland are very busy streets so, in order to protect our particular area, I would like to just strike out those four or five words "and on contiguous streets and highways."

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: If we in fact go along with adopting the amendment of the Senator from Cumberland, Senator Kellam, we are going to take the meat right out of that particular

section which the University is seeking.

I am not saying that what they are seeking is right or wrong, but they do have to have some police powers in order to regulate the flow of traffic, for one thing, in their schools.

Now, presently the guards or the police officers they have on the campus have no authority whatsoever to step out on the street off the campus to regulate the flow of traffic for vehicles either going in or coming off the campus, and all they are seeking to do is have some legal authority to be able to step out on the street on the side of their school, so to speak, so they can use their police powers to regulate the flow of traffic. They are not asking that they be authorized as law enforcement officials in the sense that we recognize them, although we have to give them this same authority to be able to function in the manner in which they ask.

I don't think they are seeking the authority which Senator Kellam feels they are seeking. I have great confidence in them and I am certainly willing to permit them to have the authority of a police officer to conduct the flow of traffic, which is primarily what they are looking for. I think that the amendment should be defeated and I ask for a division on the motion by Senator Kellam to reconsider our action whereby we passed this matter to be engrossed.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I concur with my seat-mate, the good Senator from Cumberland, Senator Kellam. He has very clearly defined and spelled out the fact that when we look at this bill and think of the University of Maine in Orono, I see no problem at all, but for those members of the Senate who are not familiar with the University of Maine in Portland, let me try to give some idea as to just how the campus in Portland is laid out.

First of all, I think one of the busiest intersections in the state is bounded now by the new University of Maine Law School which

will be constructed, I assume, sometime next year. Then we can go down Falmouth Street, down Bedford Street, Chamberlain Avenue, all these streets that are right in the midst of the residential area, yet are bounded by the University complex.

Now, we have ordinances within the city whereby parking ordinances are in effect and are well enforced. The residents over there apparently continue to keep city hall mindful of the fact that there are ordinances. I have briefly spoken with the city manager in respect to this particular item. We have had no opportunity really to study it because of the fact that this bill is out in new draft and it certainly would not be what one could say is like the original draft of 668. This is practically totally a new document, and I just think really that we are giving policemen, again who have no training or no nothing at all, who are employed by the University, powers that shouldn't be just loosely handed out.

I support the motion of the good Senator from Cumberland, Senator Kellam, and would hope that the Senate would go along in allowing his amendment to be adopted. I think we are really going to have a very serious problem in the City of Portland if this bill goes along as it is now written.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Speaking as an individual member of the Senate, I am somewhat surprised at the viewpoints of my two colleagues from Portland because they are quite familiar with the geographical set-up, as Senator Conley of Cumberland has stated.

I see a situation, if we don't pass this legislation where the campus police would be restricted to the actual property of the University, and if they were involved with a group of people, students or not students, who are causing some concern on the property of the university, all these people need to do is step across onto the sidewalk and taunt

the police and we have an intolerable situation. They can go out into the street and cause problems in the street by blocking traffic. And I think it is extremely wrong to say that there would be any conflict between the Portland Police Department, which is an excellent one, and the University of Maine police.

It is also important, I think, that all the campuses of the University be considered here. Many of the campuses of the University around the state do have public streets going through them, and certainly the University of Maine campus police should be allowed to go on contiguous areas that might be involved. I think this is reasonably restrictive legislation, but I think it is necessary, and I hope you would oppose the motion for suspension of the rules.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise in opposition to the motion which has been made for reconsideration. There is one other item which should be pointed out here. In our University system they have been able to keep it under control. They suggested at the committee hearing, and which suggestion I think was very well taken, that they have been able to control their campuses. We haven't had riots, we haven't had these problems, and they want to be able to continue to do it. They have done a good job now, and they have asked for this little extra tool to help them do the job, and I think we ought to support them in the good job that they have done by this one more little thing which they have asked to help them. So I hope you would vote against the motion of the good Senator from Cumberland, Senator Kellam, for reconsideration.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I dislike disagreeing with the good Senators from Cumberland, Senator Conley and

