

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, April 23, 1971

Senate called to order by the President.

Prayer by the Rev. David Holroyd of Gardiner.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox.

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 27, at 9 o'clock in the Morning. (S P. 553)

Which was Read and Passed.

Sent down forthwith for concurrence.

Papers From The House

Non-concurrent Matter

Bill, "An Act Increasing Compensation for Members of the State Board of Barbers." (H. P. 907) (L. D. 1251)

In the Senate April 16, 1971, Passed to be Engrossed in concurrence.

Comes from the House, the Bill Indefinitely Postponed in non-concurrence.

On motion by Mr. Johnson of Somerset, tabled and Tomorrow Assigned, pending Consideration.

Non-concurrent Matter

Bill, "An Act to Amend the Municipal Public Employees Labor Relations Law." (H. P. 420) (L. D. 547)

In the Senate April 14, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (H-120), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-146), in non-concurrence.

On motion by Mr. Berry of Cumberland, tabled and specially assigned for April 28, 1971, pending Consideration.

Non-concurrent Matter

Bill, "An Act Relating to Schedule of Rates of Motor Vehicles for Hire by Holders of Certificates of Public Convenience and Necessity

from Public Utilities Commission." (S. P. 254) (L. D. 761)

In the Senate April 16, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (S-75) and as Amended by Senate Amendment "A" (S-90).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-90), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Joint Order

Ordered, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 7-B, to read as follows:

7-B. Use of Copies. The director of Legislative Research shall not accept any request for drafting bills or resolves from material submitted in any generation or reproduction or other than the original, unless in his discretion it is not practicable to obtain such material in any other manner. (H. P. 1289)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

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

Communications

State of Maine

House of Representatives

Office of the Clerk

Augusta, Maine

April 22, 1971

Hon. Harry N. Starbranch

Secretary of the Senate

105th Legislature

Sir:

The House today voted to adhere to its action of April 15 whereby Bill "An Act Establishing the Maine Apple Fund and Maine Apple Commission" (H. P. 253) (L. D. 335) was indefinitely postponed.

Respectfully,

(S)

BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ored
Placed on File.

Committee Reports**House****Ought to Pass**

The Committee on Agriculture on, Bill, "An Act Relating to Duties of the Assistant Chief of the Division of Inspection for Sardines." (H. P. 629) (L. D. 891)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act Relating to Fish and Fisheries Product Inspection." (H. P. 901) (L. D. 1239)

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 Education on, Bill, "An Act Authorizing the Bureau of Public Improvements to Assist Municipalities and School Administrative Districts in the Construction of School Buildings." (H. P. 1115) (L. D. 1534)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-140).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read.

On motion by Mr. Berry of Cumberland, tabled and specially assigned for April 28, 1971, pending acceptance of the Committee Report.

Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act Relating to Credits to Liquor Licensees by Wholesalers." (H. P. 1093) (L. D. 1481)

Reported that the same Ought Not to Pass.

Signed:
Senators:

SHUTE of Franklin
HOFFSES of Knox
FORTIER of Oxford

Representatives:

IMMONEN of West Paris
HAWKENS of Farmington
MADDOX of Vinalhaven
GAGNON of Scarborough

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

Signed:

Representatives:

SLANE of Portland
LIZOTTE of Biddeford
FAUCHER of Solon
TANGUAY of Lewiston
STILLINGS of Berwick
BAILEY of Woolwich

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

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 Fisheries and Wildlife on, Bill, "An Act Regulating Hunting from Certain Public Ways." (H. P. 98) (L. D. 142)

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

Signed:

Senators:

HOFFSES of Knox
ANDERSON of Hancock

Representatives:

PARKS of Presque Isle
PORTER of Lincoln
LEWIS of Bristol
KELLEY of Southport
LEWIN of Augusta
KELLEY of Machias
BUNKER of Gouldsboro
CALL of Lewiston

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

Signed:

Senator:

BERNARD

of Androscoggin

Representatives:

MANCHESTER

of Mechanic Falls

BOURGOIN of Fort Kent

Comes from the House, the Majority Ought to Pass as Amended report Read and Accepted and the

Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-152) as Amended by House Amendments "A" (H-160) and "B" (H-165) Thereto.

