

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

Tuesday, April 27, 1971

Senate called to order by the President.

Prayer by the Rev. Fr. Coleman P. O'Toole of Portland.

Reading of the Journal of yesterday.

Papers From the House

Non-concurrent Matter

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

In the House April 14, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (H-130).

In the Senate April 20, 1971, Indefinitely Postponed, in non-concurrence.

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

Mr. Conley of Cumberland moved that the Senate Adhere.

Mr. Johnson of Somerset then moved that the Senate Insist and Join in a Committee of Conference.

On motion by Mr. Conley of Cumberland a division was had. Nine Senators having voted in the affirmative, and nineteen Senators having voted in the negative, the motion to Insist and Join in a Committee of Conference did not prevail.

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act Relating to Mental Illness as a Ground for Divorce." (H. P. 883) (L. D. 1204)

In the House April 8, 1971, 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-117).

In the Senate April 21, 1971, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

Mrs. Carswell of Cumberland moved that the Senate Adhere.

Mr. Moore of Cumberland then moved that the Senate Recede and

Concur.

On motion by Mrs. Carswell of Cumberland, a division was had. Twelve Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion to Recede and Concur did not prevail.

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act Relating to Sale Price of Liquor." (H. P. 856) (L. D. 1181)

In the Senate April 13, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (H-108), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-108) as Amended by House Amendment "A" (H-166) Thereto, in non-concurrence.

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

Communications

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

April 23, 1971

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

Sir:

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

Bill "An Act Reclassifying the Waters of Lake Auburn and Little Wilson Pond, Androscoggin County" (H. P. 607) (L. D. 808)

Mr. PONTBRIAND of Auburn
Mrs. BROWN of York
Mr. AULT of Wayne

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

Messrs. HODGDON of Kittery
STILLINGS of Berwick
Mrs. GOODWIN of Bath

Bill "An Act Increasing Minimum Salaries for Teachers" (S. P. 162) (L. D. 484)

Messrs. BITHER of Houlton

TYNDALE

of Kennebunkport
LUCAS of Portland

Respectfully,
S/ BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

Committee Reports House

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

Bill, "An Act Relating to Tax Exemption of Property of Agricultural Fair Associations." (H. P. 1080) (L. D. 1473)

Bill, "An Act Appropriating Money for the New England Medical Center Hospitals." (H. P. 1011) (L. D. 1390)

Bill, "An Act Relating to Trespass on Lands Abutting Great Ponds." (H. P. 573) (L. D. 749)

Bill, "An Act to Disclose Source of Title to Real Estate Prior to Recording." (H. P. 596) (L. D. 791)

Bill, "An Act to Authorize Municipalities to Provide Higher Penalties for Ordinance Violations." (H. P. 745) (L. D. 1007)

Bill, "An Act Relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities." (H. P. 865) (L. D. 1188)

Bill, "An Act Relating to Mobile Homes and Other Overlength, Overwidth Vehicles in Transit." (H. P. 829) (L. D. 1120)

Bill, "An Act Relating to Reimbursement to Certain Municipalities for Winter Maintenance of State Aid Highways." (H. P. 615) (L. D. 826)

Leave to Withdraw

The Committee on Education on, Bill, "An Act Relating to Aid for Regional Technical and Vocational Centers." (H. P. 802) (L. D. 1075)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on, Bill, "An Act Adjusting Fees for Liquor Licenses." (H. P. 1170) (L. D. 1624)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act to Provide a Feasibility Study for Improvement of U.S. Route 1 between Bath and Ellsworth." (H. P. 617) (L. D. 828)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act to Provide a Feasibility Study for Improvement of Route 17 between the Cities of Augusta and Rockland." (H. P. 618) (L. D. 829)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Leave to Withdraw - Covered by Other Legislation

The Committee on Election Laws on, Bill, "An Act to Provide the Registrar with a Copy of the Voting Checklist." (H. P. 876) (L. D. 1197)

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

The Committee on Liquor Control on, Bill, "An Act Relating to the Operation of State Liquor Stores." (H. P. 378) (L. D. 493)

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

Comes from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Legal Affairs on, Bill, "An Act to Extend the Period of Anticipatory Borrowing by Municipalities." (H. P. 712) (L. D. 958)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed To Be Engrossed.

The Committee on Legal Affairs on, Bill, "An Act Relating to Acquisition of Land by Conservation Commissions." (H. P. 714) (L. D. 959)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed To Be Engrossed.

The Committee on Legal Affairs on, Bill, "An Act Relating to Name Maine Yacht Racing Association, Inc." (H. P. 941) (L. D. 1300)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed To Be Engrossed.

The Committee on County Government on, Bill, "An Act Relating to Payments to the Law Libraries in the Several Counties of the State." (H. P. 1284) (L. D. 1683)

Reported pursuant to Joint Order (H. P. 1278), 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.

The Committee on Liquor Control on, Bill, "An Act to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers." (H. P. 1001) (L. D. 1363)

Reported that the same Ought to Pass.

Comes from the House, the Report and Bill Recommitted to the Committee on Liquor Control.

Which was Read.

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

Ought to Pass - As Amended

The Committee on Legal Affairs on, Bill, "An Act to Create the Bangor Parking Authority." (H. P. 890) (L. D. 1229)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-164).

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 and 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.

Ought to Pass in New Draft

The Committee on Education on, Bill, "An Act Permitting Cooperative Agreements among Units for Special Educational Purposes." (H. P. 705) (L. D. 948)

Reported that the same Ought to Pass in New Draft Under New Title: Bill, "An Act Permitting Agreements Among Units for Cooperative Educational Purposes." (H. P. 1285) (L. D. 1684)

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 Taxation on, Bill, "An Act Relating to Definition of Retail Sale under Sales and Use Tax Law." (H. P. 898) (L. D. 1218)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington
HICHENS of York
FORTIER of Oxford

Representatives:

ROSS of Bath
COTTRELL of Portland
DAM of Skowhegan
CYR of Madawaska
TRASK of Milo
FINEMORE

of Bridgewater

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

Signed:

Representatives:

McCLOSKEY of Bangor
MORRELL of Brunswick
COLLINS of Caribou
DRIGOTAS of Auburn

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

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

Divided Report

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Signed:
Representatives:

MCCLOSKEY of Bangor
MORRELL of Brunswick
COLLINS of Caribou
DRIGOTAS of Auburn

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

Which reports were Read, and 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 Judiciary on, Bill, "An Act Expanding the Participation of the State of Maine under the Interstate Corrections Compact." (H. P. 567) (L. D. 743)

Reported that the same Ought to Pass.