Senator Kellam. The Orono Campus has been mentioned and the Portland Campus has been mentioned, but we must not leave out the Gorham Campus. And I am just wondering how many police officers would be available to take care of how much of a crowd, because there are two or three entrances to the campus there and it covers quite a bit of territory. I would like to see the University prevail in this instance. Thank you.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would remind the Senate that we have recently passed legislation in this session dealing with the problems that both the good Senator from Cumberland, Senator Berry, and again the good Senator from Cumberland, Senator Carswell, is pointing out. The fact is that we do have legislation on the books that would help take care of any type of a turmoil that may arise on a university campus. In fact, two years ago, I think everyone is well familiar with the fact, at the time when we had Kents State, that students at the University in Portland did group and did sit in on some sort of protest on the campus grounds at the University. There was no problem at all. It was handled very well by both the Portland Police Department and again the officials at the University.

What I am talking about, and what the good Senator from Portland, Senator Kellam, was talking about are the streets themselves that are involved. This University, as it is set up in Portland now, is right in the midst of residential area. We have ordinary taxpayers living all around the university and throughout its domain as of now. I just think that we are getting into a situation where the University is going to be running part of the city and the City of Portland is going to be running the other part, and I really see no great objection to the amendment that Senator Kellam would like to offer.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I think sometimes when you discuss these matters they seem to get blown out of proportion. I really am making no objection to the University of Maine regulating its premises, and I don't feel that they will have any difficulty whatever with this bill if in fact we do take out this particular phrase relative to areas outside the university.

In passing, I might say it is quite surprising to me we have so many people here in the body who have such great confidence in the University of Maine trustees in setting up police forces and regulating our criminals in the State of Maine, and have so little confidence in their ability to determine an enrollment of the students at the University of Maine. It bothers me quite a bit. I don't think it is well to just jump in and say "yes" on a bill of this nature. It is a serious matter. It allows them to appoint policemen who are going to act as policemen, and give them full authority as other policemen in criminal cases.

The Legal Affairs Committee has a bill before it now, it has had bills before it, relative to the training of the policemen, going to the state police academy, and all these various things, which are very serious matters, and yet in an off-hand way some members of the legislature are willing to just allow the University trustees, who are primarily concerned with education, to make a choice of policemen and no provision whatever as to their qualifications.

I really feel that, if they are going to make a decision on the policemen, I think they should fairly much confine their activities to the University campuses themselves, and not extend out into the highways.

I don't see any problem developing, such as some of the critics have mentioned. If there is in fact criminal activity going on, we do have laws relative to fresh pursuit in the State of Maine which would

permit the University policemen to come off their domain and to take care of the activity in the street in front of the university itself. I think the fact that someone gets out in the street and says something, or thumbs their nose at you, we used to have a saying around my way as a youngster that, "sticks and stones will break your bones," or some such thing as that and maybe these people shouldn't be so upset about someone saying something about them out in the street. I think that if they called the local police department, if these people were interfering with traffic or anything like that, I think that would be taken care of. I do hope that we do use a little bit of reason in this regard, and reconsider this matter and make this slight correction.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Kellam, that the Senate reconsider its action, under suspension of the rules, whereby it passed to be engrossed, Bill, "An Act Relating to Disturbing Schools."

As many Senators as are in favor of suspending the rules for the purpose of reconsideration will please rise and remain standing until counted.

A division was had. Twelve Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion to reconsider did not prevail.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side, I move that we reconsider our action whereby this Bill was Passed to be Enacted, and I hope that you vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider

its action whereby Bill, An Act Relating to Disturbing Schools, was passed to be enacted.

As many Senators as are in favor of reconsideration will please say "Yes"; those opposed will say "No".

A viva voce vote being taken, the motion to reconsider did not prevail.

The President laid before the Senate the fifteenth 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 20, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

The President laid before the Senate the sixteenth 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 20, 1971 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

Mr. Hoffses of Knox then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-95, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the seventeenth 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 20, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Katz of Kennebec presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-84, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: Going back to last session, and directing our attention to the period in between the two legislative sessions, there has been a very substantial hassle regarding the States' Principals Association in two areas. One, because of its involvement in interscholastic football games, primarily, and the division of basketball funds. Also the inability of anybody to control the S.P.A. or the state student council group. We had a little situation last year which involved a young man, and there wasn't anybody who could step into the situation.