Which reports were Read, and the Majority Ought to Pass as Amended Report of the Committee accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read.

On motion by Mr. Hoffses of Knox, tabled and Tomorrow Assigned, Pending Adoption of Committee Amendment "A."

Divided Report

The Majority of the Committee on State Government on,

RESOLUTION, Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts. (H. P. 208) (L. D. 274)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1238) (L. D. 1524)

Signed:

Senators:

JOHNSON of Somerset
WYMAN of Washington

Representatives:

HODGDON of Kittery
STILLINGS of Berwick
CURTIS of Orono
GOODWIN of Bath
DONAGHY of Lubec
MARSTALLER of

Freeport
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:

Senator:

CLIFFORD of

Androscoggin

Representative:

STARBIRD of

Kingman Township

Comes from the House, the Majority Ought to Pass in New Draft report Read and Accepted and the Resolution, in New Draft, Passed to be Engrossed as Amended by House Amendment "B" (H-168).

Which reports were Read.

On motion by Mr. Berry of Cumberland, tabled and specially as-

signed for April 28, 1971, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act Relating to Benefits for Widows of State Police Officers." (H. P. 9) (L. D. 9)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-157).

Signed:

Senators:

ANDERSON of Hancock
CARSWELL

of Cumberland
BERNARD of
Androscoggin

Representatives:

LINCOLN of Bethel
LEWIN of Augusta
JUTRAS of Sanford
SIMPSON of Millinocket
VINCENT of Portland
HAYES of Windsor
THERIAULT of Rumford

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

Signed:

Representatives:

DOW of West Gardiner
PRATT of Parsonsfield
CURTIS of Bowdoinham

Comes from the House, the Majority Ought to Pass as Amended report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-157).

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

Senate

Ought to Pass-As Amended

Mr. Harding for the Committee on Judiciary on, Bill, "An Act Relating to Mental Examination of Persons Accused of Crime." (S. P. 383) (L. D. 1169)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-190).

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act

Relating to Costs of Investigation Where Injunction Is Issued under Unfair Trade Practices Law." (S. P. 331) (L. D. 978)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-107).

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Board of Examiners for the Examination of Applicants for Admission to the Bar and Applicants for Such Examination." (S. P. 178) (L. D. 530)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-108).

Signed:
Senators:

TANOUS of Penobscot
QUINN of Penobscot
HARDING of Aroostook

Representatives:

ORESTIS of Lewiston
LUND of Augusta
WHEELER of Portland
WHITE of Guilford
PAGE of Fryeburg
BAKER of Orrington
KELLEY of Caribou

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

Signed:

Representatives:

HENLEY of Norway
CARRIER of Westbrook
HEWES of

Cape Elizabeth

Which reports were Read.

On motion by Mr. Clifford of Androscoggin, Tabled and specially assigned for April 28, 1971, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Probable Cause Arrests in Misdemeanor Violations." (S. P. 333) (L. D. 979)

Reported that the same Ought Not to Pass.

Signed:
Senators:

TANOUS of Penobscot
QUINN of Penobscot
HARDING of Aroostook

Representatives:

ORESTIS of Lewiston
HEWES

of Cape Elizabeth
WHITE of Guilford
WHEELER of Portland
KELLEY of Caribou
CARRIER of Westbrook

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

Signed:

Representatives:

PAGE of Fryeburg
LUND of Augusta
HENLEY of Norway
BAKER of Orrington

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Amend the Laws Relating to Forcible Entry and Detainer." (S. P. 229) (L. D. 675)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-106).