Signed:
Senators:

TANOUS of Penobscot
QUINN of Penobscot

Representatives:

WHITE of Guilford
WHEELER of Portland
HENLEY of Norway
LUND of Augusta
BAKER of Orrington

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

Signed:
Senator:

HARDING of Aroostook

Representatives:

HEWES of Cape Elizabeth
ORESTIS of Lewiston
PAGE of Fryeburg
KELLEY of Caribou
CARRIER of Westbrook

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

Which reports were Read.

Mr. Harding of Aroostook moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I suppose this is a bill that would either be acceptable to you because of your philosophy or it won't be.

Presently we have such a compact with the New England states whereby some of our prisoners may be transferred from the state prison of the State of Maine to other state prisons in New England. Now, the department is seeking to expand this compact with the whole country, so to speak, so that when we do have prisoners here in Maine that may come from Kansas, California or some other state, they may be authorized to transfer the prisoners to the other states under the terms of this particular compact.

Now, the department was at the hearing and they supported this particular bill, and I, as an individual, saw the philosophy behind this particular bill as being something that would be progressive and it would better serve society as a whole.

There were others, of course, who took the opposite view and want to retain the present compact

which we have with the New England states. So, personally, I would urge that you vote against acceptance of the Minority Report and support the Majority Report so that this bill may go through and perhaps go back to the other branch for further action in that body. Thank you.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: In good conscience, I couldn't let this go by without mentioning the deep reservations which I would have if this became the law.

Right now, as the good Senator from Penobscot, Senator Tanous, has told you, we do have the right and privilege of exchanging prisoners with all of the New England states. We also have a compact with the federal government so that we can exchange prisoners, and a prisoner in Maine can be transferred to any federal penitentiary in the United States. We have had, under this compact, prisoners transferred to prisons in California. This particular act would enlarge it so that prisoners, against their will, could be transferred to most any state in the union.

I, in good conscience, could not vote for this, and I would urge you not to, as you have read about the deplorable conditions in prisons in the United States, particularly in the south and in Arkansas. In fact, I have read and you have read in the paper where a judge in Pennsylvania refused to sentence a young man to prison because of the deplorable and unspeakable conditions which existed. You have also read about the prison system in New York, where they have triple the number of prisoners which they have provisions for, and the unspeakable conditions which exist and the crimes which are committed in those prisons.

So, if we were to enlarge this law it would permit these people, against their will, to be transferred to some, perhaps, of these unspeakable prisons. It was suggested by the department heads that the reason for this law was

that some of the prisoners might like to be transferred. This was acceptable to me and I suggested we make an amendment to this bill so that if they wished to be transferred, with their consent, it might be done. But the department heads said no, they did not wish to do that; that they wished to transfer them when they desired to do so.

So this opens it up. And I could not imagine myself being in a courtroom and seeing a man sentenced to our Maine State Prison and realizing that that man might serve his term in Arkansas, in Pennsylvania, in New York, or in any number of the unspeakable prisons throughout the United States. So, in all good conscience, I would urge you to vote with me in my motion that this Ought Not to Pass.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Aroostook, Senator Harding, that the Senate accept the Minority Ought Not to Pass Report of the Committee. As many Senators as are in favor of accepting the Minority Ought Not to Pass Report of the Committee will please say "Yes"; those opposed, "No".

A viva voce vote being taken, the Minority Ought Not to Pass Report of the Committee was Accepted in concurrence.

Senate

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

Bill, "An Act Providing Complimentary Hunting Licenses to Maine Residents over 70 Years of Age." (S. P. 100) (L. D. 264)

Bill, "An Act Relating to Penalty for Littering." (S. P. 200) (L. D. 585)

Sent to the House.

Ought to Pass

Mr. Wyman for the Committee on State Government on, Bill, "An Act to Adopt a State of Maine Code of Military Justice." (S. P. 441) (L. D. 1279)

Reported that the same Ought to Pass.

Mr. Wyman for the Committee on State Government on, Bill, "An Act Relating to the Laws of the Maine Industrial Building Authority." (S. P. 496) (L. D. 1372) Reported that the same Ought to Pass.

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

Ought to Pass - As Amended

Mr. Moore for the Committee on Public Utilities on, Bill, "An Act to Authorize the Hallowell Water District to Collect and Treat Sewage." (S. P. 452) (L. D. 1375)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-112).

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

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Relating to Appeals Under Municipal Zoning Ordinances." (S. P. 440) (L. D. 1268)

Reported that the same Ought Not to Pass.

Signed:
Senators:

QUINN of Penobscot
KELLAM of Cumberland
Representatives:

GAUTHIER of Sanford
FECTEAU of Biddeford
CROSBY of Kennebunk
SMITH of Dover-Foxcroft
CURTIS of Bowdoinham
NORRIS of Brewer

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

Signed:
Senator:

CLIFFORD

of Androscoggin
Representatives:
BRAWN of Oakland
EMERY of Rockland
COTE of Lewiston

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Bail or Personal Recognizance for Certain Criminal Offenses." (S. P. 7) (L. D. 21)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Bail or Personal Recognizance for Misdemeanors." (S. P. 555) (L. D. 1692)

Signed:
Senators:

TANOUS of Penobscot
QUINN of Penobscot

Representatives:

HEWES
of Cape Elizabeth
LUND of Augusta
BAKER of Orrington
WHITE of Guilford
PAGE of Fryeburg
HENLEY of Norway
KELLEY of Caribou

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

Signed:
Senator:

HARDING of Aroostook
Representatives:

CARRIER of Westbrook
WHEELER of Portland

Which reports were Read and the Majority Ought to Pass in New Draft Report of the Committee Accepted.