The committee has considered it long and carefully, and what we have done is very simple. We recognized the existence of the States Principals Association. We take no position whether we are over-emphasizing sports or under-emphasizing sport, we are not saying the money should be divided up any more, but we do say that the board of directors of the States Principals Association should be broadened, that they should be made responsive, that their report should be audited and circulated. And, in any event, the Commissioner of Education is the final arbiter as to policies, all policies, as they pertain to extracurricular activities. We have a great deal of confidence that the Commissioner is aware of the dissatisfaction and will move with vigor if changes are not made.

But we didn't want to get into the business of establishing another advisory committee or to try to spell out specifics in state law. There are those who are not going to be pleased with what they consider an inadequate approach, but the committee felt unanimously that this approach would accomplish that which we wished it to accomplish.

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

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 eighteenth tabled and specially assigned matter:

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

Tabled — April 20, 1971 by Senator Berry of Cumberland.

Pending — Motion by Senator Levine of Kennebec to Indefinitely Postpone.

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

Mr. JOHNSON of Somerset: Mr. President, may I ask if the amendment presented is now on the bill?

The PRESIDENT: The Chair would answer in the affirmative, Senate Amendment "A" had been read and adopted.

Mr. JOHNSON: Mr. President, I would request a division on the motion, and I would like to speak briefly in favor of the amendment.

The PRESIDENT: The Senator has the floor.

Mr. JOHNSON: Mr. President and Members of the Senate: This bill originally came out of the Transportation Committee Ought to Pass. It increased the fees from one dollar for the inspection to two dollars.

It was brought to our knowledge that many service stations now that normally do this inspection are not doing it any more because a dollar fee is not adequate to provide for employers to pay their mechanics adequately for the cost of the time they spend in doing what I would call a proper inspection.

Also, this particular bill gives to the Highway Department an increase on the sticker from ten cents to thirty cents, which does increase the revenues to the highway fund by approximately \$600,000 per biennium.

We felt that this was a good bill, and we felt that from some of the testimony a proper inspection by a qualified mechanic would cost the employer four dollars, and in some cases a little more. Many people today feel that someone goes in and just slaps a sticker on for a dollar and that is just about what it is worth. But a car should be inspected properly, and it does take the time of a qualified

mechanic. I feel that we all want our cars inspected so that we will not be worried about something happening to ourselves or our families on the road. This way, I think, we will get more proper and better inspections.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I disagree with the good Senator from Somerset, Senator Johnson. When he tells me that people went out of business on account of the fee that they are charging, I disagree with him. I think most of them went out of business because they used to just slap on stickers and I guess the state police went after them.

They increased the fee a few years ago from fifty cents to a dollar. I think if I was in a gasoline station I would like to have the business of inspecting cars. For one thing, you get a dollar and it only takes a few minutes. When it takes more time, the man ends up with a bill of fifteen or twenty dollars.

We have our own mechanic in our garage, and before I send out a car or truck to be inspected they are usually gone over very good. Very seldom do we get a bill for one dollar for inspection of the car. Ninety-nine percent of the time, I will say, we get quite a sizeable bill. They always find something. That is human nature, and there is no way in the world we can stop it. That is why I feel that a dollar is enough.

We are not here in the Senate and House to impose taxes on the people and take away a man's paycheck. There are too many people accusing us now that we are assembled here to take away the paycheck of the person, and then they have to go and ask for raises. And it causes a lot of inflation and a lot of problems. I feel that the members of this body are very honorable people and, in fact, the legislation that we pass we don't get credit for it as good legislation. I hope that this body will kill this bill because, after all, we are here to protect the interest of the people, and the interest of the

motorists in the State of Maine.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I was asked to submit this amendment. After talking to the people who brought some of the facts to my attention, I perhaps was convinced that there is some merit, in looking this thing over and looking ahead to the near future here. We are in the process of raising the state's minimum wage.

