

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, April 28, 1971

Senate called to order by the President.

Prayer by the Rev. Jack E. Shankel of Augusta.

Reading of the Journal of yesterday.

Non-concurrent Matter

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

In the House April 8, 1971, the Majority Ought to Pass in New Draft report Read and accepted and subsequently the Bill, in New Draft, was Indefinitely Postponed.

In the Senate April 14, 1971, the Majority Ought to Pass in New Draft report Read and accepted and subsequently the Bill, in New Draft, was Passed to be Engrossed, in non-concurrence.

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

On motion by Mr. Berry of Cumberland the Senate voted to Insist and Join in a Committee of Conference.

The President appointed on the part of the Senate the following Conferees:

Sensors:

TANOUS of Penobscot
HARDING of Aroostook
MINKOWSKY
of Androscoggin

Non-concurrent Matter

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

In the Senate April 20, 1971, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-176), in non-concurrence.

On motion by Mr. Schulten of Sagadahoc, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the Senate April 21, 1971, Passed to be Engrossed as Amended by Senate Amendment "A" (S-87) in non-concurrence.

Comes from the House, Passed

to be Engrossed, with Senate Amendment "A" having Failed of Adoption, in non-concurrence.

On motion by Mr. Bernard of Androscoggin, the Senate voted to Insist and ask for a Committee of Conference.

The President appointed on the part of the Senate the following Conferees:

Sensors:

JOHNSON of Somerset
GREELEY of Waldo
BERNARD

of Androscoggin

Non-concurrent Matter

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

In the Senate April 22, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed.

Comes from the House, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

Mr. Shute of Franklin then moved that the Senate Insist.

A viva voce vote being taken, the motion to Insist prevailed.

Non-concurrent Matter

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

In the House, April 8, 1971, Recommended to the Committee on Education.

In the Senate April 21, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (H-94) and as Amended by Senate Amendment "A" (S-84), in non-concurrence.

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

On motion by Mr. Katz of Kennebec, the Senate voted to Insist and Join in a Committee of Conference.

The President appointed on the part of the Senate the following Conferees:

Sensors:

KATZ of Kennebec
CHICK of Kennebec
MINKOWSKY
of Androscoggin

Communications
 State of Maine
 Office of the Governor
 Augusta, Maine
 04330

April 27, 1971

Members of the Senate
 and House of Representatives
 of the 105th Legislature

I have studied Senate Paper 530, Legislative Document 1547, AN ACT Relating to Disturbing Schools, and have decided to return it to the Legislature without my signature.

I realize that this bill, at first glance, does not seem to be especially significant. I certainly do not want to dramatize issues beyond necessary proportions. However, I am convinced that this bill, in Section 2, deals badly with a very delicate subject—the relationship between campuses of the University of Maine and the communities in which they are located. This relationship should be one of mutual trust, involving the University and the community in a continuing dialogue over those issues that affect the vital interests of both. Law enforcement is clearly such an issue. Disruptions on a campus, or disorder in a community, can easily spill over boundaries. Security personnel on campus, and local police officials, should, by working together, precisely define their respective responsibilities in such instances.

L. D. 1547 removes this defining responsibility from the local level and attempts to impose a general solution in these terms: "The trustees of the University of Maine may appoint persons to act as policemen who shall, within the limits of the property owned by or under the control of the University and on contiguous streets and highways, possess all of the powers of policemen in criminal cases." The troubling language is "on contiguous streets and highways," that very area where town and campus meet and where the need for local agreements is the greatest. There is no single pattern of streets surrounding or intersecting our university campuses. There is no uniform community attitude toward the handling of law enforcement problems in this bor-

der area. Under these circumstances, and believing as I do that law enforcement is a matter of special local concern, I see no justification for decreeing a state formula which may be insensitive to local variables and which may, in the long run, create added community-campus tensions.

There is a further point. The precedents in Maine for allowing specialized, institutional security forces to have full police powers in the general community, however limited the area, are so far as I know, very few. I seriously doubt if the implications of this innovation have been thoroughly considered. For example, the obvious intent of the legislation is to allow campus police to deal with University students who have moved across the campus border. But "contiguous streets and highways," because they are thoroughfares for the entire public, are certainly not confined to student use. At a time of disorder and confusion, the potential for University police exercising their powers on non-student, community members is very real. The legality of such action, and its wisdom, are open to serious question. These problems should be carefully assessed.

In conclusion, I wish to emphasize that I do not object to the grant of authority to the trustees to appoint individuals who would possess all of the powers of policemen in criminal cases "within the limits of the property owned by or under the control of the University." I believe there are real advantages to having University security personnel whose authority and training make it unnecessary to call local and state police on to a campus to help with a law enforcement problem. The presence of outside police officials on a campus, however necessary their task, can itself create added tensions. This legislation, in reducing the need for that presence, would be a positive step. However, this gain is negated by the legislation's attempt to extend University authority beyond its proper domain into the "contiguous streets and highways" of the community. I do not minimize the complexity of the enforcement problem in this area.

I simply believe that these complexities must be resolved at the local level.

I had hoped that this bill would be recalled to remove the objectionable language. The bill, without that language, is acceptable. However, since this was not done, I urge, for the reasons here stated, that my action disapproving L. D. 1547 be sustained.

Sincerely,
Kenneth M. Curtis
Governor

The PRESIDENT: The question now before the Senate is: Shall this bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the "Yeas" and "Nays". A vote of "Yes" will be in favor of the bill; a vote of "No" will be in favor of sustaining the veto of the Governor. Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: Last week we debated this item that is presently before us. Unfortunately, when the bill came before us we noticed the redraft and the contents of the redraft, and unfortunately we were not given an opportunity to put on an amendment which would have removed the language "on contiguous streets and highways", which has been found offensive, particularly to the municipal officers in my area.

I believe that the Governor in his message on this bill spells out clearly his thoughts in respect to the setting up of another police department within municipalities, and thereby dividing the authority and not giving any clear-cut authority to one or the other of the departments that are organized within that municipality.

I would like to read a letter to the Senate that was written by the Mayor of the City of Portland to the Governor:

"It has just come to our attention that L. D. 1547 contains language which gives authority to the Trustees of the University of Maine to control through the use of rules and ordinances those streets which

are "contiguous" to the University of Maine property.

"We find this section of the Bill grossly offensive and of questionable legality since it would allow appointed trustees to regulate many streets and highways adjacent to the University of Maine in Portland. Since there are many families living on the streets and since parking regulations are a matter of serious concern to that neighborhood we feel that only the elected members of the City Council can with good judgment control such streets and ways.

"We are also concerned that giving street and highway controls to University policemen on such streets will undoubtedly create dual standards and add to neighborhood hostilities. We would have advised you of our concern before now, however, this language appeared in a re-draft of L. D. 668 and came to our attention without sufficient hearing and without an opportunity of forwarding our thoughts to the Legislature.

"We strongly urge that you use all of your powers to strike from the Bill all language which extends authority to "contiguous streets". That is signed, Sincerely yours, William L. MacVane, Mayor of Portland.

Mr. President and Members of the Senate: It has been a concern of mine, as well as my seatmate next to me, Senator Kellam of Portland, and one fact is that I asked the Chairman of the Judiciary Committee the other evening if in fact the redraft of that part of the bill which was put in for the University of Maine was germane to the particular L. D. that was originally presented to this body, and I am sorry that the municipal officers of Portland and the other municipalities that do have concern over this particular bill did not have an opportunity to come before the Judiciary Committee to express before them at least the reservations that they had to this item. I would hope that the members of the Senate would vote to sustain the veto of the Governor.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would urge you to vote to override the Governor's veto, and I would briefly give you the reasons for it.

Of course, the veto message is practically word for word from the script of the debate in the Senate the other day, and I see nothing new in here in addition to that which Senator Conley and Kellam from Cumberland have given us as reasons why they object to the bill. They have had ample time and there has been full discussion on the matter of contiguous streets, and the complaints that these Senators have lodged and the Governor has stated in his message are not properly founded. The matter of contiguous streets and highways was fully debated and fully discussed and, of course, is the real center issue that we are talking about.

It was brought out in the debate quite plainly that campus police in dealing with disorders have got to be able to step at least onto the sidewalks where the problems are occurring, that particularly on campuses such as Gorham and the University of Maine in Portland that crowds can go from one building to the other in the process cross public streets. It certainly is flaunting in the face of justice and civil obedience when we tell people who are enforced with the law that they cannot cross from one sidewalk to the other in enforcing the law. They would really be flaunting the proper control of a situation such as this, and it seems amazing that the Governor and the two Senators from Portland, Senators Kellam and Conley, can stand up here in public and say that they are condoning such action. I would hope that you would take the viewpoint that this should be done.

I am a little bit amazed that Dr. MacVane, the President of the Portland City Council, has written such a letter. The matter of contiguous streets, which is stressed in the veto message, which is stressed in the letter, and which has been stressed in the debates, an offer was extended to these people that we would be glad to

define what is meant by contiguous streets, and put a physical distance on what was meant, even if it is just confined to the general area of the campus involved and doesn't go beyond the boundaries, the outside boundaries of the campus. This offer was turned down. And the rather ridiculous problem was presented of what if the campus police chased somebody down Forest Avenue for a long distance. Of course, this is begging the question and this is not what we are talking about.

I fail to understand why politics, particularly local politics, should be brought up here, get into the corner office with the Governor and be used to defeat such important legislation as this. As was brought out in debate, this does not apply just to the City of Portland. I would hope that we would be able to pass this over the Governor's veto because it is good, necessary legislation.

We have been blessed here in the State of Maine with our students controlling their action in a very, very good democratic manner. This doesn't mean that sooner or later somewhat of a control may not be necessary. And this is in anticipation of such a situation.

Now, from a particularly local standpoint, let me point out to you that if we have a problem in Portland on the campus, Senator Conley and Senator Kellam of Cumberland have indicated there is no problem; just call the Portland police. Well, by the time the Portland police get there the particular situation may be out of hand. Here we have people uniformed, specifically employed and charged with the duty of maintaining campus order, that are right there. Why should they not be allowed to perform their duties? And why make a mockery of the fact that they are charged with duties with which the legislature, if it does not pass over this veto, says "You are just going to stand there and become an object of ridicule and scorn." These are the facts that are involved. So I would hope that we would see the reasoning and the logic behind this bill and vote to override the veto.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I think, despite the words of the good Senator Berry from Cumberland, the Senate will recall that it is only a few days ago that I sought to offer an amendment to this particular bill solely to strike out this particular obnoxious phrase, "contiguous streets and ways." And I endeavored at that time, apparently not too clearly, but I did endeavor to explain that I thought this was a dangerous precedent, and I thought it would be particularly serious in my area since this school does overlap both sides of some very major arteries, and the way the bill was written I thought it would be very difficult for us to live with it.

I see no reason why we should be talking about possible amendments that could have been made to the bill when this very body absolutely refused to allow the very simplest amendment to be placed on the bill.

Let's we become confused, I would point out to the members of the Senate that the City of Portland has in fact not had any riots or disorders on its campus. The students at the University of Maine in Portland are, to a great extent, people who live locally, people from Cumberland County, youngsters who are having an opportunity to go to college which they probably would not otherwise have if it were not for the existence of this college within the city limits. These people are well-mannered, they are desirous of an education, and they are well-behaved. We have never had any difficulty of this type mentioned by the good Senator Berry in relation to the Portland campus nor, I believe, the Gorham campus.

I would point out to the body that the bill itself does not really call for policemen on the University campus. What it says is that the University of Maine may appoint persons to act as policemen. It doesn't have policemen. What this involves or could involve, and I think very likely is intended to involve, is the placing of a badge

in a maintenance man's pocket so that he can become a policeman in case he desires to do so. I feel that the duties of a policeman is a very specialized field and that it should not be handed out in this manner. I did not argue this point particularly strongly on the prior occasion simply because I felt that, even though I feel it is a poor way of doing, it did come from the Judiciary Committee and I would give them credence for having thought of the matter to some extent. But "the contiguous streets and ways" really bothered me. To allow anybody to be given a badge and become a policeman, and pursue their duties upon all the contiguous streets and highways - and in the City of Portland we have Route 1 which goes near the campus, and 25, I think it is, out to Westbrook; practically all the major routes go by the campus, including the new Interstate Highway 95, it would seem to me very, very poor policy to grant this authority.