Signed:
Senators:

TANOUS of Penobscot
HARDING of Aroostook

Representatives

BAKER of Orrington
WHEELER of Portland
KELLEY of Caribou
PAGE of Fryeburg
WHITE of Guilford
LUND of Augusta
ORESTIS of Lewiston

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

Signed:
Senator:

QUINN of Penobscot

Representatives:

HENLEY of Norway
CARRIER of Westbrook
HEWES

of Cape Elizabeth

Which reports were Read, and the Majority Ought to Pass Report

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Comparative Negligence in Civil Actions." (S. P. 227) (L. D. 673)

Reported that the same Ought Not to Pass.

Signed:

Senator:

QUINN of Penobscot

Representatives:

HENLEY of Norway
HEWES

of Cape Elizabeth

LUND of Augusta

PAGE of Fryeburg

WHITE of Guilford

KELLEY of Caribou

CARRIER of Westbrook

BAKER of Orrington

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

Signed:

Senators:

TANOUS of Penobscot

HARDING of Aroostook

Representatives:

WHEELER of Portland

ORESTIS of Lewiston

Which reports were Read.

On motion by Mr. Harding of Aroostook, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Second Readers

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

House

Bill, "An Act to Create a Crime Laboratory." (H. P. 919) (L. D. 1271)

Bill, "An Act Relating to the Transition to the Somerset County Commissioner Districts." (H. P. 1114) (L. D. 1533)

Bill, "An Act to Provide an Implied Warranty and Covenant of Habitability in Leases of Dwellings." (H. P. 1273) (L. D. 1674)

Bill, "An Act Creating Piscataquis County Commissioner

Districts." (H. P. 1279) (L. D. 1679)

Bill, "An Act Prohibiting the Driving of Deer While Hunting." (H. P. 1280) (L. D. 1680)

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

House As Amended

Bill, "An Act Prohibiting Dragging for Fish in Spruce Creek, York County." (H. P. 264) (L. D. 353)

Bill, "An Act Relating to the Rendering of Treatment and Services to Minors for Drug Abuse Without Parental Consent." (H. P. 391) (L. D. 506)

Bill, "An Act Requiring Public Hearings by the Park and Recreation Commission Prior to the Exercise of Eminent Domain." (H. P. 825) (L. D. 1115)

Bill, "An Act Authorizing the Mars Hill Utility District to Enforce Liens to Secure Payment of Rates." (H. P. 1097) (L. D. 1485)

Bill, "An Act to Incorporate the Andover Water District." (H. P. 1098) (L. D. 1504)

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

Senate

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

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

Bill, "An Act Relating to Theft of Trade Secrets." (S. P. 379) (L. D. 1134)

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

Bill, "An Act Relating to Size Limit of Trout." (S. P. 548) (L. D. 1687)

Bill, "An Act to Require Notice to Public Utilities of Certain Excavations." (S. P. 549) (L. D. 1688)

(On motion by Mr. Berry, tabled and specially assigned for April 28, 1971, pending Passage to be Engrossed.)

Which were Read a Second Time and, except for the tabled matters, Passed to be Engrossed.

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to Permits for Keeping Certain Wild Animals in Captivity." (S. P. 375) (L. D. 1111)

Bill, "An Act Creating the Rumford-Mexico Sewerage District." (S. P. 488) (L. D. 1499)

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 Clarifying the Secondary School Tuition Law. (S. P. 276) (L. D. 859)

An Act to Create the Saco River Environmental Advisory Committee. (S. P. 544) (L. D. 1661)

(On motion by Mr. Violette of Aroostook, tabled and tomorrow assigned, pending Enactment.)

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

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

An Act Relating to Elementary School Guidance Counselors. (H. P. 1268) (L. D. 1670)

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

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

Emergency

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

This being an emergency measure and having received the affirmative votes of 26 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary

presented to the Governor for his approval.

Emergency

An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973. (S. P. 533) (L. D. 1577)

(On motion by Mr. Sewall of Penobscot, tabled and specially assigned for April 28, 1971, pending Enactment.)