Thereupon, the Bill in New Draft was Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties." (S. P. 111) (L. D. 290)

Reported that the same Ought Not to Pass.

Signed:
Senators:

TANOUS of Penobscot
QUINN of Penobscot
HARDING of Aroostook

Representatives:

LUND of Augusta
WHITE of Guilford
PAGE of Fryeburg
HENLEY of Norway
WHEELER of Portland

KELLEY of Caribou
 ORESTIS of Lewiston
 CARRIER of Westbrook

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 554) (L. D. 1691)

Signed:

Representatives:

HEWES of Cape Elizabeth
 BAKER of Orrington

Which reports were Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I notice that this is a bill pertaining to shopstealing or, as we commonly call it, shoplifting, which is a problem that is adding up to some billions of dollars now for the retail community.

I notice that the bill was sponsored by the Senator from Penobscot, Senator Quinn, and has come out with a very substantial Ought Not to Pass divided report.

The defeat of this bill certainly isn't going to contribute to the problem facing us, and I wonder if some member of Judiciary who signed the Ought Not to Pass Report would explain the thinking of the Committee.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: It wasn't with great reluctance that I signed this out Ought Not to Pass. I say "it wasn't" for the reason that this particular gem granted to the shopkeepers more authority than a police officer would have, and I just couldn't see the significance of giving more authority to arrest an individual than a police officer presently has. Essentially this was the reason that the majority of the committee felt, I guess, that it ought not to pass.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I wonder, through the Chair, if there isn't some possibility of

the committee attempting to meet a need, and it is a very real need.

Shoplifting is kind of an obscure pastime. I think the Senate would be dismayed to know who shoplifters are. These are not ragged little kids. These are people very frequently from good homes.

In the State of Maine we have little associations of younger people, and the initiation is to steal something from a store. And I feel kind of badly that this is the only bill on shopstealing facing the session and it is reported out Ought Not to Pass because apparently it is a bill that doesn't stand up on its own merits and doesn't accomplish anything to solve a very real problem. I wonder whether the committee would be willing to reconsider some possible alternative or, in any event, to table this so we can talk about it a little further.

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

Thereupon, on motion by Mr. Tanous of Penobscot, tabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

Second Readers

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

House

Bill, "An Act Relating to Limited Insurance Agent's License." (H. P. 256) (L. D. 338)

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

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

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

House - As Amended

Bill, "An Act Relating to Benefits for Widows of State Police Officers." (H. P. 9) (L. D. 9)

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

Senate - As Amended

Bill, "An Act to Amend the Laws Relating to Forcible Entry and Detainer." (S. P. 229) (L. D. 675)

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

Bill, "An Act Relating to Mental Examination of Persons Accused of Crime." (S. P. 383) (L. D. 1169)

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 Provide Temporary Licenses for Administrators of Medical Care Facilities Other Than Hospitals. (S. P. 355) (L. D. 1051)

An Act Relating to Restitution of Funds Defrauded from Consumers. (S. P. 357) (L. D. 1053)

An Act Prohibiting Use of Motor Vehicles on Frozen Surface of Part of Sasanoa River. (H. P. 843) (L. D. 1155)

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

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

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

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

Comes from the House, having Failed of Enactment.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I notice that the bill has failed of enactment in the other house. I consider this the most important legislation on higher education fac-

ing this session. There is no price tag on it.

What it is, in effect, is that we should pause and review all known information and come to some public policy decisions as to who shall pay for all higher education in the State of Maine.

I want to just briefly enumerate for the Senate a few problems facing us. First, the question of tuition at the public institutions. Tuition at the public institutions presently averages about \$1,600 less to the student than it costs the state. In my book, this means that we are giving \$1,600 scholarship aid to every student, on the average, attending public higher education without any regard to whether he needs it or not. This is problem No. 1.

Problem No. 2 is that we have a niggardly amount of what we call scholarship money and, consequently, by the lack of availability of scholarship money based on need, we are very effectively precluding many of our youngsters from attending post-high school educational institutions because they can't afford to. I think the Committee on Education this year found out that, even though we give full scholarships to Indians, still Indians can't afford to go because sometimes the cost of tuition is not enough.

The third problem facing us: We have in the State of Maine unused facilities in our private higher educational institutions. At the very same time we have this unused space we are faced with requests from the University for additional construction. So question No. 3 is: Should we attempt to make use of our private space before we expand our public space?

The fourth question is in the so-called Haskell Bill before you. This would seek to put some millions of dollars in student assistance to students attending these private institutions, including Ricker, Bates, Bowdoin, Colby and the others.

There is no money on this. It was my intention, and I think I have succeeded, in getting private financing or financing outside of an appropriation. I consider it important that instead of just muddling along we come to some

public policy decisions in this area. And, in the face of the action in the other chamber, I would very much appreciate this being tabled for a couple of days so we can kind of regroup our forces and find out what we are going to do.

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

Thereupon, on motion by Mr. Hoffses of Knox, tabled and specially assigned for April 29, 1971, pending Enactment.

Emergency

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

This being an emergency measure and having received the affirmative votes of 31 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 Relating to the Four Corners Community School District. (H. P. 1145) (L. D. 1586)

This being an emergency measure and having received the affirmative votes of 30 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 Relating to Vacancies in the Trustees of Mapleton Sewer District. (H. P. 1234) (L. D. 1550)

This being an emergency measure and having received the affirmative votes of 2 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Bill, "An Act Relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit." (H. P. 887) (L. D. 1208)

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

Pending — Enactment.

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

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

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

Tabled — April 23, 1971 by Senator Johnson of Somerset.

Pending — Consideration.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, an amendment is being prepared to this L.D., and I wish someone would table it until the next legislative day.

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

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Further Consideration.

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

HOUSE REPORTS — from the Committee on Liquor Control on Bill, "An Act Relating to Credits to Liquor Licensees by Wholesalers." (H. P. 1093) (L. D. 1481) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 23, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

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

(See action later in today's session.)

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

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

Tabled — April 23, 1971 by Senator Hoffses of Knox.