I do believe that it is within the possibility of the University of Maine to hire special policemen, regular policemen, on the basis that if they need them - I know I am quite sure that the Cumberland County Sheriff's Department, at least, would make deputies available to them if they need a policeman. These are trained people, people who have gone to the State Police Academy; not people who have had a badge stuck in their pocket.

So I would only say—I am not going to burden you people with long debate on the matter—but I do feel that the objection to the Governor's message is not well-founded, and I feel that the Senate has made a mistake on this particular bill and that the Governor's veto should be sustained.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I listened to the rhetoric of the good Senator from Cumberland, Senator Berry, in his response to a political decision being made. I see nothing political about this decision at all.

I am sure the good Senator is fully aware of the fact that the municipal officers of Portland or any other community do have the powers to set up special policemen. Now, if the University is interested in hiring special policemen they can hire them. They can come before the municipal body of any community and that body can appoint them as special policemen, but they do stay under the control of that municipal community.

It is a question here of double standards. Who has control of the streets? I am speaking primarily for my area. If we are going to have tranquility within our communities, then I think we have to have one standard to go by. We have enough problems now with private detectives, sheriffs departments, constables and every other form of police department springing up all around the state. So I think that the more we minimize this the better off we are going to be.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I have always hated the word "veto". I guess it is because back in the U.N. days when Russia was over there all you heard was "veto", and you grew up with the feeling that the Russians were always trying to veto the things that the United States was trying to do, and I guess, feeling patriotic, I felt that we were the good guys and they were the bad guys. So I guess the word "veto" stuck with me ever since I was a kid, and whenever I see it—and again we see it this morning on our calendar—I guess I just dislike the word. And I dislike a veto especially when it involved a Judiciary Committee bill that came out of the Judiciary Committee with a unanimous Ought to Pass Report. I mean, this sort of hurts my pride as the Chairman of that particular committee.

I had thought that my good friend, Senator Harding from Aroostook, did a real fine job in redrafting this bill, or the committee thought that he did, and

we felt it was a real good report really.

You know, last week when I defeated my good friends, my former Legal Affairs Committee members, I guess they have learned well, the Senators from Cumberland, Senators Conley and Kellam, who were on my Legal Affairs Committee at the last session—you know, after we debated this last week and they lost, jokingly when we left the room here they told me they knew the Governor, and I guess they do—because the Governor vetoed me on this bill.

Nevertheless, getting serious for a moment, you know I am attracted to the second paragraph of the Governor's veto where he mentions in the second or third sentence, "This relationship should be one of mutual trust, involving the University and the community in a continuing dialogue over those issues that affect the vital interests of both." Now, there in that one sentence is the best reason why a veto should not have been given on this bill. Thank you.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: Early in this session I mentioned that with all Fish and Game bills, before I decided what to do, I checked with my barber, and he never let me down and I was always right when I followed his suggestions. With these judiciary matters, I think now maybe, if I am going to be on the right track, I better check with my seatmate, the good Senator from Cumberland, Senator Conley, before I finally decide upon them.

I do very much regret that a veto became necessary in this case in the Governor's mind. I think that this is a bill that is very badly needed by the University of Maine, and it is with extreme regret that this phraseology, for which I do not claim the authorship—I don't believe that I put that in, and I don't believe that this really is my redraft, although I joined as one of the committee members in accepting it. In further reflection, however, when you talk about a contiguous street and highway, I

can see the Chief Executive's standpoint. As he pointed out to me, Route 2 runs by the University of Maine in Presque Isle, and this would give the campus police in Presque Isle police power all the way from Fort Kent to the southern boundaries of the State of Maine. Of course, we just didn't think this out. We should have, in giving this more serious consideration, restricted the limitations of these particular streets and highways. This is an oversight. I hope that our good Judiciary Committee is not guilty of further ones during the year.

But since this has been called to our attention, and it is objectionable to the Chief Executive, I would not try to override his desires in this regard. I would be hopeful, however, that the Judiciary Committee could report out another bill encompassing all of the good features of this bill, except for this one thing. I also had hoped it would be possible to recall this bill from the Governor's office and to have made this amendment without the necessity of this veto. So this whole thing from beginning to end is very regrettable. I hope we can make amends, and I hope you will vote to sustain the Governor's veto and I also hope that the Judiciary Committee can come up with a bill that will be acceptable to everybody involved.

THE PRESIDENT: Is the Senate ready for the question?

The President then laid before the Senate the question: Shall this Bill become law notwithstanding the objections of the Governor? According to the Constitution, the vote was taken by the "Yeas" and "Nays".

The Secretary called the roll, with the following results:

ROLL CALL

YEAS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

NAYS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Kellam, Marcotte, Martin, and Minkowsky.

ABSENT: Senators Levine and Violette.

A roll call was had. Eighteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, with two Senators absent, and eighteen being less than two-thirds of the members present and voting, the veto was sustained.

Orders

On motion by Mr. Berry of Cumberland:

ORDERED, the House concurring, that there is created a Joint Interim Committee to consist of 2 Senators to be appointed by the President of the Senate, 3 Representatives to be appointed by the Speaker of the House, the Chief Justice of the Supreme Judicial Court, a Justice of the Superior Court to be appointed by the Chief Justice, the Director of the Bureau of Public Improvements and the Legislative Finance Officer; the Committee to elect its own chairman; and be it further

ORDERED, that this Committee is directed to study the financial impact upon the State of Maine of Senate Paper 524, L. D. 1519, "AN ACT Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State"; and be it further

ORDERED, that the Committee shall report the results of its study and any findings it may make to a special session of the 105th Legislature or the 106th Legislature; and be it further

ORDERED, that the members of the Committee shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order; such sums to be paid out of the Legislative Account; and be it further

ORDERED, that the Committee shall have the authority to employ professional and clerical assistance within the limits of funds provided; and be it further

ORDERED, that there is allocated to the Committee from the Legislative Account the sum of \$3,000 to carry out the purpose of this Order.

Which was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This order was reproduced on the Senate calendar several days ago, so the members have had a chance to see it, and it has been read in its entirety by the Secretary.

I would invite the Senate's attention to tabled item 16 on the calendar, which has been tabled on a day to day basis. L. D. 1519, "An Act Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State", has an effective date of July 1, 1973. Accordingly, there might appear to be no expense involved as far as this biennium is concerned. However, I draw the Senate's attention to the fact that if the bill were to go through, and it is now up for enactment by the Senate, that if the bill were to go through it would become law, and that to repeal it or modify it would take a two-thirds vote of the 106th Legislature because acts of that Legislature would not become effective until presumably the middle of October of 1973, where L.D. 1519 would go into effect on July 1st. So the consideration of L.D. 1519 is quite important.

Actually, 1519 is a very progressive and laudable step in improving our court system. It will provide for proper housekeeping, proper financial responsibility, as far as the Court itself is concerned, and contains many things that we really would like to see take place. However, like any significant change in a bureaucratic organization, it is going to take some doing, as we say, to have this reorganization and its plans put into effect.

The order proposes for a working committee to prepare the necessary details to make this transition and to report back to a special session of this Legislature, not the 106th, but to a special session of this Legislature, so then this Legislature can decide that it wants to go ahead, that it knows all the details of the implementation and what the future costs will be, which are extremely important. I think we do want to know what this will cost future legislatures.

So, accordingly, the order is very important to the bill, and I think passage of the order is a first step necessary to bring this about, and I hope that you would vote for passage of the order.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Thereupon, on motion by Mr. Harding of Aroostook, tabled until later in today's session, pending passage.

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 Welfare Assistance." (H. P. 408) (L. D. 571)

Bill, "An Act to Extend Medical Assistance to Low Income People Not on State Categorical Assistance Programs." (H. P. 474) (L. D. 617)

Bill, "An Act to Revise the Hunting and Trapping Laws." (H. P. 844) (L. D. 1160)

Bill, "An Act to Establish a Fishway on the Kennebec River Dam at Augusta." (H. P. 1146) (L. D. 1587)

Bill, "An Act Relating to Notice Requirement under Tenancy at Will by New Owner or Lessee." (H. P. 151) (L. D. 206)

Bill, "An Act to Provide for Forfeiture of Vehicles Used to Transport Gambling Apparatus, Burglar Tools, Lottery Tickets and Equipment Used to Counterfeit Money." (H. P. 1026) (L. D. 1414)

Bill, "An Act Relating to Contingent Fees for Legal Services in Certain Cases." (H. P. 1158) (L. D. 1606)

Bill, "An Act Requiring Rate of at least 50 percent by Gas, Electric and Telephone Companies for Service to the Elderly." (H. P. 1077) (L. D. 1469)

Leave to Withdraw

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Sale of Marine Worms." (H. P. 1050) (L. D. 1442)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to Reports of Accidents in Parking Areas of Shopping Centers." (H. P. 992) (L. D. 1354)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act Relating to the Legislature's Right to Access to Records of State Agencies." (H. P. 1178) (L. D. 1628)

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 Fisheries and Wildlife on, Bill, "An Act to Increase the Fees for Issuing Fish and Game Licenses." (H. P. 1017) (L. D. 1396)

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

The Committee on Legal Affairs on, Bill, "An Act Relating to Sales of Beverages in Non-returnable Bottles." (H. P. 76) (L. D. 149)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in Concurrence.

Ought to Pass

The Committee on Transportation on, Bill, "An Act to Increase Fees for Junkyards and Auto Graveyards." (H. P. 616) (L. D. 827)

Reported that the same Ought to Pass.

The Committee on Judiciary on, Bill, "An Act Relating to Fees of Municipal Police Officers as Witnesses." (H. P. 709) (L. D. 955)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act Relating to Weight Tolerance for Vehicles Loaded with Road Salt."

Reported that the same Ought to Pass.

The Committee on Election Laws on, Bill, "An Act Relating to Political Designations on Nomination Petitions." (H. P. 806) (L. D. 1079)

Reported that the same Ought to Pass.

The Committee on Judiciary on, Bill, "An Act Relating to Transcript in Hearings in Cases Where a Person is Acquitted of Murder by Reason of Mental Disease." (H. P. 884) (L. D. 1205)

Reported that the same Ought to Pass.

The Committee on Election Laws on, Bill, "An Act to Correct Inconsistencies in the Town Election Law." (H. P. 1049) (L. D. 1439)

Reported that the same Ought to Pass.

The Committee on Liquor Control on, Bill, "An Act Relating to the Retail Sale of Wine in Department Stores." (H. P. 1171) (L. D. 1630)

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 in New Draft

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Funds for the Construction and Equipping of a Maine Information Center at Kittery." (H. P. 449) (L. D. 604)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1290) (L. D. 1689).

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.

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Guides when Using Canoes at Summer Camps." (H. P. 987) (L. D. 1349)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Permit Camp

Counselors to Supervise Canoeing." (H. P. 1286) (L. D. 1685)

Comes from the House, the report Read and Accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-175).

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

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Clarifying the Eligibility of Maine Students Attending Institutions of Higher Learning in Maine to Vote." (H. P. 842) (L. D. 1154)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin
MOORE of Cumberland
MARTIN of Piscataquis

Representatives:

ROSS of Bath
BOUDREAU of Portland
WOOD of Castine
HANCOCK of Casco
BUNKER of Gouldsboro
MARSTALLER

of Freeport

BROWN of York

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

Signed:

Representatives:

BINNETTE of Old Town
VINCENT of Portland

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

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

Divided Report

The Committee on Legal Affairs on, Bill, "An Act Prohibiting the Use of Certain Nonrefundable Beverage Containers." (H. P. 940) (L. D. 1299)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

CURTIS of Bowdoinham
CROSBY of Kennebunk
FECTEAU of Biddeford
NORRIS of Brewer
COTE of Lewiston

The same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

Signed:

Senators:

QUINN of Penobscot
KELLAM of Cumberland

Representatives:

BRAWN of Oakland
EMERY of Rockland
GAUTHIER of Sanford

Comes from the House, Report "A" Read and Accepted.