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

Papers From the House Enactors

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

Emergency

An Act Appropriating Funds for a Fishway on Boyden Lake Stream in Perry. (H. P. 870) (L. D. 1191)

This being an emergency measure and having received the affirmative vote of 27 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

SENATE REPORTS — from the Committee on Taxation on Bill, "An Act Relating to the Sharing of the State Sales Tax Revenue." (S. P. 501) (L. D. 1461) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

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

Pending — Acceptance of Either Report.

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

Mr. WYMAN of Washington: Mr. President, I move that we accept the Majority Ought Not to Pass Report of the Committee, which was eleven to two, all three Senators having voted Ought Not to Pass.

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

Thereupon, on motion by Mr. Kellam of Cumberland, retabled and Tomorrow Assigned, pending the motion by Mr. Wyman of Washington that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

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

HOUSE REPORTS — from 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) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass in New Draft (H. P. 1274) (L. D. 1675)

Tabled — April 21, 1971 by Senator Graham of Cumberland.

Pending — Motion by Senator Schulten of Sagadahoc to Accept the Majority Ought Not to Pass Report.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: I would like to say some words for this bill. We have here a bill that would permit the noise pollution of planes coming into our airports to 108 decibels. Now, this is the limit that already applies to subsonic planes, according to FAA regulations, and I think we should apply it to supersonic planes too because they will be bringing in a great deal of noise pollution, because pollution is caused by noise. Noise is pollution, and we have a chance here to nip this new form of pollution in the bud.

As you know, construction of the SST was suspended in the United States, so these will be foreign planes. That is, they will be planes manufactured abroad. And if the American aircraft companies know that we have this prohibition, and it is also being enacted, I understand, in Massachusetts and New York, where the other big eastern landing strips are, if they know we have this prohibition they will be less inclined to buy these planes. Once these new supersonic planes are bought by American companies, it will be difficult in-

deed to cut off this form of pollution.

As any of us who have sat on the Natural Resources Committee know, it is very, very difficult to end pollution once it has begun. How nice it would have been years ago if we could have stopped the grade of pollution that now occurs in our rivers, streams and lakes, which we could have then. Here we have a chance to do it with noise pollution. I, therefore, urge this Senate to vote against the motion of my esteemed colleague, with whom I really hesitate to disagree, but I think that this is a good move forward toward ending a form of pollution that we can end without any cost. 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 appreciate those fine words from the very fine Senator from Cumberland County, Senator Graham. We worked very closely in committee, and I am very happy to have a man of such caliber associated with us there.

I think this particular bill that we are looking at today, which we tabled the other day, L. D. 887, which would regulate noise pollution of the supersonic transport under the Environmental Improvement Commission, I believe this bill had a lot of merit up until the time that the United States Congress decided that they were changing the priorities of what they considered important in the world and that they were suspending the construction of the supersonic planes. So that leaves only one manufacturer in the world making a supersonic plane, and I believe that is a Russian manufacturer. As we all know, there is the British-French joint venture to produce a supersonic plane, but the actuality of this plane being brought to the point of commercial production, I would say, today is very much in doubt. Doubt about design, doubt about financial capabilities of these countries to produce, and also the doubt that they would find the buyers to make it commercially profitable.

So, while I think that the bill did have merit, I think the destiny of the world has moved on. And we should move on also, recognizing that we do not at the present have the emergency situation on supersonic transports that we once had. So, I consider this bill untimely, irrelevant, and really cluttering, to no advantage.

I would just read a bit from the statement of fact on this particular bill, because I think it helps understand the problem. It says: "The Legislature further is particularly concerned that the proposed supersonic transport which will significantly increase the noise level surrounding our state's airports — 40 times louder than the existing noise of the 108 PNdB for present supersonic transports, which is the proposed Federal Aviation Administration limit." They go on to say they hope the Federal Aviation Administration will continue to expand these limitations to the new supersonic transports when they do become available.