Pending — Adoption of Committee Amendment "A" Filing H-152.

House Amendment "A" to Committee Amendment "A" was Read and, on motion by Mr. Hoffses of Knox, Indefinitely Postponed in non-concurrence.

House Amendment "B" To Committee Amendment "A" was Read and, on motion by Mr. Hoffses of Knox, Indefinitely Postponed in non-concurrence.

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

Senate Amendment "A", Filing No. S-114, to Committee Amendment "A" was Read and Adopted.

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

Senate Amendment "B", Filing No. S-115, to Committee Amendment "A" was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HOFFSES: Mr. President and Members of the Senate: This particular action which I have implemented this morning is to try to stiffen up the matter of hunting along public ways.

There has been a great deal of complaints by citizens throughout the State regarding the wanton discharge of firearms along our public ways. Now, this Senate Amendment "B" which I have offered does take the place of the House Amendment which was just defeated in that it would prohibit hunting from roads which have been treated with a bituminous material. In other words, all tarred roads instead of those roads which have definite state numbers.

We know that state numbered roads are roads which are traversed a great deal and we do not have the problem of hunting from that type of road. But we do have a great deal of problems on the secondary roads, and this amendment which I have offered would prohibit the hunting from a road which has been treated with bituminous material. It does not prohibit anyone from hunting from a gravel-surfaced road or other

untreated roads in any way whatsoever.

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

Mr. HARDING of Aroostook: Mr. President, I would like to ask the good Senator from Knox, Senator Hoffses, through the Chair, that, if I have treated the private way to my camp on the lake by bituminous material to keep down the dust, would this amendment prohibit me from hunting from that private way?

The PRESIDENT: The Senator has posed a question through the Chair which the Senator from Knox, Senator Hoffses, may answer if he so desires.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, in reply to the question of the good Senator from Aroostook, Senator Harding, I think he has answered it himself by using the word "private".

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

Thereupon, Senate Amendment "B" to Committee Amendment "A" was Adopted and Committee Amendment "A", as Amended by Senate Amendments "A" and "B" thereto, 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 fifth tabled and specially assigned matter:

SENATE REPORTS — from the Committee on Judiciary on Bill, "An Act Relating to Comparative Negligence in Civil Actions." (S. P. 227) (L. D. 673) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 23, 1971 by Senator Harding of Aroostook.

Pending — Acceptance of Either Report.

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

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

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

Tabled — April 23, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-104, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — April 23, 1971 by Senator Violette of Aroostook.

Pending — Enactment.

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

The President laid before the Senate the eighth 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 23, 1971 by Senator Kellam of Cumberland.

Pending — Motion by Senator Wyman of Washington to Accept the Majority Ought Not to Pass Report.

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

Mr KELLAM of Cumberland: Mr. President and Members of the Senate: I object to the acceptance of the Ought Not to Pass Report on this bill, and I would just like to make a few comments to the body in the hopes that maybe something could be done con-

structively in the area of sharing the sales tax receipts.

I suppose that probably this bill would have been more properly referred to the Appropriations Committee because of the fact there is no new taxation involved in the bill, and I think it does give the impression sometimes when a bill comes out of the Committee on Taxation that it does involve a levying of a tax.

What this bill proposes to do is to share a portion of the sales tax receipts with the individual communities. Now, I feel that this is the proper approach to take to revenue sharing. I know we have heard a lot about it during this session and we will probably hear a lot more before the session is over.

It seems to me that if the local community is to share in some of the state revenue that there ought to be a burden placed upon the community to accept some of the responsibility for the taxation being imposed upon the people.

What this bill would do, as written, is provide for a half cent local sales tax and a four and one-half cents state sales tax. I feel that this is the responsible way to have funds disseminated into the local communities.

The problem that apparently arose in the minds of many members of the committee was that since this is based upon business activity that the local community which has the greatest amount of business activity might unwarrantedly receive more funds than a neighboring community in which the businesses are not located. This to some extent might be true. But you have to realize that there are other expenses that go along with the conduct of business, and that the largest cities in the country do have some municipal sales tax and it seems to work out all right. The fact that New York City may take in quite a bit more from a sales tax than upstate New York really should not be that much of a burden to the upstate people.

However, I was willing to listen to some thought as to whether the tax should be distributed on a per capita basis, as that seems to be the basis that most people mention

to me, that if there were to be a distribution from these proceeds then it ought to go statewide per capita. I don't hold entirely to the argument that that is the way it should be done, but I would say that it certainly is better to do it that way than not do it at all.

I had hoped that this bill might pass along during the process and be available possibly to be amended to the point where it would be distributed per capita or conceivably have a half cent per capita and a half cent where collected out of the nickel tax placed on merchandise.

Fundamentally I feel that there is a great need to do something for the local communities. It should be done on a no-strings-attached basis in so far as the allocation is concerned, but it should also have the public realize that when the tax is paid that a certain portion of that tax is a local tax. In other words, in this particular instance, if it was half a cent local tax, it certainly could come to the public's attention that when they paid that five cent tax that one half a cent was for the local community and was not controlled by the state in any way.

I feel it is unfortunate to have the committee come out so overwhelmingly against the proposal simply because I do feel it is a good proposal. I feel that if we objectively study the various proposals for revenue sharing before the legislature I think we would realize that this here would be effective. It is effective in allowing an increase in the funds without further legislation as business activity increases and the sales tax receipts go up.

I do object to the idea of the local government having to come in asking for a handout of a certain amount of money and proposing that it be distributed across the board. I think it would be far better for all of us to put the local government on the honorable basis of taking some responsibility for the imposition of a tax and still to help them out of their very serious problems in relation to finances. So, I would hope when the vote is taken that we would not accept the Ought Not to Pass

Report, the pending motion, but rather accept the Ought to Pass Report. And if there are some thoughts as to whether it should be a little different than the way it is written, I am certainly willing to listen to that. When the vote is taken, I would like to have a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am sure we all share the concern as expressed by Senator Kellam of Cumberland on the problem of revenue sharing in the general financial dilemma in which we find most of our communities. I have one or two interesting questions in my own mind on this particular L.D. We are, after all, right at the point now where we are going to make some decision on this proposed legislation, therefore, it is a little bit more than academic.