Which reports were Read.

Mr. Quinn of Penobscot then moved that the Senate Accept the Ought to Pass Report "B" of the Committee.

Thereupon, on motion by Mr. Clifford of Androscoggin, tabled and specially assigned for April 30, 1971, pending the motion by Mr. Quinn of Penobscot that the Senate Accept the Ought to Pass Report "B" of the Committee.

Ought to Pass

Mr. Dunn for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1971." (S. P. 556) (L. D. 1694)

Reported pursuant to Joint Order (S. P. 550) that the same Ought to Pass.

Mr. Greeley for the Committee on Health and Institutional Services on, Bill, "An Act Relating to Fees and Compensation of the State Board of Administrators of Medical Care Facilities." (S. P. 238) (L. D. 754)

Reported that the same Ought to Pass.

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

Divided Report

The Committee on Legal Affairs on, Bill, "An Act Creating the Maine Litter Control Act." (S. P. 262) (L. D. 768)

Reported in Report "A" that the same Ought to Pass.

Signed:

Senators:

QUINN of Penobscot
CLIFFORD

of Androscoggin

Representatives:

CROSBY of Kennebunk
FECTEAU of Biddeford
NORRIS of Brewer

The same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Senator:

KELLAM of Cumberland
CURTIS of Bowdoinham

Representatives:

BRAWN of Oakland
EMERY of Rockland
GAUTHIER of Sanford

Which reports were Read.

Mr. Quinn of Penobscot moved that the Senate Accept the Ought to Pass Report "A" of the Committee

Thereupon, on motion by Mr. Clifford of Androscoggin, tabled and Tomorrow Assigned, pending the motion by Mr. Quinn of Penobscot that the Senate Accept the Ought to Pass Report "A" of the Committee.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Regulating the Operation of Snowmobiles in Unorganized Territory During Deer Season." (S. P. 24) (L. D. 52)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HOFFSES of Knox
ANDERSON of Hancock
BERNARD

of Androscoggin

Representatives:

MANCHESTER
of Mechanic Falls
BUNKER of Gouldsboro
CALL of Lewiston
BOURGOIN of Fort Kent
LEWIN of Augusta

PARKS of Presque Isle
PORTER of Lincoln
KELLEY of Southport
LEWIS of Bristol

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

Signed:

Representative:

KELLEY of Machias

Which reports were Read.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I hope that we don't accept the Ought Not to Pass Report of the Committee. This is a bill that I had drafted and introduced.

I am always astounded when some of these reports come out of the Fisheries and Wildlife Committee. I was assured up until the day of the hearing that the majority were in favor of this bill, that this was a good bill and there was no question I would get a favorable report. Well, that night after the meeting I heard that it was unanimous Ought Not to Pass. But they all hadn't signed it, and Representative Kelley from Machias said he certainly wanted to sign the Ought to Pass Report.

First off, I want to tell you that undoubtedly the snowmobile owners in Maine are the best organized minority that there is in the state. They made their brags to me many times last fall and this writer that they are the strongest lobby that there is in Augusta and that they can have anything that they want or stop anything that they don't want, and I am inclined to believe them.

Be that as it may; I am a snowmobile owner. I was one of the first people in the state to have a snowmobile, and I have two: one I keep up at Moosehead and one I keep at home, so I am quite familiar with snowmobiles and I have hunted all my life, and trapped and fished. I know the danger we are facing by allowing snowmobiles to be used in the hunting of deer, and I am concerned. Not for myself, because at my age I don't worry too much about what is going to happen to

deer hunting or anything else because I am not going to hunt many more years probably anyway, but I am concerned about the young folks coming along and what they are going to have or what they are not going to have.

Under the way it is now in the northern part of the state, where the deer yard early, people can go in unlimited miles back into the country, where the deer do have the chance to survive after they have gone into their yard, and they will clean out the yard. This happened in '68 when we had an overkill of over 40,000 deer. The warden supervisors and the wardens realize it, and they said so at the hearing when we talked about the deer bill. If we continue this, we are going to exterminate the deer herd in the State of Maine, there is no question in my mind about it. It will be reduced so much—I won't say exterminate—but it will be reduced to the point where it will take years to return.

I might add that the day they had the hearing here on my bill an article came out of Washington from the Secretary of Interior in snowmobile regulation on account of the elk yards in the west and what is taking place. In Minnesota and Wisconsin, where they register around 100,000 snowmobiles, they have already done something about it. It has reached the point there that the game was being exterminated. And here in the State of Maine we increased our registration of snowmobiles 14,000 since last year. We had 29,000 last year and we have 43,000 this year. That is how they are growing, and I think something has got to be done to control them.

Now, they don't want any controls. That is very obvious, the way they have come up to oppose anything. This isn't the first time that they have opposed a bill in the Maine Legislature. Last year in the special session we tried to create a little economy in state government and, boy oh boy, did they come up, and they really clobbered the State House so bad that the sponsor of the bill withdrew it. He didn't dare to go any further with it. And it was a good bill, it would

create economy in the state. We were going to combine the boat division and the registration of snowmobiles in one department, so in the winter when the boat division doesn't have anything to do, registering six or eight boats a month, the snowmobiles are busy. In the summer the snowmobiles register none and then the boats are busy. So we could have had a department that would have been efficient the year-round, but they wouldn't allow that.

Now, I am not going to prolong this any more. I hope that you will vote with me in accepting the Minority Ought to Pass Report, and I request a division.

The PRESIDENT: The Senator from Cumberland, Senator Moore, moves that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Regulating the Operation of Snowmobiles in Unorganized Territory During Deer Season." A division has been requested.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As Chairman of the Fisheries and Wildlife Committee, I suppose I should get up and attempt to defend the position of the twelve members of the Committee who reported this bill Ought Not to Pass.

I am as conscious as any member here in this body that our deer herd is in serious trouble and we have got to preserve it. I am also conscious of the fact that there are those individuals who would harass our deer in their yards.

We are going to have to live with snowmobiles. They are a new vehicle in our society and we are going to have to live with them. I believe that the large majority of the snowmobile owners are conscientious and law-abiding citizens. There are those, as I said, who will harass deer. There are those who will be out all night long driving over the countryside while some of us people are trying to get a good night's sleep. But this bill, in the opinion of the Committee, was not the proper vehicle to use.

Now, the distinguished Senator from Cumberland who presented this bill, and who indicated that the Committee were going to pre-judge this bill and were going along with his proposal, I think, is wrong. Had the distinguished Senator who introduced this bill stayed for the whole hearing and heard the whole of the testimony, I think perhaps he, like the members of this Committee who reported it out twelve to one Ought to Pass, might have viewed the document in a little different light.

Now, one thing which is quite prominent here in the language of this bill is that it says the "un-organized territory of the state." Now, we still do have a lot of organized territory in the state and the snowmobiles, if they desire, run rampant in the organized territories, but not in the unorganized territories. It has been pointed out to this Committee in the consideration of other bills that it is the organized territories where we are having most of the trouble and problems, and the depleted deer herd, and not in the unorganized territories of the state.

As I said, the Committee overwhelmingly felt that this bill, as it was written, was not the proper vehicle and document to be used to control the use of snowmobiles in its endeavor to protect our deer herd, and I would hope that the members of this Senate would go along with the twelve to one Majority Ought Not to Pass Report of the Committee.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: Probably I should explain this bill a little bit further. What this does is stop them from using snowmobiles in the unorganized territories during the deer hunting season. They are allowed to use them on Sundays, they are allowed to use them in the open areas, but they wouldn't be able to use them in the woods.

Now, the reason I worded this for the unorganized territories is that the snow comes earlier in that country, the north country. It is a rare thing, probably one year in

twelve that we have heavy snow that the deer even start to yard in the southern part of the state. Not only that, but we have roads so plentiful in the southern part of the state that a person can walk from one road to the other in a matter of minutes anyway. What I am talking about is the un-organized territory where the deer, when they go to their yards early, I have seen them yarded by the 15th of November. Some years they don't yard at all. Some years we don't even have any snow up there to run a snowmobile on, and in that case this would have no effect.

I don't intend to take anyone's pleasure away from them. The only thing I am talking about is that we should protect those deer when they go to yard early.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would like to support the good Senator from Cumberland, Senator Moore, on this bill. I do so with a great reluctance, even though I have had the privilege of having four bills before the Fisheries and Wildlife Committee and all four of them have come back under Rule 17-A.

But in this case I can support Senator Moore. I support him through a letter received from a constituent in the Jackman area who not only condemned the deer bill that I proposed but supports Senator Moore in his opposition to snowmobiles during the winter season. I won't read that part where she comments on my deer bill because the language isn't fit to repeat to the Senate here, however, I will report to you what the lady, who happens to be an operator of a commercial establishment on Big Wood Lake, says about snowmobiles.

She says the troublemakers, regarding the depletion of the deer herd, are the snowmobiles, and the legislation should deal with keeping them out of the woods during the hunting season and during the winter months when the wildlife needs the tranquility of winter. I realize that snowmobiles are a wonderful recreation winter thing

these days but, she says, more deer are slaughtered in the fall by State-of-Mainers who have the machines and use them during the deer season. Out-of-staters don't have them. Once the deep snows come, on the 8th day of November, 1968, the out-of-staters left town and the Mainers with their machines produced the huge kill that fall. Wardens even told of seeing deer in yards being shot off because they couldn't legally do anything about it. These people with snowmobiles could get around while the tourist hunters just couldn't wade knee-deep in the snow and left town. Now the deer season is again being kicked around because of the slaughter that year. After the horse is stolen they lock the barn door.

I am pleased to support Senator Moore in his effort.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I too rise in support of the Senator from Cumberland, Senator Moore. I feel that if he got one member to favor him on that Committee that he has done something that most of us can't do.

Not degrading the Committee in any way whatsoever, I had a bill before them last week. The Commissioner had always been accused of opposing this certain measure, and he came out afterwards and said, "Well, this time I didn't oppose you." Three members of the Committee came out and said, "You have got a good chance of this bill getting through." It came out unanimously Ought Not to Pass.

So I stand here this morning speaking for residents of my own area who have advised me on many of these bills. They are in favor of this bill, so I would support the Senator on his motion.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: Being a member of this very distinguished committee, I can only add that perhaps I have pulled the miracle of the year; I

got two other members to sign my scuba bill out on lobsters. But I would stand here in full support of my Committee Chairman on this snowmobile bill.

I feel that it just doesn't do what it is meant to do; it is just impossible. The depletion of the deer herd is in our more heavily populated areas.

Now, in my hometown we have four very active, well-organized snowmobile clubs, and these groups have been before me and some of my committees in Androscoggin County and shown a tremendous respect for the property owners and the citizens in our communities that do not enjoy this particular sport. I certainly can't go along with the idea that they are up here opposing every single bill to regulate snowmobiles. I think they are very open-minded about it.

I certainly hope you will stand with the majority of our Committee in opposing this bill.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I feel compelled to rise again in the defense of this Committee which has received a great number of comments, favorable and unfavorable.

I would only say to the distinguished gentleman from Franklin County that the Committee on Fisheries and Wildlife holds no personal animosity against the distinguished gentleman. It is just the proposed legislation which he introduces. I am sure that if the gentleman continues with vigor and with determination he is bound to get one bill passed before he gets through his legislative career.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Moore, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Regulating the Operation of Snowmobiles in Unorganized Territory During Deer Season."