Now, I am perhaps one of the fortunate ones because I inadvertently end up with a new car every two years. So I don't have this problem every six months of searching all over town for a gas station willing to spend the time to inspect my car. We drive in, he looks at it and sees it is a new car and he takes me. Well, the last time I had my car inspected there were three people ahead of me. He turned down two of them on the mere fact that they had old jalopies, and he was paying a man the minimum wage for inspecting cars and he didn't want to tie this man up for three-quarters of an hour just to look over this car.

Safety is the prime thing as far as I am concerned. I see that some of these gas stations that are inspecting cars today are beginning to get the feeling that maybe they no longer can provide this service for the public.

We have figures on how many of these stations are going out of business every year, around twenty-five percent. Most of it is due perhaps to poor bookkeeping and management procedures, but there are good stations that are simply going out of the inspection business because they can't afford to tie a man up. Their volume of gas has increased. Their volume of service has increased. They just don't want to get into the time-consuming arguments with some of these people who go around hunting for stations who will give them a ticket on a questionable car. That is why I felt that perhaps I should submit this amendment and it should be up for debate. I would,

of course, oppose the good Senator from Kennebec, Senator Levine, on his motion to indefinitely postpone.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I just rise for a point of inquiry. Number one, what was the committee report on L. D. 1576? Then perhaps Senator Johnson from Somerset might answer my second question. I don't know if I get him wrong, if he said that the committee reported out the bill which calls for two dollars on the inspection of automobiles. The draft that I have here, 1576, says one dollar, and I am a little bit confused here. I would like to have, first of all, what the report of the committee was on L. D. 1576, and on the second point the Senator might clear that up for me.

The PRESIDENT: The Chair would inform the Senator it was a unanimous Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: In answer to the question of the good Senator from Aroostook, Senator Violette, the bill, I believe, as originally submitted called for a two dollars and fifty cents increase. It came out of committee with a two dollar amendment, reduced to two dollars.

It also had an amendment, I believe, on it that allowed construction equipment to be exempt from inspection. In other words these were these road-moving vehicles that on the average take a long time to get inspected, and there is really no adequate inspectors for this type vehicle. The best example I can give you is a construction job where a vehicle is probably worth fifty thousand or thirty thousand dollars, and the driver gets about seven dollars an hour, and so he has to go get it inspected, and spends a whole day and a half looking things over, which cost the contractor probably one hundred dollars for the time and everything else. And this amendment, I believe, was on it.

The amendment now that the good Senator from Androscoggin put on it replaced the two dollars back in it and that is essentially what it does. As the good Senator from Kennebec says, in case anyone didn't quite understand what he meant, you pay a dollar and you get a dollar's worth.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Levine, that Bill, "An Act Relating to Fees for Inspection of Motor Vehicles," (H. P. 1256) (L. D. 1576), be indefinitely postponed.

As many Senators as are in favor of Indefinite Postponement will please say "Yes"; those opposed will please say "No."

A viva voce vote being taken, the motion to Indefinitely Postpone did not prevail.

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

Sent down for concurrence.

Out of Order and under suspension of the rules, the Senate voted to take up the following:

Committee Reports

House

Ought to Pass

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for a Fishway on Boyden Lake Stream in Perry." (H. P. 870) (L. D. 1191)

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

Which report was Read and Accepted in concurrence and the Bill Read Once.

Thereupon, out of order and under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed in concurrence.

Joint Order

WHEREAS, modern society is dependent upon efficient communication and modern communication rests largely in the hands of our office secretaries; and

WHEREAS, the secretary has become more and more a key person in the operation of an office and has come to be depended upon

not merely for a high level of technical skills in the operation of complex machines and in taking of shorthand, but also has been given responsibility for countless details; and

WHEREAS, the important role that secretaries play in the economic governmental life of America has been recognized by establishing the last week in April as Secretaries Week; and

WHEREAS, the Governor of the State of Maine, Kenneth M. Curtis, has proclaimed the period from April 18th through April 24th as Secretaries Week and Wednesday, April 21, 1971, as Secretaries Day in the State of Maine and has urged that the citizens of Maine pay tribute to the secretaries of our State, and to their constant improvement of the secretarial profession which has made it truly a silent partner in American business; now, therefore, be it