Now, the first item I find of interest is that there is a \$12 million loss to the state if this bill were to be enacted in its present form. I consider this a practical problem. The Appropriations Committee has labored long and hard and has been unable to cut the budget anywhere near approaching this figure, of course, which must be done if we are going to enact such legislation.

The second thing I find of peculiar interest is that the home city of Senator Kellam of Cumberland is Portland, and I would assume that Portland is the biggest mercantile center in the State of Maine. Therefore, I would assume, the way the bill is written now, that there would be quite a lot of money funneled into Portland because a lot of people from outside the City of Portland go there to transact their business and make purchases and, therefore, to the extent that this would happen there would be a great deal of money accruing to Portland which comes from other parts of the state. I don't think this is exactly what we are trying to do here in the state today. We are trying to underwrite the expenses of all the

municipalities, not particularly expenses of certain ones of them.

I really feel there are these practical objections to the legislation, as much as the theory appeals very, very much to all of us here who are concerned with the plight of our municipalities. Accordingly, I hope you would support the existing motion for the acceptance of the Ought Not to Pass Report.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would just make two comments. Insofar as the loss of revenue to the state, I think we are all aware that if the sales tax is reduced from five cents to four and a half cents there would be a loss of revenue, but quite obviously we do disseminate monies among the local communities, and when the final amount to be distributed is determined certainly to be taken into consideration would be what was distributed under this bill. So I do not feel that there would be any more money distributed to the local government with this bill enacted than there will be without the bill enacted. It is a question of making a judgment decision and trying to do what is going to be the best for the state and the local communities.

Insofar as the allusion to the business activity in Portland, obviously Portland does have considerable business activity. So do some of the surrounding areas. South Portland, for instance, has the largest shopping centers. The shopping center that you run into coming off the Maine Turnpike at the Westbrook-Portland exit is actually in Westbrook. It may be misleading to people to think that it has got the greatest business activity. However, it is substantial. But we must remember that there are costs involved in the business activity. In other words, we do have to have police and fire protection and various activities that must be done that are not done in the smaller communities.

I just looked at this little pamphlet which the Maine Municipal Association gives out. I will

confess I looked at it, but I know the answer already. This is readily available to all of us, and at about the fourth or fifth page you have the 1970 tax rates put into the book. If you look at Cumberland County you will find that the highest effective tax rate in Cumberland County is the City of Portland. So, really in all fairness, I don't think you would be overstepping your bounds to think that possibly they might be helped some by this particular bill.

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

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: As a member of the Taxation Committee, I can assure you that the Ought Not to Pass Report which was reported by the Committee was not based on any opposition to the principle of revenue sharing by the state with the communities. Rather, it was based on the lack of equity in this particular bill.

The distribution of this money takes into consideration neither the need nor the contribution to the sales tax which would be inevitably dispensed. It would aggravate the situation in probably three-quarters of our municipalities and, in view of that fact, I hope you will support the Ought Not to Pass Report.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to the Sharing of the State Sales Tax Revenue."

A division has been requested. As many Senators as are in favor of the motion of the Senator from Washington, Senator Wyman, to accept the Majority 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. Twenty-one Senators having voted in the affirmative, and seven Senators

having voted in the negative, the motion prevailed.

Sent down for concurrence.

The President laid before the Senate the ninth 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 23, 1971 by Senator Bernard of Androscoggin.

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

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: This bill here which truly pertains to scuba divers being allowed to take a minimum of eight lobsters a day received a rather lopsided hearing in that there were approximately twenty-five divers present for the public hearing and a considerable number of people in opposition to the bill.

But the bill, as I sponsored it, would allow divers to get a ten-dollar license, just like the lobstermen, acquire a gauge and, like the lobstermen, restrict them to being unable to fish on Sundays during the summer months. And of course during the winter months the conditions aren't exactly favorable to this type of fishing. So, it boils right down to that there are approximately seventeen week-ends, mainly on Saturdays, when divers would probably find it to their liking to go down and attempt to catch lobsters. In talking over the bill with the people in the lobster industry who of course, are utterly opposed to the whole concept, it was felt that ultimately a compromise might be worked out. I have part of that compromise written up in the form of an amendment and, of course, in order to offer the amendment the vehicle must reach its second reading, so this is why I rise and oppose the motion to accept the Ought Not to Pass Report. I certainly hope that my Senate

colleagues would go along with me in opposing this matter so that at least we can get the bill to its second reading, and we can offer the amendment and see if we can't reach some sort of a compromise.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This piece of legislation has been introduced in the past. I anticipate that it will be introduced in the future. I would like to point out to the members of the Senate a few pertinent facts before we vote on what I consider this very important piece of legislation.

I would refresh your memory to the day that we heard the public hearing on this bill. It was a very, very severe snow storm that we had that day, traveling conditions were extremely hazardous, yet the hearing was attended by over four hundred people. The largest hearing room in the office building, 105, was packed to capacity and out into the hallway. Had it been a decent day, I have every reason to believe that the attendance would have been twice or three times as large as it was.

We heard a great deal of conflicting testimony in regards to this bill, conflicting testimony to warrant in my opinion most anyone to have a great deal of reservation about support of this bill, in that one person would say how easy it is to catch lobsters and another how difficult it is to catch lobsters.

Now, I have not been on the ocean bottom, but I have been associated in the fishing industry in some way or another in that my brother operated a fish market quite a number of years ago when I was only a boy in school. So, I have handled lobsters on many, many occasions, and I know how a lobster responds in the water. I know that it is extremely difficult for anyone to pick up a lobster if he is running loose in a large pen, let alone on the ocean bottom. Now, we had that same day a number of other bills, one of which would permit draggers to keep five lobsters for their own consumption. This bill was soundly defeated in the committee. It was felt that there were

not enough lobsters to warrant the draggers to take five lobsters.