This is a matter of the United States Government. It is a great cause of concern for the Government and, as the editorial in the Portland Press Herald today points out, that if all the states get into the act of prohibiting or licensing what supersonics can do, before they are even available, we are going to have a very confused legislative mess which will finally have to be straightened out by the Federal Government anyway.

I would like to say that if I had a reason to vote for this bill, and if I had a reason to vote for another supersonic bill, which is also tabled for today, that the only two good reasons I can presently think of as to why it should be done is because of the work done by two freshman legislators from the other house. These two young men devoted tremendous time and energy to producing bills and arguments for these supersonic prohibitions that really were outstanding, and I think that the 105th Legislature is very proud to have young men coming along who are so willing to dedicate themselves to what they believe is important. Unfortunately, their idea of importance just doesn't happen to be

relevant at the moment, but the work they did, I think, should deserve quite a lot of praise from the rest of us, and I hope that we would all carry on in the same manner of dedication. But, outside of that I don't feel that this particular bill is timely, and I would urge the Senate to go along with the Majority Ought Not to Pass Report of the Committee.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I believe, as I stated the other day on the other SST bill that I had sponsored myself, that it is very, very important for the State of Maine to go on record as being opposed to the noise level which would be generated by the SST as it now stands.

I believe that while the British-French SST is in the development stage is the time to force them to perfect their aircraft to the level where it will be able to meet a tolerable standard. I feel that if we do not do so, and they are allowed to continue and to probably sell the airplane to the U.S. airlines, and we know there are orders in for this plane, it would be very difficult then to back up and try to eliminate the noise that would be generated.

This bill, as the previous bill we discussed, does deal with noise levels, and it ties in with the FAA and tries to make a workable formula. I think it is a very good bill. I think it spells out considerably more detail than the other SST bills.

I did want to say that I have received back copies of the bills in Massachusetts which have received approval down there. I am not sure if the bill has finally been enacted, but at least in some vote it received approval. Their bill runs about two lines and just merely prohibits the SST from landing at Logan Airport and other airports.

I feel that this bill is certainly very well thought out and very meritorious, and I hope that the body will stand up and try to help the environment for the future while it still can be done. When

the vote is taken I would appreciate having a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: Your indulgence please for one moment, because I am afraid that the good Senator from Cumberland, Senator Kellam, has not yet had an opportunity to read this morning's paper, and one of his friends of the same party was good enough to pass it around to the Senate here. There is a particularly important paragraph here that I think deals with this matter that we are considering, and I will quote:

"With or without a federal standard, commercial operators of supersonic aircraft will give careful thought to the matter of speed over land areas. The congressional debate on the continued funding of the SST provided a generous expression of feeling about the swift aircraft and their sonic booms.

"If the nuisance of sonic booms should become common because of commercial use of the new planes, the reaction could be a set of restrictions more severe than those presently contemplated — and perhaps a state-by-state set of regulations confusing as well as restrictive."

I would suggest that the good Senator read this article and ponder it, because I think it has a great deal to do with the problem we are now considering.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I appreciate having the Portland newspaper pointed out to me by the good Senator from Sagadahoc and I have taken the opportunity to read the quoted paragraph while he was reading it.

The part that strikes me, it says, "With or without a federal standard, commercial operators of supersonic aircraft will —" and so forth, as the good Senator stated. One problem that bothers me is this "with or without federal

standards," because we do know that in the past commercial aircraft have never given attention to noise pollution without federal standards and, as a matter of fact, the present 747 does not meet these standards and has an exception for a period of time while they are being forced to readapt their engines to meet the noise level standards. It would seem to me to be very, very important to put this bill on the record, and not only rely upon the interpretation given by probably some very well qualified editorial writer in Portland, but we do know that the commercial operators have not taken into consideration the best benefit of the welfare of the country.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I rise to oppose the motion of the good chairman of my committee, Senator Schulten from Sagadahoc, in regards to this bill. This is with some hesitancy that I oppose his motion because we get along so well in our committee work, but I guess it is inevitable that we are not going to be able to agree one hundred per cent of the time.