A division has been requested. As many Senators as are in favor

of the motion of the Senator from Cumberland, Senator Moore, to accept the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

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

Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Provide Transportation for Blind Adults Attending Educational Facilities." (S. P. 472) (L. D. 1493)

Reported that the same Ought Not to Pass.

Signed:
Senators:

KATZ of Kennebec
CHICK of Kennebec

Representatives:

WOODBURY of Gray
MILLETT of Dixmont
BITHER of Houlton
MURRAY of Bangor
LAWRY of Fairfield
HASKELL of Houlton
SIMPSON of Standish

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

Signed:
Senator:

MINKOWSKY
of Androscoggin

Representatives:

TYNDALE
of Kennebunkport
LYNCH
of Livermore Falls
LUCAS of Portland

Which reports were Read.

On motion by Mr. Minkowsky of Androscoggin, tabled until later in today's session, pending Acceptance of Either Report.

Second Readers

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

House

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

Bill, "An Act Relating to Acquisition of Land by Conservation Commission." (H. P. 714) (L. D. 959)

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

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

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

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

Bill, "An Act Permitting Agreements Among Units for Cooperative Educational Purposes." (H. P. 1285) (L. D. 1684)

(On motion by Mr. Harding of Aroostook, tabled and specially assigned for April 30, 1971, pending Passage to be Engrossed.)

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

House-As Amended

Bill, "An Act Creating Aroostook County Commissioner Districts." (H. P. 91) (L. D. 135)

Bill, "An Act Creating York County Commissioner Districts." (H. P. 553) (L. D. 729)

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

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

Senate

Bill, "An Act Relating to Comparative Negligence in Civil Actions." (S. P. 227) (L. D. 673)

Bill, "An Act to Adopt a State of Maine Code of Military Justice." (S. P. 441) (L. D. 1279)

Bill, "An Act Regulating Catching Lobsters for Noncommercial Home Consumption Use." (S. P. 474) (L. D. 1494)

(On motion by Mr. Bernard of Androscoggin, temporarily set aside.)

Bill, "An Act Relating to the Laws of the Maine Industrial Building Authority." (S. P. 496) (L. D. 1372)

(On motion by Mr. Conley of Cumberland tabled and specially assigned for April 30, 1971, pending Passage to be Engrossed.)

Bill, "An Act Relating to Bail or Personal Recognizance for Misdemeanors." (S. P. 555) (L. D. 1692)

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

Sent down for concurrence.

The President laid before the Senate the matter set aside at the request of Mr. Bernard of Androscoggin: Bill, "An Act Regulating Catching Lobsters for Noncommercial Home Consumption Use" (S. P. 474) (L. D. 1494).

Mr. Bernard of Androscoggin then persented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-118, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERNARD: Mr. President and Members of the Senate: We had a rather lively debate on this bill the other day in accepting the Committee Report. And upon further investigation on my part in the other branch I find that reality must be faced, and the magic number of 77 votes needed to pass the bill in its present form is just unobtainable. So I will swallow a little bit of my pride and offer this amendment which crosses out any reference to lobster whatsoever and substitutes the major part of the bill to allow scuba divers to take scallops on a year-round basis in coastal waters, limited to two bushels per diver.

At the public hearing on the original bill, of course, the lobstermen oppose anyone imposing on a species that they claim the rights to, however, in an atmosphere of compromise they felt that scuba divers should be able to have some rights extended to them, and the courtesy was extended to us that perhaps we would compromise and

settle for scallops. In talking to the various groups of divers who were present then, and since then, they have all agreed that at this session apparently their hopes of obtaining lobsters is ill-advised. So we certainly hope that you would go along with us in adopting this particular amendment. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "B" be adopted?

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act to Authorize the Hallowell Water District to Collect and Treat Sewage." (S. P. 452) (L. D. 1375)

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

Sent down for concurrence.

Enactors

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

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

An Act Relating to Criminal Trespass in Buildings and on Premises. (S. P. 532) (L. D. 1568)

(On motion by Mr. Kellam of Cumberland, tabled and specially assigned for April 30, 1971, pending Enactment.)

An Act Relating to Regulations for Upland Game and Fur-bearing Animals. (H. P. 390) (L. D. 505)

An Act to Establish a Colt Stake Program for Maine Standard Bred Horses. (H. P. 476) (L. D. 837)

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

An Act to Change the Method of Filling Vacancies in Office of Register of Deeds. (H. P. 665) (L. D. 894)

An Act Relating to Fees for Recording Marriage Intentions and Issuing License. (H. P. 812) (L. D. 1085)

(On motion by Mr. Bernard of Androscoggin, temporarily set aside.)

An Act To Repeal the Prohibition of Publishing a Periodical by the

Department of Economic Development (H. P. 897) (L. D. 1217)

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

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

(On motion by Mr. Conley of Cumberland, temporarily set aside.)

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

An Act to Amend the Act to Prevent the Pollution of the Waters of Sebago Lake. (H. P. 1258) (L. D. 1617)

An Act Relating to Clarifying the Sales Tax Laws as It Relates to Gratuities and Service Charges in Eating Establishments. (H. P. 1277) (L. D. 1677)

(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.

The President laid before the Senate the matter set aside at the request of Mr. Bernard of Androscoggin: An Act Relating to Fees for Recording Marriage Intentions and Issuing License. (H. P. 812) (L. D. 1085)

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

Mr. BERNARD of Androscoggin: Mr. President, I wonder if I am in order to pose a question through the Chair. I notice in the statement of facts that it says this particular bill would end discrimination and, in fact, what it does is raise the marriage licenses from two dollars to ten dollars. I would pose a question through the Chair as to how this would end discrimination?

The PRESIDENT: The Senator from Androscoggin, Senator Bernard, has posed a question through the Chair which any Senator may answer.

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Thereupon, on motion by Mr. Bernard of Androscoggin, tabled and Tomorrow Assigned, pending Enactment.

The President laid before the Senate the matter set aside at the request of Mr. Conley of Cumberland: An Act Relating to the Requirement for a Board of Registration. (H. P. 1242) (L. D. 1551)

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: L. D. 1551 is An Act Relating to the Requirement for a Board of Registration. The bill simply boils down as to how they are to be selected.

We members of the Minority Party do feel that this bill is not really in the best interests of the people of the state. If you will recall, last week the good Senator from Aroostook, Senator Violette, offered an amendment that would have allowed the municipal officers to fill the position of the third member of the board with any person they desired to. Now, I also had thoughts along the line that where the two political parties are represented on the boards of registration that there wouldn't be any reason really why members who decide not to enroll in any particular party, namely, the independent voters of the state, shouldn't also be candidates to fill this third position.

I honestly feel that what we are getting into here today is really something that the Majority Party of today, which is slowly eroding away and may one day be a Minority Party, may find very offensive to them in days to come. Therefore, Mr. President and Members of the Senate, I would move the indefinite postponement of this particular item.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that An Act Relating to the Requirement for a Board of Registration, Legislative Document 1551, be indefinitely postponed.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would oppose the motion by Senator Conley. This was debated very carefully last week, as this body is aware.

The proposal by a member of the other body that the chairman of the board of registration be nominated by the municipal officers, and that this chairman come from the party having the majority of enrollees in the municipality is a very fair approach. This is the status as it exists right now, let's face it, except in those areas which we recounted last week where there are vacancies on the board of registration because the Governor has not appointed members. You will find that this situation exists all over the state, that where the Governor has appointed a chairman of the board of registration in Biddeford or Presque Isle, or wherever, he usually appoints a member of his own party or he tries to appoint a member who represents the majority of the enrollees in that municipality. This is nothing but a continuation of this program.

I would resist the temptation to include those people who do not choose, for one reason, or another, to enroll in a party and who call themselves so-called independent voters, because they have refused thus far to take any part in the political life of a party. Therefore, I would oppose the motion for indefinite postponement and hope that you would go along with the Majority Report of the Election Laws Committee.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: It is very difficult for me to oppose my good friend, the Senator from Franklin, Senator Shute, as I agree with him on a great many subjects.

Now, one of the great weaknesses in this bill as proposed is the requirement of the majority party in these respective municipi-

palities. From my experience in my own county, these records in many of these municipalities haven't been brought up to date for years and years. And as a result, you have a very wrong indication so far as what the enrollees are. They are very, very inaccurate. So if you were to take the records of the various municipalities as to who is the majority, it would not really reflect who the majority was. This is the inaccuracy of it.

I would like this bill if we could take out just one feature. I really don't know quite how to put this, but I would say this: I strongly suspect that if this is to become the law some amendment somewhat like the Senator from Aroostook, Senator Violette, proposed, would be required. Otherwise, we are going to lose the bill, I strongly suspect. So this would be an improvement, if we could have it amended, so that these municipal officers could choose the third member, regardless of the party affiliation. This would be a big improvement over what we now have.

I do feel badly in that we come to loggerheads here and we can't seem to come to a compromise to work out what might be in the best interests of all the people of the State of Maine, so if someone is of a mind to table it to see if we can negotiate and work something out that would become the law, I think it would be in the best interest not only of this legislature but the people of the State of Maine.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I suggest that this bill is in the best interests of the people of the State of Maine because it offers the opportunity for a challenge to both political parties to get out and do a better job in its enrollment figures.

I will cite Farmington's instance as a case in point. For many years Farmington was overwhelmingly Republican. It is not so anymore.

The same thing is true for Presque Isle. Whereas Presque Isle used to be predominantly Republican, this is no longer true, and the Senator knows that it is not true because he has had a part in enrolling a lot of Democrats in that area. This has become a two-party state. It has become so because the Democratic Party has gone through a period of rejuvenation in the past few years. This is well for government in the state. However, if you give to the Governor the right to appoint from the independent ranks, I think you are tearing down the objective to get more enrollees, be it Republican or Democratic.

I am afraid that the Senator from Aroostook is suggesting that if we pass this bill and it goes to the Governor that he may veto it and we will be faced with another eighteen to twelve vote in here.

This is a good approach to the problem which many municipalities are facing all over the state, the lack of complete board of registration or lack of registrars, and I urge you to support this bill.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would support the position of Senator Shute of Franklin and urge you to vote against the motion.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that An Act Relating to the Requirement for a Board of Registration, Legislative Document 1551, be indefinitely postponed.

The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Conley, that this bill be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Thereupon, the bill was Passed to be Enacted and, having been

signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

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

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

Pending — Consideration.

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

Mr. TANOUS of Penobscot: Mr. President, I am preparing an amendment on this bill, which I feel may be acceptable to the majority who have raised some objections to it. I wonder if someone might table it for a day or so.

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 second tabled and specially assigned matter:

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" Filing H-140 from 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. 115) (L. D. 1534)

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

Pending—Acceptance of Report.

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 and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

HOUSE REPORTS — from the Committee on State Government on Resolution Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Sin-

gle Member Districts. (H. P. 208) (L. D. 274) Majority Report, Ought to Pass in New Draft (S. P. 1238) (L. D. 1524); Minority Report, Ought Not to Pass.

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

Pending — Acceptance of Either Report.

Mr. Clifford of Androscoggin moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: At the present time the City of Portland has eleven House seats, and of those eleven all are Democrats. Under the intent of this bill there could conceivably be a loss to my party of two or three House seats from the City of Portland, possibly more. This is also true of the City of Auburn. Auburn has four house seats. If the City of Auburn were broken up into single member districts, the Democrats in Auburn would lose at least one seat and possibly two. The same is true in Bangor which has five seats, all five of which at the present time are Democrats. Bangor would lose one and probably two. I can't for the life of me figure out what advantage it would be to my party to pass this bill.

So, in the words of the good Senator from Aroostook, Senator Harding, "I see this bill as nothing but pure unadulterated partisan politics." And I would ask the members of my party to support me in accepting the Minority Report of the Committee.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: At this time, could I have a report on the committee?

The PRESIDENT: The Secretary will give the committee report?