Now, this bill calls for skindivers to take eight lobsters. Now, the day of that hearing we had a man by the name of Dr. Richard Cooper, of the National Marine Fishery Service in East Boothbay, a man of great knowledge and intellect, and recognized ability. The Commissioner was also present that day, and I would like to impress upon you the testimony which those two gentlemen gave before our committee. They advised us that from ninety-three to ninety-five percent of the available lobsters on the ocean bottom are being taken at the present time, which leaves five to seven percent for reproduction. Now, I do not believe that that is an adequate supply for reproductive purposes.

We have seen a steady decline of the lobstering over the years, and many of you who have not been associated with the sea or lobster industry know what has happened to the price of lobster, and it is certainly not the oversupply which has caused the price of lobsters to go from fifty-five cents a pound to over two dollars a pound this past winter.

We had a very good meeting that day. There were no harsh words or strong accusations made. The lobster fishermen that were there were very much concerned. And I can assure you that those lobstermen are concerned today about the available supply without any further taking of lobster either by skin diving or by the draggers.

Six years ago I was at the hearing and you never heard a more hostile group of people than the lobstermen that day when there were proposals in the interest of conservation. Four years ago there was a hearing. The attitude had changed considerably. Two years ago it had changed much more. We passed two years ago the Sunday trap-hauling bill. There were a few lobstermen who at that time were hostile to this legislation, but I believe that now every one of them have come to recognize it as a good conservation measure. Knowing and having lived among the lobstermen for a good many years, I could see the attitude of

those lobster fishermen that were there that day. Rugged individualists, each and every one of them. Their attitude had changed one hundred and eighty degrees from the hosility which they demonstrated six years ago to a place where I felt that they were looking to this committee of ours and to this legislature, and to anyone else who could possibly implement some form of conservation measure, that we can continue to have lobsters that we all enjoy at our dinner table.

There were several proposals offered in the interest of conservation. Trap limitation, license increase, license freeze, to name but a few. Those lobstermen did not have the answer. I say to you we do not have the answer. But I believe that it is up to us to devise some answer whereby that we can continue to have the multi-million dollar lobster industry which we have today, that provides a livelihood for four thousand hard-working fishermen and their families.

Another thing which disturbs me is the possibility of many of our Maine dealers going out of business and the whole business being handled by out-of-state buyers. I believe, and I think you will agree with me, that this is something that we do not want. I have discussed the matter with the Commissioner to some length and also with some of the fishermen, and we have been toying with the idea that perhaps a special committee should be set up to go to an in-depth study of our lobster industry, or refer the matter to the legislative research.

Now, six years ago there was a committee that was formed, and they conducted a study. But, as I mentioned before, the attitude of the lobster fishermen six years ago and today is vastly different; their attitude has completely changed.

Now, the distinguished Senator who introduced this bill, and who has mentioned that he would like to offer an amendment which would allow the taking of scallops, well, I would remind you that a scuba diver can now take scallops when the season is open. The

Senator's amendment would allow the taking of scallops twelve months out of the year. Now, scallops, like any other form of life, have to have a period of reproduction. The reproduction period of scallops would be at a time when the season is now closed but which, under the Senator's amendment, would permit scallops to be taken by skin divers.

Another point that I would like to bring out to you: If this bill were to pass, all of the summer people coming into the state would be after skin diving equipment to go out and try their luck at taking lobsters off the ocean bottom. Now you can well imagine that unless these skin divers-to-be were to go to the Senator's school, and be properly trained and educated in skin diving, that we would be apt to have some very serious accidents. I implore the members of this Senate to vote with me and the Committee's Majority Report, the Ought Not to Pass Report, of this L. D. and I ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I would like to bring to your attention a few points that the good Senator Hoffses from Knox has raised. He has failed to mention the fact that the divers circulated petitions on their behalf, knowing full well that the majority of them would be either at school or working and, of course, wouldn't be at liberty to attend the public hearing.

I turned in personally two thousand twelve signatures to the committee. Now, very, very little was mentioned of these signatures. However, on a companion bill to allow some draggers to close off an area to shrimping, a hundred and seventy-five signatures were turned in, and we had considerable debate on the validity of these signatures. But in our case our names weren't even brought into the discussion at all.

Now this bill that I submitted to this Senate is perhaps the most

restrictive type of bill that has ever been conceived in the United States, and I considered the debate that has taken place in the last ten or twelve years in both houses down at the Law Library in the records. I considered all the legislation that is now on the books in all the states in the United States pertaining to divers, and we came up with this bill. It restricts the diver to taking a maximum of eight legal sized lobsters per day. They have to be measured on the bottom with a gauge. And he has to comply with the sunrise and sunset restriction that are now on the books that apply to all of the fishermen. He cannot take them during Sundays during the summer months.

It is interesting to know that the draggers had a bill in this session, and as far as I know this bill is still in committee. Now I don't know where the comment came from that the bill was soundly defeated.

Certainly the draggers bill which would allow them to take five lobsters is very comparable with the skin divers wanting to take a few lobsters. As far as five or eight, it is strictly arbitrary. The draggers apparently are challenging in the court right now the constitutionality of the lobster law which states you must use a trap. It seems logical that if you pay a license fee that you should be able to attain these lobsters in any manner you can.

Dr. Cooper's remarks before the committee about the ninety-five percent of the legal sized lobsters that are now being taken, I would point out to the Senate that this figure is really questionable because the only lobsters that are taken in Maine that are reported to the Department of Sea and Shore Fisheries are those that are sold to the dealers. The ones that the people who go out and fish for lobster and who sell them privately on a roadside, or keep them for home consumption, are not reported. They are not required to be reported.

Now, in my bill the first paragraph states that a form provided by the Department of Sea and

Shore Fisheries would be made available, and that every skin diver who would take lobsters would report once a month to the Department how many he has taken. And I suggested that the same form be made available to our commercial fishermen so that once and for all we can really determine how many lobsters are being taken in this state. Now back in the last eight or ten years the number has varied from nineteen to twenty-three million pounds. These are pounds that are reported by dealers, and I would point out that in 1963 it was brought out before this Committee of the Sea and Shore Fisheries, and at that time I was the one that brought the fact out it was estimated that all of the divers in the State of Maine would probably take around five thousand pounds during any one year. We are comparing that with twenty-three million pounds, and yet the lobstermen persist in telling us that we are going to destroy their commercial industry.