ORDERED, the Senate concurring, that the Maine State Legislature now assembled in its One Hundred and Fifth regular session does hereby recognize and pay tribute to secretaries everywhere and to the more than 28,000 members of the National Secretaries Association, the largest professional women's association, with chapters throughout the United States and Canada and affiliate chapters in 7 foreign countries; and be it further

ORDERED, upon joint passage, that copies of this Order, duly attested by the President of the Senate and Speaker of the House of Representatives and bearing the great seal of the State of Maine be transmitted forthwith by the Secretary of the Senate to the President of the Kennebec Valley Chapter, National Secretaries Association (International). (H. P. 1283)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Reconsidered Matter

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

Mr. HOFFSES of Knox: Mr. President, I would request if the

Senate is in possession of L. D. 577, Bill, "An Act Relating to Elderly Persons' Examinations for Motor Vehicle Operators' Licenses?"

The PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the request of the Senator.

Mr. HOFFSES: Mr. President and Members of the Senate: I led the debate in the defeat of this L. D., and at the adjournment of the session when I proceeded to leave the Chambers I was bombarded and was accused of everything from being against highway safety to practically being against motherhood.

I would like to point out, members of this Senate, that I am not against highway safety, but I am against discrimination and I feel that this bill was definitely discriminatory in its language and in its whole purpose. I did not favor the word "elderly", and I still do not favor the word "elderly".

I pointed out yesterday that in the debate at the hearing on this matter they indicated that a large majority of the people that were examined had eyes which were defective and needed corrective measures. Now, this was not a particular class of people, it was not the so-called elderly; it referred to all classes. I pointed out yesterday that this measure was discriminatory against the so-called elderly in that it would take those so-called people who are prone to accidents due to faulty eyesight off the road. I pointed out that our problems were not with that category but that they were with the other category and I display for your consideration a picture that was on the front page of the Bangor Daily News: The heading is "Two Bangor Girls Hitch Ride to Death in Hampden." I am not submitting that the driver, who was certainly not considered an elderly person, had defective eyesight. But I do submit to you that if the findings are correct, and if a large majority of our people do have defective eyesight, then let's not discriminate against the elderly, whether they be classified as over fifty or over sixty. Let's consider that every two

years every holder of a driver's license shall submit to an eye test.

So, I would move, Mr. President, that we reconsider our action whereby this measure was indefinitely postponed. And if it is successful I will endeavor to prepare an amendment, and I promise you that the title will be different than this one that we have on this particular L. D., that will encompass all ages and not be discriminatory against any one age group.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate reconsider its action whereby Bill, "An Act Relating to Elderly Persons' Examinations for Motor Vehicle Operators' Licenses", was indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: The good Senator from Knox, Senator Hoffses, displayed great wisdom yesterday when he gave this bill its proper demise. I would hope that we would not reconsider it today.

The PRESIDENT: Is the Senate ready for the question? As many Senators as are in favor of the motion of the Senator from Knox, Senator Hoffses, that the Senate reconsider its action on Legislative Document 577 will please say "Yes"; those opposed will say "No".

A viva voce vote being taken, the motion to reconsider did not prevail.

Mr. Tanous of Penobscot moved that the Senate reconsider its action of yesterday whereby on Bill, "An Act Relating to Fees for Transcripts of Evidence Furnished by Official Court Reporters", (S. P. 252) (L. D. 759), the Majority Ought Not to Pass Report of the Committee was Accepted.

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

On motion by Mr. Tanous of Penobscot, and under suspension of the rules, the Senate voted to reconsider its previous action whereby An Act Relating to Criminal Trespass in Buildings and on Premises, (S. P. 532) (L. D. 1568), was Passed to be Enacted.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-97, was Read and Adopted. Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action of yesterday whereby Bill, "An Act to Repeal the Prohibition of Publishing a Periodical by the Department of Economic Development", (H. P. 897) (L. D. 1217), was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to reconsider its action whereby Senate Amendment "A" was Adopted and, subsequently, on further motion by the same Senator, Senate Amendment "A" was Indefinitely Postponed.

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

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MINKOWSKY of Androscoggin: Mr. President, the only difference between S-89 and S-100 is to remove an objectionable word, namely, "partisan". I now move the adoption of Senate Amendment "B".

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

Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.