I too was impressed with the presentations made by the sponsors of these bills. I felt that the new draft which we have, 1675, which is the original bill presented by Representative McCloskey of the other branch, is a very, very good bill.

Now, I know that there is a lot of emotion mixed in with this type of discussion, in the consideration of supersonic aircrafts and so forth. I know the situation that took place in the Congress some weeks ago. My feeling on this is that it does not direct itself at all to whether we should have supersonic planes or should not have them. I think certainly that it is inevitable that we will have them. I guess, like everything else, after we built the Model T Ford, if we passed a law and said that cars aren't going any faster than model T Fords could go at that

time, maybe it might have been a good thing, now that you think of the deaths on the highways. Regardless, progress has moved along and certainly we will have, in my judgment, supersonic planes flying before too many years.

My position that I take here is not whether or not we should have supersonic planes flying but I think the noise emissions from whatever planes are flying, and it is a very important matter for us here in the state to consider. I think it is a very valid subject for us to consider. Now, this bill does place under the jurisdiction of E.I.C. the noise pollution of aircraft, noise from aircraft which exceeds the standards established by the Federal Aviation Administration Regulation. These have been pointed out to you today. I think that these are reasonable standards and I don't know, of course, if there are a lot of people that live around airports, but I know that I live in the vicinity of Loring Air Force Base, and my residence is probably twelve to fifteen air miles from the take-off strip at Loring Air Force Base. And the noise that these planes make as they take off and pass over my house, and which most of Van Buren is within the take-off path of the bombers and tankers at Loring Air Force Base, will wake you up at night and also disturb you in the daytime. I guess we kind of get used to them at times. I don't know what the noise emission levels of those planes are; I have never asked anybody, but I do seriously believe that the matter of noise emissions is a very important matter for us to consider.

Under this FAA regulation, Part 36, the Federal Aviation Administration has set noise emission standards which they feel are reasonable and which should not be exceeded for subsonic planes, because that is all we have today. Fine, commercially. The loophole in the law is that it provides for states and airport management to set their own standards. They can either reduce them or raise them. So, in fact, the Federal Aviation Regulation is subject to being changed by any legislation in the

State of Maine we were to make, or which any airport in the State of Maine, any airport management in the State of Maine wishes to make, so they don't have to adhere to those. While they say these are the standards which are tolerable by people today with regards to these planes, any airport management is free to raise them. So, I think it is a valid subject for us to consider.

I personally have no objection to whether or not we fly supersonic planes, and it is not the subject which ought to be under consideration here. But I think the emission of noise which any of these planes are going to make is very valid for us to consider, and that is the point on which I support this bill, that whatever planes fly in our state, why they should not today make greater noise than those which the FAA presently feels are compatible with our standards of noise emissions. That is the basis on which I support this legislation that I would hope this Senate would accept.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It would seem that any further words of wisdom might be a little bit redundant, but I would just merely like to point out that we have been assured that there will be no supersonic transports flying over or landing in Maine at least for another two years. As a matter of fact, I think the Concorde is scheduled perhaps for operational flight in 1975. In view of this fact, it would seem that we can well leave this matter to consideration by subsequent legislatures. I would hope that you would support the position of Senator Schulten and his committee majority report.

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

Mr. SHUTE of Franklin: Mr. President, would the Secretary give us the reading on the two reports?

The PRESIDENT: The Secretary will give the committee report.

The SECRETARY: The Majority Ought Not to Pass Report was signed by Senator Schulten, Representatives Ault, MacLeod, Curran, Herrick, Marion Brown, and Hardy.

The Minority Ought to Pass in New Draft Report was signed by Senator Graham, Representatives Whitson, Kilroy, Senator Violette, Representatives Smith and Cummings.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I just want to say something in reference to what the Senator from Cumberland said, Senator Graham, about controlling pollution noise. They did try it years ago. When I was a kid and lived in Bar Harbor I had a flock of hens and I had a rooster to go with them. And during the summer months when the millionaires and the summer people came there, I had to ship that rooster up to my grandfather's farm and then I couldn't have him back for the whole year.