Another point that Dr. Cooper failed to mention in his remarks before the committee was the experiments that have been done with artificial habitats. Now, a diver is well equipped to go down on the ocean bottom and construct artificial habitats, which are nothing more than structures that have a lot of little holes in them. These are very attractive to lobsters coming into the area. I, myself, and some of my students who graduated with me are in the process of conducting some of these experiments. And to give you an idea of how well it has worked, we have gone down to South Harpswell in areas where there are simply no lobsters there, and no one fishes these particular areas, and we have constructed these artificial habitats with truck tires. Up until 1963 we used to frequent these areas to get our lobsters, but when the law was changed outlawing us taking lobsters, it was felt that we should turn this information over to some of the local fishermen. I was down there recently, and there is one

lobsterman who does frequent this one particular area where we did construct a rather sizeable habitat. He doesn't know why, but he is always getting lobsters in this area. So, I am just pointing out a scientific fact that we can create some good.

As to the remark concerning the Sunday fishing law, I was a junior member of the House when this particular bill came before us, and I can remember the arguments and debate in the House, and the Bill had a reading of sixty-six to sixty-six, which ultimately would have killed it. And I got up and spoke some twenty-five to thirty minutes and we took another vote and it was sixty-seven to sixty-six. I would assure this chamber that my purpose in standing there and speaking for the lobstermen was not so much in an area of conservation but to increase the ability of the game wardens to enforce a provision of their. There were a lot of rumors going around at the time that people were poaching traps on Sundays and it was felt that if nobody could fish traps during the summer months on Sundays then the game wardens would be in a better position to simply go around and see if there was a boat full of traps then we'd know that we had caught a violator.

The bill specifically says that in order to get a license, of course, under this chapter you have to be a resident of the State of Maine. So I would point out that we are in no danger of having tourists coming into Maine and taking any programs in my school and becoming proficiently trained. That type of training takes at least three months, and they certainly are not going to come over here in droves and rob us blind of our natural resources.

Now, I think the most important point that was brought out was the reproduction cycle of scallops. It is true from April 15 to November 1 the scallop season is closed. The coastal areas are closed to scalloping. The divers can go from November 1 to April 15 to take scallops. They are allowed to take two bushels per day and I would point out that most of the taking

is done on Saturdays or Sundays, providing the weather is nice. As a further point in my argument, the most severe time of the year to go diving is during these cold winter months. It is not that attractive. I would state that if we were allowed to take scallops during the summer months when the weather is, of course, more appealing and the conditions are fairer, we probably wouldn't take a great deal more than what we are taking right now. Some of the divers will take scallops and they will keep them in their freezers all summer long. Rather than have to freeze our little take, we would like permission to just go on week-ends and take a bucket now and then when we feel like having a good meal. On the reproduction of scallops, it is true that the biologist recognizes that the scallops reproduce during the summer months, but I would point out that the commercial draggers that take the bulk of the scallops now do not have a closed season beyond the three mile limit, which is where the commercial scalloping areas are located.

Now, we are talking about conservation of our natural resources. Isn't it true then that the lobsters reproduce during the summer months? And I would point out that in the Bahamas, Florida, California, and even our own Mohagan Island, the fishermen do not fish lobsters during the summer months, during the months that they reproduce. But yet our Maine lobstermen take them year-round, and I would point out that perhaps some biologist ought to set the record straight on this. It would seem more apropos that we would pass some legislation, if we were truly interested in conservation, to limit the lobster fishing periods to the winter months.

The only thing that I am asking of this chamber is that I be allowed to get this bill to its second reading where I might submit this amendment, and we can debate the merits of the amendment, with the idea that if the lobstermen do have this magical strength in both chambers they can easily kill this bill at will,

but perhaps they would be willing to compromise and allow the divers to take scallops during the summer months. That is the intent of my amendment. Thank you.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: The distinguished Senator from Androscoggin spoke about two thousand signatures. If those signatures were all signatures of scuba divers, I am sure that the committee would have been very much impressed.

For the Senator's information, I think perhaps he will find that the dragger bill relating to the taking of five lobsters has been through the process and it has been accepted Ought Not to Pass.

Now, the Cooper report which we have discussed in regards to the possibility of their being harvested ninety-three to ninety-five percent of the available catch, the gentleman has mentioned about all of the lobsters which are not reported, which are sold at the roadside stand, and so forth. My impression would be that if this is the case, and there are more lobsters being harvested and being sold than we have any idea of, then this percentage would change, and instead of it being ninety-three to ninety-five percent, it would be from ninety-five to ninety-eight percent of the available supply which is being taken, leaving a still smaller percentage for reproduction purposes.

Let us discuss scallops, if you will, for a moment. How many of you recall what the price of a pint of scallops was last winter? I can well remember when they were sixty-five cents a pound, and we used to get them by several hundreds and thousands of pounds in Penobscot Bay alone. And I can assure you that when those scallops came in from the boats each day they were about as delicious a sea food delicacy as you could hope to eat. This last winter the price of scallops was one dollar and seventy-five cents a pound. Now, what has prompted that increase? Is it inflation, or would the supply have some fac-

tor in this price differential? I submit to you that on the lobsters and the scallops the supply is steadily decreasing, and unless we take strong measures we are going to be sport fishing for scallops and we are going to be sport fishing for lobsters, and they will no longer be one of our recognized economic factors here in the State of Maine.

Down in Canada they have a seven-month season for lobstering and, unless we take radical action in the very near future, we are going to restrict lobstering to seven months, or six months, or five months. Our supply of lobsters is very steadily decreasing, and we have got to take action now.

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: Most of you know that I am quite capable of standing here and discussing this bill for about ten hours, if I have to, but I think out of courtesy I will simply ask that a division be taken.

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion of the Senator from Knox, Senator Hoffses, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Regulating Catching Lobsters for Noncommercial Home Consumption Use."

As many Senators as are in favor of accepting the Majority 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. Eleven Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion to Accept the Majority Ought Not to Pass Report of the Committee did not prevail.