The SECRETARY: The Majority Ought to Pass in New Draft Report was signed by Senator Wyman of Washington, Representatives Hodgdon of Kittery, Stillings of Berwick, Curtis of Orono, Goodwin of Bath, Senator Johnson of

Somerset, Representatives Donaghy of Lubec, Marstaller of Freeport, Cooney of Webster, and Farington of Old Orchard Beach.

The Minority Ought Not to Pass Report is signed by Senator Clifford of Androscoggin and Representative Starbird of Kingman Township.

The PRESIDENT: The Senator has the floor.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: In response to the remarks of the good Senator from Androscoggin, Senator Clifford, he is absolutely right when he says it will hurt his party.

I think that the Democratic Party has been over the years very fair to the voters and the people of the State; they have insisted that it is a one man-one vote proposition and they have taught many of us, and they have forced many of us, into revising some of the laws we had up to this time, and we have in many areas, including the Senate and so forth, the one man-one vote proposition. And it would seem to me that, in fairness to these people in Portland, and I guess that probably would be the best example I can think of, where you have got eleven people running, and you have got eleven men-one vote, and that is actually what happens in many areas. In Waterville, Brunswick, there are quite a few towns that are in the same category, and the Democrats would lose. However, in fairness to the people that would be districting these areas, it would seem to me that for better government also that this bill is a very good bill. I would request a division on the motion.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would suggest that Republicans have not uniformly always been against the question of districting, even when it seemed to favor the Republicans to keep the present system.

The thing that confuses me, and I think the basic answer that the Senator from Androscoggin, Senator Clifford, must come up with is:

Where is the logic of the outstanding Senator from Cumberland, Senator Conley, to represent thirty thousand people, and a House member representing the City of Portland represents seventy thousand people?

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: Before we all cry too much for the City of Portland, I would remind the Senate that the Senators here from Portland carried every precinct within the City of Portland. So, I am not too sure that we would lose too many house members of the Democratic Party.

Aside from that, I would point out that the people who are in the House from Portland feel that they represent the entire City. They don't feel that they represent the North Deering Section or four blocks from the downtown section and that situation there. They feel that they represent the entire city, and I think they should feel that they represent the entire city. We vote for our councillors, city councillors in the City of Portland, on the same basis; they are voted for citywide. This is a subject that has come up several times as to whether the people of Portland would like to vote for the city councillors within a designated section of the City, and each time that has come up it has always been defeated by the voters in the City of Portland. That is a fact which some of the members of this body like to point out to the body when we have discussed bills concerning the City of Portland on occasion.

So, I really feel myself that as far as we are concerned in Portland, we are not dissatisfied with the system the way it is now, and there is not a single person in the City of Portland who has ever written me, talked to me on the street, or called me on the telephone and ask me to divide the city up into districts because they feel they would be better represented. I would think, myself, we would be better off leaving well enough alone and go on to one of the more serious problems which I am sure we must have awaiting us.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Resolution, Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts.

As many Senators as are in favor of the motion of the Senator from Androscoggin, Senator Clifford, to Accept the Minority Ought Not to Pass Report of the Committee will please say "Yes"; those opposed "No".

The Chair being in doubt will order a division. As many Senators as are in favor of accepting the Minority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

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

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

SENATE REPORTS — from 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) Majority Report, Ought to Pass as Amended by Committee Amendment "A" Filing S-108; Minority Report, Ought Not to Pass.

Tabled — April 23, 1971 by Senator Clifford of Androscoggin.

Pending — Acceptance of Either Report.

On motion by Mr. Clifford of Androscoggin, the Majority Ought to Pass as Amended Report of the Committee was Accepted and the

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

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

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

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

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-117, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

Bill, "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)

Tabled — April 23, 1971 by Senator Sewall of Penobscot.

Pending — Enactment.

On motion by Mr. Sewall of Penobscot, retabled and specially assigned for April 30, 1971, pending Enactment.

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-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 23, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This L. D. came out of the Committee of Health and In-

stitutional Services with an Ought to Pass Report. That is quite understandable because the state will have a building completed there and ready for use by the start of the next school year.

However, I don't think that they have the whole picture, and I would like to go into this a little bit and go back and review the history of this program in Aroostook County for just a moment.

Back in the 102nd Legislature, I think it was the Senator from Aroostook, Senator Harding, who had a resolve in to establish a residential and day school for the mentally retarded, and that had six positions and \$33,000. That passed and became effective in September of 1965. We came back in Special Session and there was a resolve appropriating funds for the construction of a day school for the mentally retarded in Northern Maine, and this was appropriated to the Aroostook Association for Retarded Children, a non-profit corporation. This was \$73,500, and the same act repealed the first one that was passed in the regular session.

Then in the 103rd Senator Albair had a bond issue for \$180,000 that was passed by the Legislature and approved by the people. It said that the Department of Mental Health and Corrections shall construct a residential facility for retarded children in Aroostook County. This is the building that will be available and ready for use this coming fall.

Last year in the 104th, there was an act providing funds for the construction of a garage and storage facility; \$23,000 to the Aroostook Association for Retarded Children for a garage and storage facility.

Over the years there has been nothing to indicate that the Department of Mental Health would assume the operation of this building once it was constructed. Only a few days ago a member of BPI told me that their understanding all the time was that this building would be staffed by the county, and the direction or supervision would be taken care of by the Department of Mental Health.

I think there is a companion bill to this one, which is in front of

the Appropriations Committee, and it calls for eight people. One would be a director, one would be a caretaker or a maintenance man to take care of the building and grounds, and the others would be people to take care of the room and board of students or children that would be there for five days a week. This facility will take care of twenty children.

It seems to me that everything else in this operation, the county or the county and school district funds furnished by them are taking care of the teaching, the instruction of these children, and some vocational instructional as well as the other. It seemed to me that this is a little bit out of line, and a little bit foolish for us to start another facility up there for the state to come in with personnel and take over just this part of housing for a five day a week period for twenty children. I think, myself, I would prefer seeing this building turned right over to Aroostook County and let the local associations for retarded children do the job. They would still be under the supervision of the Department of Mental Health and Corrections.

There are five areas in the state, and this is the only one where the operation isn't going to be carried forward out of mental health centers. The direction will come through mental health centers in all the rest of the state. In this one, the state owns the building and so they are using that. I can't agree that we should do this and, if I am in order, I would move indefinite postponement of this bill and its papers. We haven't accepted any report yet. Is that motion in order?

The PRESIDENT: The motion is in order. The Senator from Oxford, Senator Dunn, moves that Bill, "An Act Relating to Regional Facility for Mentally Retarded Children in Aroostook County", be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I wonder, first of all, if we

could have the report of the committee read?

The PRESIDENT: The Secretary will give the report:

The SECRETARY: The Report of the Committee is that Legislative Document 628 Ought to Pass as Amended by Committee Amendment "A". It is a unanimous report.

Mr. HARDING: Thank you, Mr. President and Mr. Secretary. I rise to oppose the motion which has been made by the good Senator from Oxford, Senator Dunn, and when the vote is taken I would ask that it be taken by a division.

I have no formal presentation for this, but I would just speak generally about what has happened in Aroostook County with the mentally retarded program. I don't recall that I personally have ever introduced any bill in relation to this center which is proposed here. The bill which we are discussing is introduced by a member of the Appropriations Committee, the distinguished gentleman from Perham, Mr. Bragdon.

I don't know how many people here have ever visited Pownal. If you have, you will understand what is trying to be avoided by this particular bill. If you could see these hopeless people with no future, no one cares about them, that are just sort of the discarded human beings, as it were, locked up there without the attention of the loved ones, forgotten, as it were. Here in Aroostook County, there is the living accommodations that we are talking about. This is all we are talking about that this bill would cover, where these children who live too far to commute can come in here and receive this education and this benefit. The other children commute and stay with their people, in their own homes. They still have the love of their parents. These children that will be using these live-in facilities will be here for five days a week. They will go home, they will be with their parents, they will have the love and attention and care, and will not be forgotten.

So, it would be easy for us to say, no, we won't bother with this in this remote area of Aroostook County; ship them down to crowd-

ed Pownal. Now if they are down there, how often do you think that the people from the County, which is over three hundred miles away, will ever have a chance to visit them? It will be practically never. I know that for a fact, because I know of children that are no longer children—they are in their twenties and thirties—who are there confined and their parents maybe see them once a year.

So, this is a very humanitarian thing. It is certainly not a political thing. This facility over the years has had very good support from both political parties and I think most of the bills which have been introduced here have been introduced by members of the other party.

Mr. President and Members of the Senate, when the vote is taken I would ask that it be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President and Members of the Senate: I hesitate to rise in opposition to the motion which has been made because I thoroughly respect the judgment of this Senator.

This hearing was held before the Health and Institutional Services Committee, and we were advised of the emergency need for this bill, this facility about ready to open, and yet needing its staffing.

I am very much concerned, as I think I have shown my concern, for retarded youngsters and people who are mentally ill in the State of Maine. I believe that even though this may in the future cost us some money that this is a very necessary part of legislation, and I go along with the Senator from Aroostook, Senator Harding.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I am not suggesting that this program be dropped. I am not suggesting that the building be not used. I am suggesting that the program be carried on by the Coun-

ty under the direction of the Mental Health Department. This is what is going to be done in all the rest of the state and I dislike very much—I think it is foolish and very expensive for us to start another state facility up there. They carry these on through mental health centers all over the state, and I think this is the way it should be done in that area.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate, I will stand corrected if I am wrong on this, but I believe that this is the only live-in facility, other than that at Pownal, for this type of situation. I believe that the other facilities are the same as we now have in Presque Isle operating, that is, the day school type of thing, where they go to school and then they go home to their parents. It is with the live-in facilities that there is the need, as I understand it, for this to be supervised and operated by the Department of Mental Health and Corrections. This is the basis for it. I think, and this is why the bill was introduced.

You talk about setting up these new programs in new areas, and this is the reason for this, because it is a live-in facility and it is the only one, I am quite sure, other than the one at Pownal.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: There is a live-in full time facility in Bangor; it is just starting up or ready to start up. This is a live-in, but it is only for five days a week. At the present time at the day school the children are transported from a distance of up to fifty miles. Dr. Andreson told me the other day that these children that are being transported at the present time will not be eligible to go and live in this facility. It will be somewhat farther away from home than that. But this is only a part-time affair, and I think we will be wrong if we start it up at the state level.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that Bill, "An Act Relating to Regional Facility for Mentally Retarded Children in Aroostook County", be indefinitely postponed.

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

The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that Bill, "An Act Relating to Regional Facility for Mentally Retarded Children in Aroostook County", be indefinitely postponed. A "Yes" vote will be in favor of Indefinite Postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Chick, Dunn, Hoffses, Katz, Moore, and Wyman.

NAYS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Greeley, Harding, Hichens, Johnson, Kellam, Marcotte, Martin, Minkowsky, Peabody, Quinn, Schulten, Shute, Tanous, and President MacLeod.

ABSENT: Senators Levine, Se-wall, and Violette.

A roll call was had. Eight Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, with three Senators absent, the motion to Indefinitely Postpone 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 and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

Pending — Enactment.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: I move the pending question. This bill has been tabled four times, and I agree with those who said that we should cease tabling bills, so the moment of truth to this bill has come.

There is nothing complicated about this bill. It is a straight forward bill which would permit the County Commissioners of Cumberland County to raise their share of the cost of a bridge in Harpswell. When the good people of Harpswell came to me I agreed to sponsor this bill, but with something less than unbounded ardor, because the good people of Harpswell had voted against me three to one. So this sponsorship is no political pay-off. But as I studied this bill and studied the situation I became more and more enthusiastic about the bill. One has to know a little bit about the history of this bill.