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

Mr. VIOLETTE of Aroostook: Mr. President, I would just like to ask the good Senator from Waldo, Senator Greeley, if the egg production declined during the absence of the rooster?

The PRESIDENT: The Senator has posed a question through the Chair which the Senator may answer if he desires.

The pending question before the Senate is the motion of the Senator from Sagadahoc, Senator Schulten, that the Senate Accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act to Regulate Noise Pollution of the Supersonic Transport under the Environmental Improvement Commission."

A roll call has been requested. 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 rise and re-

main standing until counted. Obviously more than one-fifth having arisen a roll call is ordered.

The Chair will state the question once more. The pending question before the Senate is the motion of the Senator from Sagadahoc, Senator Schulten, that the Senate Accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act to Regulate Noise Pollution of the Supersonic Transport under the Environmental Improvement Commission". A "Yes" vote will be in favor of accepting the Majority Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Levine, Moore, Peabody, Quinn, Schulten and Wyman.

NAYS: Senators Bernard, Carswell, Clifford, Conley, Graham, Harding, Kellam, Martin, Minkowsky, Sewall, Shute, Violette and President MacLeod.

ABSENT: Senators Danton, Fortier, Katz, Marcotte and Tanous.

A roll call was had. Fourteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with five Senators absent, the motion to Accept the Majority Ought Not to Pass Report of the Committee prevailed.

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

SENATE REPORTS — from the Committee on Fisheries and Wildlife on Bill, "An Act Regulating Catching Lobsters for Non-commercial Home Consumption Use." (S. P. 474) (L. D. 1494)

Tabled — April 21, 1971 by Senator Hoffses of Knox.

Pending — Motion by senator Hoffses of Knox to Accept the Majority Ought Not to Pass report.

On motion by Mr. Bernard of Androscoggin, retabled and Tomorrow Assigned, pending the motion by Mr. Hoffses of Knox, to Accept the Majority Ought Not to Pass Report of the Committee.

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

Bill, "An Act Relating to School Construction Aid," (S. P. 152) (L. D. 421)

Tabled — April 22, 1971 by Senator Hoffses of Knox, Pending — Consideration.

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

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

HOUSE REPORT — Ought to Pass from the Committee on Business Legislation on Bill, "An Act Relating to Limited Insurance Agent's License," (H. P. 256) (L. D. 338)

Tabled—April 22, 1971 by Senator Johnson of Somerset.

Pending—Acceptance of report.

Thereupon the Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

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

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" Filing H-47 from the Committee on County Government on Bill, "An Act Creating Aroostook County Commissioner Districts," (H. P. 91) (L. D. 135)

Tabled — April 22, 1971 by Senator Violette of Aroostook.

Pending — Acceptance of Report.

On motion by Mr. Harding of Aroostook, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

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

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" Filing H-148 from the Committee on County Government on Bill, "An Act Creating York County Commissioner Districts," (H. P. 553) (L. D. 729)

Tabled — April 22, 1971 by Senator Marcotte of York.

Pending — Acceptance of Report.

On motion by Mr. Martin of Piscataquis, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

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

HOUSE REPORTS — from the Committee on Natural Resources on Bill, "An Act Prohibiting Supersonic Flights by Nonmilitary Aircraft," (H. P. 607) (L. D. 818) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — April 22, 1971 by Senator Violette of Aroostook.