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

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

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

Tabled — April 23, 1971 by Senator Berry of Cumberland.

Pending — Consideration.

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

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-147 from the Committee on County Government on Bill, "An Act Creating Aroostook County Commissioner Districts." (H. P. 91) (L. D. 135)

Tabled — April 23, 1971 by Senator Harding of Aroostook.

Pending — Acceptance of Report.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I move that this bill and all its accompanying papers be indefinitely postponed.

Usually when I speak to you on a matter I say whether it is political or not political, and I would say on this one that this is absolutely, one hundred percent unadulterated political. Therefore, I realize what the probable fate is in relation to this in my position which I am taking here today. However, my extrasensory perception tells me that somehow or other this will not become the law.

But I will tell you what the opposition to this is. This divides Aroostook County into three districts. And there are those of us who love Aroostook County as a county, and we don't like to see it divided. We in the south who have the yankee background love the valley with the Arcadian background, and we love the southern part of Aroostook also. It is a beautiful county as one county. We would like to keep it that way.

Now, this bill provides that to run for county commissioner it will be in selected districts. That is, one time we can only have people

run for county commissioner from the north, for example, but all of the people of Aroostook have to vote for that person from the north. Another time a person from the center of Aroostook will run but all of the people from the county will vote for him. Now, we think that is unduly restrictive. We would like to see anybody from Aroostook County run for any office that is a county-wide office. And it is a beautiful way to do because those of you who have had the opportunity to visit Aroostook County and campaign through the valley and central Aroostook and southern Aroostook, I know that you wouldn't want to divide it up. So I would hope that you would go along with me, in spite of the fact that this is so purely political, and let's give this its burial now and save us all an awful lot of time.

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

Mr. PEABODY of Aroostook: Mr. President and Members of the Senate: The Committee on County Government spent a great deal of time on all these bills that were going to redistrict some counties in the state. I was under the impression that all the delegation was in favor of this redistricting in these different counties and, therefore, when the vote is taken I would ask for a division.

The PRESIDENT: A division has been requested. Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Aroostook, Senator Harding, that Bill, "An Act Creating Aroostook County Commissioner Districts", be indefinitely postponed. As many Senators as are in favor of the indefinite postponement of this bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Thirteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Ought to Pass as Amended Report of the Committee was 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.

The President laid before the Senate the twelfth 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. 533) (L. D. 729)

Tabled — April 23, 1971 by Senator Martin of Piscataquis.

Pending — Acceptance of Report.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Marcotte.

Mr. MARCOTTE of York: Mr. President and Members of the Senate: This again is an issue that is one hundred percent political.

I would like to bring to the attention of this chamber that prior to 1958 I don't believe we had a single county commissioner that was a member of my party. We didn't sit on our duffs all these years; we went to work. Our candidates campaigned and, as of now, all three of them are Democrats.

I don't believe this would be a healthy type of tactic. By that, I mean breaking up the county into areas where one party favors the other, and this is exactly what this is. In view of this, I move that we indefinitely postpone L. D. 729.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON of York: Mr. President and Members of the Senate: The first bill that the County Government Committee reported out was the bill on Hancock County. At that time that bill called for election within the districts, and that bill was amended to have the elections at large in the county. I don't think that if York County had an election tomorrow that any Republican could get elected anyway; it would be a Democrat being elect-

ed at large. Therefore, I request a division.

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion of the Senator from York, Senator Marcotte, that Bill, "An Act Creating York County Commissioner Districts," be indefinitely postponed. As many Senators as are in favor of the indefinite postponement of this bill 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 sixteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Ought to Pass as Amended Report of the Committee was 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.

The President laid before the Senate the thirteenth 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 23, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like to make a few remarks, and then I suggest that this be tabled until the next legislative day. L. D. 999 is a companion bill to item Number 10 on our calendar, L. D. 421. I would like to call the attention of the Senate, in case it is tabled and in case it is considered tomorrow, to Senate Amendment S-113, which will be offered tomorrow. In the combination of these two bills, and with the Senate

Amendment, we are making a sweeping change in the financing of school construction in the state in a number of areas, not the least of which is to extend it to many units not presently receiving construction aid. I would earnestly urge the Senate to give it your attention until we finally discuss it so you will know the implications when we debate it.

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

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

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)

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:

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 23, 1971 by Senator Berry of Cumberland.

Pending — Motion by Senator Tanous of Penobscot to Reconsider 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.

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

HOUSE REPORTS — from the Committee on Education on Bill, "An Act to Create a School Administrative District for the Town

of Orono." (H. P. 804) (L. D. 1077) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—April 23, 1971 by Senator Berry of Cumberland.

Pending — Motion by Senator Quinn of Penobscot to Reconsider Action Whereby Senate Accepted the Majority Ought Not to Pass Report.

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

Mr. KATZ of Kennebec: Mr. President, because I think this ties in with L. D. 421 and 999, of which I just spoke, I would suggest that this also be tabled until the next legislative day.

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

Thereupon, on motion by Mr. Hoffses of Knox, retabled and Tomorrow Assigned, pending the motion by Mr. Quinn of Penobscot to Reconsider.

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

HOUSE REPORTS — from 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) Majority Report, Ought to be Adopted; Minority Report, Ought Not to be Adopted.

Tabled—April 23, 1971 by Senator Berry of Cumberland.

Pending—Motion by Senator Berry of Cumberland to Reconsider Adoption.

On motion by Mr. Conley of Cumberland a division was had. Eight Senators having voted in the affirmative, and twenty-two Senators having voted in the negative, the motion to Reconsider did not prevail.

Reconsidered Matter

Mr. Tanous of Penobscot moved that the Senate reconsider its action of earlier in today's session whereby on Bill, "An Act Relating to Credits to Liquor Licensees by Wholesalers", (H. P. 1093) (L. D. 1481), the Senate voted to Accept the Majority Ought Not to Pass Report of the Committee.

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, An Act Providing for Adult Identification Cards under Liquor Law, (S. P. 119) (L. D. 298).

The same Senator then moved the pending question.

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.

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.