Back in 1952 the Navy, by extending its runway, cut the road that connects the two Harpswells. The two Harpswells are like the two fingers of your hand extending out into the sea. The eastward finger is a series of closely connected islands; the other finger is Harpswell Neck. What this bridge would do, it would connect the two Harpswells which were severed by the Navy runway. As it is now, to get from one part of Harpswell to the other you have to go all the way up one finger around the palm of the hand and down the other finger through the heart of Brunswick.

It was in 1966 that Harpswell began appropriating money for this bridge, and they have appropriated money for it ever since. In fact, they have appropriated a total of about \$67,000 already. And then this year as their share of the

cost of the bridge they appropriated \$53,900 more.

On December 15, 1970, the selectmen of Harpswell, the County Commissioners and the Highway Commission met together and voted unanimously for this bridge. On the highway share of this bridge, the funds for it are included in the Highway Allocation Act, L. D. 256, and this amount was included in the Executive Budget.

This bill received a unanimous report from the Committee on County Government. It has also received no opposition among the delegates from Cumberland County in this Legislature. I, therefore, urge the passage of this bill.

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

Mr. Berry of Cumberland then moved that the Bill be tabled and specially assigned for April 30, 1971, pending Enactment.

Thereupon, on motion by Mr. Kellam of Cumberland, a division was had. Ten Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the tabling motion did not prevail.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: This bill has been discussed a number of times with the County Commissioners and, as Chairman of the Cumberland County Legislative Delegation, I would just like to inform the body that the County Commissioners have favored the bill. They feel that they would need to put this out for bonding, rather than try to borrow for a shorter term, due to the necessity of paying back large amounts in the near forthcoming years.

For good administrative practices of Cumberland County, we would like to have the bond issue pass in order to have a ten-year bonding period and spread the Cumberland County share over that length of time. That basically is the reason for the bill.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would like to discuss the matter very briefly, both for the record and for the edification of members of the Senate.

The bill, of course, has had absolutely no discussion in the Senate. I would like the Senate to follow rather closely the situation. I am going to ask for a roll call.

You have here a classic example of spending money without any control by the people involved. It is a unique situation in my experience because I didn't think it was possible, but it could be more prevalent than we as legislators know and should be concerned with. We are talking a total expenditure in the vicinity of \$1,400,000 today. We are talking on behalf of the state approximately \$1,000,000 which, as has been stated, is in the highway budget. We are talking here an item of \$300,000, which, is the county's share of the money.

Now, under the Bridge Act, any two of the involved parties, the municipality, the county or the state, if they vote affirmatively for a bridge, all three are committed to the construction of the bridge. Now, this poses in this particular instance an interesting situation. The people of Cumberland County are obligated, without any vote on their part, to an expenditure of \$300,000. This affects every municipality in Cumberland County, and I would point out specifically to the Senators from Portland, Senators Kellam and Conley, that they are obligating the City of Portland to pay over \$100,000 of this money without any vote of the people involved in the obligation, and the same applies to all the towns in Cumberland County. No further control over the \$300,000 after the bill leaves the Senate.

Now, the million dollars itself I find an interesting item. I think a million dollars is quite a lot of money, even here at the state level where we spend quite a lot

of money. And I propose to you that you have no control over the million dollars, that you are voting on the expenditure of \$1,400,000 here for this bridge, and there is not much you can do about it. I challenge you to take the million dollars out of the highway budget when it comes up for enactment. I think it is a safe prediction that it can't be done.

Now, let's look at the merits of the particular case that is involved, because I haven't heard much about the merits of the case. You have the geographical description. I would point out to you that the two roads down the two peninsulas, leading from Brunswick down, are hazardous roads. They are the all too frequent scenes of fatalities resulting from automobile accidents. I wonder why we are not spending some money making these roads safe before we are spending \$1,400,000 for a bridge. I ask you, are there not other locations around the state where a \$1,400,000 perhaps might save some lives or might do some good more than is proposed here.

I see the construction of a bridge as an extreme convenience to the people of the town, and I share their concern. I see it as no convenience to anybody else whatsoever. To my mind \$1,400,000 is quite an expenditure, quite an expenditure, for the benefit of the people of this particular community. I know of overpasses in this state that are needed, and those of us here can probably think where these might be that would save lives on demonstrable histories of fatalities.

Now, I would hope that with this explanation you would vote against enactment. I realize that the bill has been lobbied extensively, but I have endeavored to give you the facts involved. I would hope you would vote against enactment.

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 remind the Senate that the question that we are voting on is giving the authority to the County Commissioners to borrow \$300,000. The other sums

have either been voted or are in the budget. The excellent County Government Committee went beyond the call of duty, in my opinion, and went down to Harpswell and viewed the site. They have never cast a single dissenting vote on this bridge.

I would like to remind the Senate also that the Town of Harpswell has a genuine grievance. Their connecting road was cut by the Navy when they extended this runway in 1952. This made it extremely hard to get from one part of Harpswell to another. You have to go, as I say, not only through the heart of Brunswick, but a thickly traveled area in the summer. This would cut from ten to fifteen or maybe twenty miles off the distance of getting from one part of Harpswell to the other, depending on which part you were leaving and which part you were going to.

The people of Harpswell have shown their dedication to this bridge. They have appropriated money ever since 1956 and they worked on this thing constantly. They have voted for it overwhelmingly. Again and again they have voted for it. The three selectmen who came to me were all strongly in favor of it, and those three selectmen were all re-elected overwhelmingly. This is the bridge that the people of Harpswell want, it is a bridge I think they are entitled to, it is a bridge that is already provided for in the different phases of government that we have, and I urge you to vote in favor of this bill.

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

Mr. PEABODY of Aroostook: Mr. President and Members of the Senate: As the Chairman of County Government, I must support this bill. We had at the meeting at the time over two hundred people attending this meeting. I must say at the time I felt that there was going to be quite a lot of opposition to this bill, but I found that the opposition listed about six people who spoke against the bill. We could have had at that time, I think, about two hundred speaking for the bill, but I cut them off at around nine and

gave the opposition a chance to be in opposition to the bill. I asked for a show of hands of how many were in favor after the opposition appeared, and I would say two hundred stood up that were in favor of the bill. I asked for the opposition, and I would say that there were about twenty. I believe that Senator Graham has pretty well covered it. We were down there, we looked over the situation, and there is no doubt in my mind that the people of Harpswell deserve this break. I want to thank you.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: The good Senator from Cumberland, Senator Berry, has presented from his viewpoint a good argument against this bill, but as the Senator from Cumberland County representing the City of Portland, I think that being in the urban area that really this would be a great time to become parochial and perhaps save the taxpayers of Portland somewhere in the vicinity of \$100,000.

The County Government has been set up and we have lived under this form of government for years. Some of us have our own particular reservations as to its effectiveness and its worth, its merits, but I think that I am here representing the citizens of Portland, also the citizens of Cumberland County and also the citizens of the state.

Portland pays in the county budget, which is slightly over a million dollars, roughly around 32 per cent of that budget. Cape Elizabeth pays somewhere around 4.1 per cent. South Portland, on the other hand, pays 12.5 per cent. And the little town of Harpswell pays 2.1 per cent.

I wonder how little towns lying out in any county, not just necessarily Cumberland County, could ever expect to be able to finance construction of such a bridge. I think the good Senator from Cumberland, Senator Graham, has spelled out the need, that this bridge is definitely needed in Harpswell, and the only way that

they are going to get it is through the joint effort of the taxpayers of Cumberland County.

So, therefore, I intend to vote for passage of the bill, and I would hope that the rest of the members of the Senate would also put themselves in perhaps the shoes of the residents of Harpswell and wonder, if they were living there, how they could possibly solve the problem that is there. The only way we can solve it really is by aiding and helping them along the lines that this bill designs.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: The bill we have before us today isn't the final enactment of a bridge. This perhaps wholly to the county's share. The final enactment of the bridge will have to come up in the last days of the session when we pass on the Allocation Act.

The first year of the biennium is \$1,430,000 for construction of new bridges, and \$1,000,000 of that \$1,430,000 is for this Harpswell bridge. So, in the last days of the session when we pass on the Allocation Act we will have the final enactment on this bridge.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Of course this is not a popularity contest that I am engaged in, and it is not particularly easy or popular to attempt some sort of withdrawal and proper appraisal of this matter.

In the first place, I think no one in this chamber is opposed to a bridge for Harpswell, and I would like to make that particularly clear as far as I am concerned. Harpswell certainly does deserve the bridge. From the figures that were given, the district that I represent will pay \$50,000 to this bridge, and no one from South Portland or Cape Elizabeth, I am sure, is going to use it. And no one from Portland is going to use the bridge that Portland is going to pay \$100,000 toward.

I think it is very nice to say that we have got to help out these small communities. I also question the priority of a million dollars out of a total appropriation of \$1,400,000 for bridges in the biennium for this particular location. The point I am making is that certainly there are far more important places, more locations in the state where lives are going to be saved, by using this money for other bridges in other locations.

Finally, I would like to point out that the federal government with its unlimited funds has repeatedly turned down this request. They are the ones that caused the trouble. They have never, never gone along with the idea of building a bridge. So, I would hope that you would vote against the motion for enactment.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I don't want to bore the group, but I would say that I fail to see any connection with the federal government in this matter. I am quite aware of the fact that the federal government, by expanding the boundaries of the Brunswick Naval Air Station, did cut the land route between the two Harpswells, but it is kind of far-fetched to see why they should build a bridge between the two Harpswells. They, of course, refuse to allow highway traffic to go through the ammunition dump of the air station to get between the two Harpswells. This is what created the problem, of course.

I would say that the mileage involved is quite considerable, if the people from Harpswell wish to attend town meetings and that type of thing to go from one side to the other. I did want to make that mention as far as highway safety is concerned, I think they are much better off driving on the bridge.

I would make one slight comment about the situation relative to who pays for the bridge. I feel that if we have a bridge act that provides for the building of a bridge that every community that needs a bridge should be allowed to come

within that provision of the law, and Harpswell has certainly waited a long, long time to come within the law and to secure their bridge.

Relative to the proportionate cost, I realize that it is going to cost the City of Portland something like \$100,000 for its share, however, I think if the good Senator from Cape Elizabeth would recollect back about ten years when, I am quite certain, he was in the House at the same time as I was, and possibly it might have been the session before but, in any event, we did at that time have occasion to deal with a bill concerning the bridge to South Portland and Cape Elizabeth from Portland.

This is a bridge which I personally never drive over either, to tell you the truth, although it is quite close to my home. This particular bridge was taken over by the State of Maine at the cost of \$1,000,000 to the County of Cumberland and that money was paid for that particular bridge to benefit South Portland and the Cape Elizabeth area and at that time the City of Portland paid fifty percent of the cost of county government in Cumberland County, which would amount to a \$500,000 cost over all. We voted for that one, and I hope tht the body would vote for this one.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: We seem to be coming up with new facts all the time. I would like to point out to the body that there are 38,000 cars a day crossing the bridge that is involved here, using the bridge between Portland and South Portland, that the people of Portland, of course, do use it, and the people from South Portland and Cape Elizabeth go in to spend their money in Portland.

I would be very much in favor of this bill and would wholeheartedly support it if we had a referendum clause on it to let the people of Cumberland County decide that they want to commit themselves to \$300,000, but there

is nothing like this on the bill. With that, I would hope that you would oppose it, and if we are successful then I would work to put such an amendment on the bill.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I don't know what luck I will have, but I would like to table this bill until Friday and see if we can come up with an amendment.

The PRESIDENT: The Senator is debating a tabling motion.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. Berry of Cumberland then moved that the Bill be tabled and Tomorrow Assigned, p e n d i n g Enactment.

Thereupon, on motion by Mr. Graham of Cumberland, a division was had. Fifteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the Bill was tabled and Tomorrow Assigned, p e n d i n g Enactment.

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

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

Tabled — April 27, 1971 by Senator Berry of Cumberland.

Pending — Consideration.

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

Mr. HOFFSES of Knox: Mr. President, I would ask what the status of the bill now is?