Pending — Motion by Senator Schulten of Sagadahoc to Accept the Minority Ought Not to Pass Report.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I hope that possibly the Senate would accept this bill. I note in the same editorial quoted by the Senator from Sagadahoc, Senator Schulten, that the comment is that certainly we can restrict flights over the state and avoid perhaps very, very major sonic booms without in any way restricting the flight of aircraft over the state. I would hope that we would reject the Ought Not to Pass Report and move on to accept the Ought to Pass Report. I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: It seems too bad to end the week disagreeing with members of my own committee, as much as I admire and respect them. I think here again we have a bill regarding supersonic aircraft, and it is not relevant at all. This particular bill, L. D. 818, "An Act Prohibiting Supersonic Flights by Nonmilitary Aircraft", on this particular bill I have been given to understand that the State of Maine has no constitutional right to regulate the

use of the airspace over the state. The Federal Aviation Agency has this jurisdiction, and this came from the Attorney General's Office, and I think this statement once and for all should lay to rest the supersonic aircraft until another session of a new legislature comes to review the problem as it exists then.

I would move that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Chair would inform the Senator that is the motion presently before the body.

Is the Senate ready for the question? The pending question is the motion of the Senator from Sagadahoc, Senator Schulten, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Prohibiting Supersonic Flights by Nonmilitary Aircraft".

A division has been requested. As many Senators as are in favor of the Senate 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. Sixteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion to accept the Minority Ought Not to Pass Report of the Committee prevailed.

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

HOUSE REPORTS — from the Committee on Education on Bill, "An Act Relating to School Construction Aid for All Administrative Units." (H. P. 737) (L. D. 999) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — April 22, 1971 by Senator Katz of Kennebec.

Pending — Acceptance of Either Report.

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

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

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

Tabled — April 22, 1971 by Senator Johnson of Somerset.

Pending — Passage to be Engrossed.

Mr. Johnson of Somerset then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-110, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" Filing H-129 from the Committee on Health and Institutional Services on Bill, "An Act Relating to Regional Facility for Mentally Retarded Children in Aroostook County." (H. P. 487) (L. D. 628)

Tabled — April 22, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

On motion by Mr. Berry of Cumberland, tabled and specially assigned for April 28, 1971, pending Acceptance of the Committee Report.

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

Bill, "An Act Relating to the Right of Access by Landlords." (H. P. 1253) (L. D. 1573)

Tabled — April 22, 1971 by Senator Harding of Aroostook.

Pending — Adoption of Senate Amendment "A" Filing S-105.

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

Mr. BERRY of Cumberland: Mr. President, Senator Tanous has authorized me in his absence to relay the information to the Senate that he finds Senate Amendment "A" objectionable. And he has authorized me to move that Senate Amendment "A" be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Senate Amendment "A" be indefinitely postponed. Is this the pleasure of the Senate?

Thereupon, Senate Amendment "A" was Indefinitely Postponed and the Bill Passed to be En-grossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — April 22, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

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

The President laid before the Senate the fourteenth 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 22, 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 fifteenth tabled and specially assigned matter:

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

Tabled—April 22, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for April 28, 1971, pending Enactment.

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

SENATE REPORTS — from the Committee on Judiciary on Bill,

"An Act Relating to Fees for Transcripts of Evidence Furnished by Official Court Reporters." (S. P. 252) (L. D. 759) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass as Amended by Committee Amendment "A" Filing S-92.

Tabled April 22, 1971 by Senator Berry of Cumberland.

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

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending the Motion by Mr. Tanous of Penobscot to Reconsider Acceptance of the Majority Ought Not to Pass Report of the Committee.

Reconsidered Matter

Mr. Quinn of Penobscot moved that the Senate reconsider its action of yesterday whereby on Bill, "An Act to Create a School Administrative District for the Town of Orono," (H. P. 804) (L. D. 1077), the Senate voted to Accept the Majority Ought Not to Pass Report of the Committee.

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

Mr. Berry of Cumberland moved that the Senate reconsider its action of yesterday whereby Resolution, Memorializing Congress to Lower the Retirement Age Under Social Security from 65 to 62 Years, (H. P. 1002) (L. D. 1364), was Adopted.

Thereupon, on further motion by the same Senator, tabled and Tomorrow Assigned, pending the motion by that Senator to reconsider.

(Off Record Remarks)

The Adjournment Order having been returned from the House Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, Adjourned until Tuesday, April 27, 1971, at 9 o'clock in the morning.