The PRESIDENT: It was passed to be engrossed as amended by Committee Amendment "A", as Amended by House Amendment "A" thereto in non-concurrence, and has been pending further consideration in the Senate.

In the Senate, it was Passed to be Engrossed on April 13, as amended by Committee Amendment "A", and passed to be engrossed in the House on April 23; Committee Amendment "A" adopted, as amended by House Amendment "A" thereto, in non-concurrence.

Mr. HOFFSES; Mr. President and Members of the Senate: There has been some question raised as to the constitutionality of this particular document. I think perhaps that before we either take further action on it, either pass it or defeat the bill, I think perhaps we should determine as to the constitutionality of this particular piece of legislation. I would hope that perhaps somebody might table it for a day or two, so that we could get some definite ruling as to the constitutionality of this bill.

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

Thereupon, on motion by Mr. Shute of Franklin, retabled and Tomorrow Assigned pending Further Consideration.

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

HOUSE REPORT — Ought to Pass from 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)

Tabled — April 27, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

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

Mr. SHUTE of Franklin: Mr. President, may I inquire from the Chair the status of this document or the condition of this document? Did it come to us with a motion to recommit to the Liquor Control Committee?

The PRESIDENT: The Chair would inform the Senator that the House recommitted this Bill to the Committee on Liquor Control. It is before the Senate on whether or not to accept the Committee Report.

On motion by Mr. Shute of Franklin, the Senate then voted to substitute the Bill for the Ought to Pass Report of the Committee.

Thereupon, on further motion by the same Senator, the Bill was Recommitted to the Committee on Liquor Control in concurrence.

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

SENATE REPORTS — from 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) Majority Report — Ought Not to Pass; Minority Report, Ought to Pass in New Draft under same title (S. P. 554) (L. D. 1691)

Tabled — April 27, 1971 by Senator Tanous of Penobscot.

Pending — Acceptance of Either Report.

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

Mr. KATZ of Kennebec: Mr. President, I want to thank the Senator from Penobscot, Senator Tanous, for tabling yesterday to attempt to work out the problem that is facing us. The defeat of the bill obviously is not going to solve any problems, but I thank him for his courtesy. We have been unable to work out anything in the interim and I move acceptance of the Ought Not to Pass Report.

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

Sent down for concurrence.

The President laid before the Senate the twelfth 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 27, 1971 by Senator Conley of Cumberland.

Pending — Enactment.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: This particular L. D. 1208 has been before several former legislatures and has always met with what I often have referred to as its proper demise.

Today we have heard from the good Senator from Cumberland, Senator Moore, when he questioned the wisdom of the Fish and Game Committee, that anybody that can get a favorable report out of that

committee is really doing something well for themselves. Well, it just occurred to me last night, when I was doing a little research on this this bill, the thought struck me that ever since we put the Judiciary Committee up on the fourth floor that the oxygen must be getting a little thin because I don't think the blood is circulating too well.

I know my good friend from Cumberland, Senator Berry, in past sessions has often found fault with the Judiciary Committee, and today I am very happy to stand here and kind of at least pick up that side of the road where he has mentioned on various issues from time to time his objections to some of those reports. But to get back to the L.D. which we call fresh pursuit—I don't know, I call it hot pursuit—we have the "hot pants" today, and now we have hot pursuit, as far as I am concerned. The police in municipalities today do have the right to go into fresh pursuit after anybody that has committed a felony. But this law before us now gives them just a little bit more power, which enables them to actually go into hot pursuit or fresh pursuit for a misdemeanor committed.

The biggest fault that I find with the bill really is that I have often heard of Sunday drivers and how people really like to stay home because of fear of getting into an automobile accident. Really I often think of kids today and we know - I don't know if they are any wilder today than they were when I was back around sixteen or seventeen - but I do become concerned with the young lad who may be sixteen or seventeen, who is driving a car and possibly going over the speed limit by a few miles, five or ten miles an hour, and have some untrained police officer from some rural community come up after him, and the kid may possibly panic, and hit the accelerator and before we know it we have not got one nut on the road; we have got two, and there is the possibility of getting several more involved.

I just think that really when we get into this field we are jeopardizing the lives of many of our citizens who are on our highways. We

have the state police, who are well trained and qualified, who do go through this state police academy. I know that some of our local governments send some of their policemen through, but they really don't get the training that is needed to give them the broad scope of police powers. I have often heard that television show, "Car 54, Where are You?" And I can see, really almost visualize, twenty-two cruisers take out of the City of Portland some night and just decide to have a go-around. We wouldn't know if they were in fresh pursuit, hot pursuit, or just out having a good time for themselves. Primarily I am concerned really with the safety features that are going to be eliminated, the fact that a great deal of harassment can come from this type of legislation and Mr. President, I know that there are some good merits in the bill. I know that the people who are behind this are concerned primarily with drunken drivers, but I just feel for what this bill will do that there is going to be a lot more damage come from it than good. Therefore, I would move the indefinite postponement of this L.D.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that L.D. 1208, Bill, "An Act Relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit," be indefinitely postponed.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: We seem to be discussing fresh pursuit, hot pants or hot pursuit, it seems as though there is hot pursuit after the Committee on Fisheries and Wildlife today, and I would like to take exception to the good gentleman from Cumberland County. I hope perhaps he will have some bill before this august committee and we will give it fresh pursuit.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I was indeed pleased to see my good friend, Senator Harding from Aroostook, is also going to

stand up to protect the reputation of the Judiciary Committee. We agree at times up there if we do sort of get light-headed, but it is because of overwork that we are put to, such as last night around eleven o'clock. But we do have our senses when we discuss these bills, and we have the wisdom for the first time, to my knowledge, of having some lay people on our committee, so that many of these bills now not only get a lawyer's view but they also get the laymen's view.

Senator Conley from Cumberland has attempted to alarm you on this pursuit, for instance, this fresh pursuit of racing down the street. Well, I remind him that a police officer within the jurisdiction of his own town can presently pursue anybody he desires at any speed that he desires. We have to rely on the police officer's ability, his keen senses of his work, so that he won't endanger people and that he will use his obligation and his duties with discretion. So don't be alarmed by the attempt here to think that this fresh pursuit is going to give him any more authority than he presently has, because he can pursue as fast as he desires to right today in his own community.

I know up in my area, in Penobscot County area, as a practicing attorney I have had cases involving fresh pursuit. Now, fresh pursuit in this sense simply means that a police officer who may be following a drunken driver, and comes to the town line of his own municipality, under this fresh pursuit bill he would be permitted to cross the town line and make an arrest. Now, as I am coming back from my area, and I am sure that Senator Harding perhaps in his own area, we discussed this in the Judiciary Committee, and I was under the impression that this was always permitted by law. I had used this as a defense on occasions, but the judges would never listen to my defense; they felt that this was permissible on fresh pursuit. They obtained their authority, I assume, from the common law.

Maybe the lawyers in the southern part of Maine are better than the lawyers in Northern

Maine; I don't know. I am not going to say that they are, but maybe they are, but anyway I understand that the lawyers in southern Maine are able to spring their clients on a fresh pursuit charge. So that an individual who is drunk and driving down the road, all he has to do is cross the town line and he is home free. Or he can just get out and twiddle his thumbs at the police officers and say, "Sorry, buddy I know the law, you can't come over here and arrest me", and he is home free I am not trying to alarm you, but this is what is going on between Portland and South Portland, I understand, from witnesses that testified at the hearing. And in other communities in southern Maine they get themselves a lawyer, go to court and, as I say, they get sprung, so to speak. They are not in violation, and the case is thrown out or dismissed.

I just want to make the practice of law on an even basis. If we lose our cases in northern Maine because they uphold fresh pursuit, then I think that the southern part of the state ought to as well be subject to the same rules as we are. And if it requires this particular bill to make them subject to the same rules that we are, then I think it ought to pass. Thank you.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: What the good Senator from Penobscot, Senator Tanous, stated is fine, that cruisers do have the chance or the opportunity to go into another town, but what about the town beyond that one? I mean there is going to be a time when we may see the police cruisers from Millinocket down around the City of Portland, and those are the guys that I fear. We have a well-trained police force in Portland, and we are mighty proud of them, but when they start coming out of Fort Kent and they end up in Portland or Sanford then I think we have got problems. The taxpayers may be concerned. Someone once asked, "Well, how far can they chase them?" And someone

got up and said, "Until they run out of gas." And that is about it.

I think that we are really getting into a stupid field. If someone commits a felony, all well and good. We have today all the communications, radio systems and such, road blocks can be established every place, but the fact is that what we are doing here is that we are putting a burden on an unexpected traveler on the highways by getting some poor kid who may slightly go over the speed limit. We are not talking about the fellows holding up gas stations or anything; they can chase them right now, and there is no problem. But there is a problem as far as this is concerned.

I am sure that the good Senator from Penobscot, Senator Tanous, is well aware of the fact that this bill has been here a dozen times, and if they had any thought that they had this right in northern Maine or southern Maine they know that they are sadly mistaken; they don't have the right. They can't go into a surrounding town or an adjacent town and make an arrest on a misdemeanor, because they are subject to civil action in the event that there is an assault and battery, and they just can't to it. I think we ought to protect our citizens as a whole and do away with this type of legislation. Furthermore, I say what we need is not more police authority, but better police authority, and we can do away with this stuff.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: We have heard so many times where some teenager has committed some minor offense, and he is picked up by an officer or chased by an officer, and he panics and the result, I have read it so many times, is that both the pursuer and the pursued are killed or have a serious accident. I am a little skeptical about this bill, and frankly I haven't decided yet just how I will vote.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise with some trepidation to debate my good friend and my seatmate, Senator Conley from Cumberland, but I would ask that when the vote is taken it be taken by a division.

I think that one of the great quotes from this legislature of all times came out in debate on this bill six years ago. One of the representatives from my own county in debating this said, "You know there are police officers and there are police officers. There are some police officers that are no more fit to be a police officer than I am fit to be a legislator." This is one of the great quotes of all times. But in this time that has intervened I think we have upgraded substantially our police forces throughout the state, and this idea about chasing someone all over the State of Maine, of course, is used in the absurdity to defeat the bill because now state police, of course, can do that. The deputy sheriffs can chase someone for three hundred miles in Aroostook County, but of course that is not done. They do have the radio communications and they radio ahead for the road block, and your local officers would do that. But this is what you really get down to, without throwing all this emotionalism in it, this is what you get down to, is whether or not two communities that are side by side, or three communities like Presque Isle, Fort Fairfield and Caribou, of whether or not we trust each others officers, because the way it goes now is that if it is a drunken driver or a speeder and he goes across the boundary, he can just thumb his nose at the officer, and he can't be picked up. And the people from the Senator's own area came up here and asked for this particular provision.

I don't think that there is that much difference between the standards of training of the Portland Police Department and the South Portland Department, and this is what you get into. So, at some times we criticize our police officers and condemn them and ridicule them, and all this, but really who do you call when you are in

trouble. You have to have certain faith in your police officers, and they are the ones that keep death down on the highways. They are the ones that we depend upon. And here the police departments from all over the state have come and asked us to back them up in this small way. This is a very small way to back them up. The Judiciary Committee unanimously felt that they were deserving of this backing, and I hope that you will share that feeling. So I would ask you to vote against the motion of my good friend, seatmate and helpmate, the Senator from Cumberland, Senator Conley.

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 rise in support of Senator Conley from Cumberland, and I would relate an incident that happened down in Androscoggin county recently. A patrolman, in doing what he thought was his duty, came across a young fellow peeling a little rubber with his car and decided to give a little hot pursuit. He followed the individual across the North Bridge into Lewiston, and the patrolman shifted his car into high gear and went up over the hill through the business section of Lewiston and finally realized that he had lost the man. I think he went through about five or six red lights. He gradually turned around and headed back down towards Auburn, and down at the foot of the hill right next to the bridge he noticed a wrecker. He slowed down to see what the commotion was and there, lo and behold, was the car that he had pursued. It had run into the first building immediately across the bridge and was completely demolished. So, therefore I would oppose this bill.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: In what Senator Bernard from Androscoggin has just mentioned of course, he is drawing upon your

emotions on this bill. This could happen right within your own community with a police officer chasing somebody. This is just to eliminate the town line prohibition that a police officer has. I am a defense attorney, believe me, and I am certainly in an awkward position here defending law and order bills, because I am a defense attorney, but I really do feel that a plea was made to the Judiciary Committee and in all conscientiousness I feel that I should support this bill and support it strongly. We have had a lot of fun with the bill, we have ridiculed it a little bit and used emotions trying to defeat it, but I think we ought to pass the bill and give our police officers a little authority. Let's show that we have some faith in them. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that Bill, "An Act Relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit", be indefinitely postponed.

A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone this bill will please rise and remain standing until counted.

A division was had. Eight Senators having voted in the affirmative, and twenty Senators having voted in the negative, the motion to Indefinitely Postpone did not prevail.

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

The President laid before the Senate the thirteenth 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 27, 1971 by Senator Berry of Cumberland.

Pending — Consideration.

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

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

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

Tabled — April 27, 1971 by Senator Berry of Cumberland.

Pending — Consideration.

On Motion by Mr. Katz of Kennebec, the Senate voted to recede from its previous action whereby the bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-113, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Ladies and Gentlemen of the House — excuse me, I am confused by the length of debate this morning — I mean the Senate, of course: What we have done in this amendment is to take the provisions of L. D. 999, which is tabled item No. 15, and incorporate it into L. D. 421. If this procedure is acceptable to the Senate, subsequently we will move to indefinitely postpone L. D. 999.

This is a substantial change in the financing of school construction in the state, and I am sensitive to the lateness of the hour, so rather than go through it and explain it, I suspect that perhaps I will be judicious and move adoption of the amendment. Then if there are specific questions, perhaps I will address myself to the specific questions.

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

Mr. KELLAM of Cumberland: Mr. President, I move that this matter be tabled until the next legislative day.

The PRESIDENT: The Senator from Cumberland, Senator Kellam, moves that Legislative Document 421, Bill, "An Act Relating to School Construction Aid", be tabled and specially assigned for tomorrow.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Kellam, that this bill be tabled and specially assigned for tomorrow 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 seventeen Senators having voted in the negative, the tabling motion did not prevail.

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

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I always dislike getting up and having to start on a fresh matter just before 12:00 o'clock because I feel that the stomachs of the body don't last as long as my breath, but I would say that I am opposed to the adoption of this amendment. There are a number of things in the amendment I object to and I would like to point out a few of the items.

Actually, the matter of incorporating L. D. 999, I believe the number is, into this bill, I think, sort of varies considerably the theory of school construction aid and it certainly should be very carefully considered before it is done. Obviously school construction aid has been rendered in the past to try to help the units that are trying to help themselves, it has been limited in its scope and it has not gone to units outside of the school administrative units, and it seems to me that the theory of that has been well-founded.

I would readily agree that there are many hardships involved in the school construction aid formula presently, and I would have hoped that the Education Committee would have approached this problem with a view toward helping those small towns which are in trouble, which have tried to form districts and have been turned down by the neighboring towns. These are the people that you really feel are entitled to

construction aid. In other words, if a small community has voted to go into a school administrative unit, and sometimes some towns have done it a number of times and they have always been turned down by their neighboring towns, it certainly isn't the fault of the town that votes to go into the unit. By passing this bill, of course, it takes away the incentive for the neighboring communities to help the small town which is in difficulty because they will be able to get their construction aid without forming an administrative unit.

Another item which I feel is very poor judgment is increasing the ceiling on the aid to be given up to 85 per cent of the cost of the construction. It strikes me, and I have said this before, I know, but I feel it bears repeating, that every school unit should have some investment in its school itself. And if we are presently paying two-thirds of the cost of construction, it strikes me that it is not too much to ask that the school administrative unit pay the other third. The present ceiling is 66 per cent, and I feel that is adequate to encourage good school construction, but it is not such a great amount to cause the frill type of thing or addition of items which would not be put in otherwise. In other words, if a small town doesn't want a particular item in its school construction enough to pay a third of it, why should we have them put it in if we are going to pay 85 per cent of it. So, I strongly object to that feature of the amendment. I had hoped that when the discussion was held relative to amendment of the bill that that feature would have been taken out of it. The cost presently is not a great deal. It is something like \$170,000 a year, which is still enough to think about, but it is not a great amount of money, and it might change in years to come. I could picture occasions whereby a school might be constructed which would not otherwise be constructed.

I would like to point out that Section 5 of the bill calls for a particular approval to be determined by the board of educa-

tion relative to some construction projects and not to others. It would seem to me that if it is wise to have the State Board of Education rule whether or not a construction project is consistent with total school construction needs in one area, it ought to be pertinent to have them rule on that same proposal in other areas. It appears that this amendment was put in to cover the newly included units that are going to be added for construction aid, but the way I would read that particular phrase it would include all units, whether they are to be added or are now in the construction aid program, and this would include practically all the cities in the state, I believe, or at least a great many of the cities, and it would seem to me that it is not tolerable for us to set a double standard relative to this particular item.

So, on balance, it seems to me that with the two bills being presented to the Education Committee back in January, and here we are getting to May, it seems that an amendment not quite so fraught with problems could have been devised by now, so I oppose this particular amendment, and I think we can possibly come up with some other ideas if we do turn this amendment down.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The Committee got the bill toward the latter part of February, and it is our thinking that this is a comprehensive approach, fair to all, to increase the flow of state money to aid communities in construction of schools.

Now, it may sound terrible to give one community 5 per cent of the construction money, but if the system is working the local effort on the part of these people in the poorest of communities to raise the 15 per cent should be comparable to the effort required by people in richer communities to raise their much larger percentage. That is the way the system is designed, and perhaps it may be a little imperfect, but

that is the way I hope it works out.

The phrase in the amendment that says there shall be some control over the area needs is in there purely and simply to protect the state and us against the situation where two communities who don't speak to one another, right side by side, decide to build schools within a hundred yards of one another, duplicating needs. It is in there, and I don't know that it will ever be used, but it is a protection of state money.

The bill and the amendment are very comprehensive. I will not take your time to go over them in general, but to answer specific questions. But it seems to me that the use of state aid for school construction is no longer a viable weapon or carrot to encourage communities to get into districts. This is my conclusion and it is the conclusion of most members of the Committee. You may take issue with it if you wish, but this was behind the motivation that said it is now time to take one more step.

A couple of sessions ago we increased school construction aid to communities that operated high schools with a minimum of 500, where previously it was 700. Now we are taking one more step and saying that it is no longer equitable for us to withhold money from these small communities, and they are small communities, all over the state.

I want to point out to you that insofar as the effect on your communities is concerned, by increasing the state assistance, in most cases, it will result in a substantial increase of state assistance around the state, and certainly on a statewide basis the average will be increased from 29 per cent, where it presently is, to 40 per cent — or let me rephrase it: You take all the communities in the state and list them, the median community in the state will now receive 40 per cent in state assistance instead of 29.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate:

This L. D. 421 bothered me from the start, and specifically the increase in the cost of the construction aid and the drain on the \$50 million bond issue that was passed a short time ago for this purpose.

As originally written, L. D. 421 would increase the drain by 37.7 per cent, or cut the life of the bond issue probably two years. This, with the amendment, increases it about 20 per cent and will probably shorten the life of the bond issue about a year. This is my concern, the dipping into this and depleting this bond issue much faster than we should. The bill is better with the amendment than without, but when the right time comes I probably will be voting against the whole issue.

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 a question to the good Senator from Kennebec, Senator Katz, relative to his statements as to helping the most needy communities in the state and that is the justification to go to 85 per cent aid. The question would be this: If he considers the Town of Limestone one of those most needy communities in the state?

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The question of Limestone has been a perplexing one to all of us for many years because of the tremendous flow of federal money that they get. Limestone, by no stretch of the imagination, is a needy community. It is unique in every school subsidy and every construction bill we have, and we try to control it by special language. But, with the single exception of Limestone, and we are not permitted to single out a community by name and say "except Limestone", but with the single exception of Limestone, we are talking about the neediest communities in the state.

Now, I am not terribly concerned with the change in percentages at all. I consider this the least important part of this whole thing. But

the most important thing to remember is that when we started school construction years ago we had a 49 per cent average figure, and we said to the towns and cities that in construction we will support you to the extent of 49 per cent for the median community. In the intervening years we have revalued the property upward and we have decreased the flow of state dollars downward, and in many cases it has resulted in tremendous dislocations of communities where a community was sold on the basis of 49 per cent and now they are getting 33 per cent.

If you accept this amendment, what you are doing, in effect, is saying that no community will get any more or less than the voters thought that they were getting at the time the bond issues were passed.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I want to rise in support of the amendment offered by the good Senator from Kennebec. I also would like to correct one statement, if I understood him correctly, made by the Senator from Cumberland, Senator Kellam.

In his initial talk he mentioned the fact that the state had supported capital improvement in the SAD's, that he wished that to continue, and he questioned the advisability of bringing in others. I wish to point out that the state has not only paid capital improvements to the SAD's, but they have paid capital improvements to the larger communities, including the City of Portland. The only reason that Portland and other larger cities were included originally was because they needed votes to pass the Sinclair Bill.

All this bill now is trying to do is treat small communities — and I will mention just a few around here, like Manchester, Chelsea, Orono, and a few communities of that type — who have extra school facilities but have not had the benefit of capital funds from the state. They now, under this amendment, would be included, and I think it is time now that they

should be considered as well as some of the larger communities. Thank you.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "A". As many Senators as are in favor of the adoption of Senate Amendment "A" will please say "Yes"; those opposed, "No."

A viva voce vote being taken, the motion prevailed.

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

Sent down for concurrence.

The President laid before the Senate the fifteenth 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 27, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

Mr. Katz of Kennebec moved that the bill be tabled unassigned, pending Acceptance of Either Report.

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

Mr. BERRY of Cumberland: Mr. President, I would request the Senator to assign a date certain on that tabling motion.

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

Mr. KATZ of Kennebec: Mr. President, directing my remarks to the question of the time of tabling, I would be glad to assign a date certain but the date is very uncertain in my mind. However, I will withdraw my motion.

The PRESIDENT: The Senator from Kennebec, Senator Katz, withdraws his motion to table.

The Chair recognizes the same Senator.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and specially assigned for May 5, 1971,

pending Acceptance of Either Report.

The President laid before the Senate the sixteenth 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 27, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled until later in today's session, pending Enactment.

The President laid before the Senate the seventeenth 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 27, 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. Tanous of Penobscot, retabled and Tomorrow Assigned, pending the motion by that Senator to Reconsider.

The President laid before the Senate the eighteenth 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 27, 1971 by Senator Hoffses of Knox.

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

On motion by Mr. Quinn of Penobscot, retabled and Tomorrow

Assigned, pending the motion of that Senator to Reconsider.

The President laid before the Senate the nineteenth 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 27, 1971 by Senator Shute of Franklin.

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

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Before we vote on the motion which I have pending on this matter, which is to reconsider our action whereby we accepted the Ought Not to Pass Report of the Committee, I thought perhaps I would mention briefly my reason for doing this, and then if you agree with the words of wisdom that I am going to expound then perhaps you will vote to reconsider the matter. Of course, if you don't, then I assume you will vote against my motion to reconsider this matter.

Now, this passed through this body, and I thought it went through here with relatively little debate on it. I didn't understand the bill at first myself, to be honest with you, so I don't think the bill was really debated to give us an idea of what the bill consisted of and how it related to other matters of business in this area.

As you know, this is an act relating to credits to liquor licensees by wholesalers. My feeling is that the present law as it exists discriminates against the licensees. A wholesaler today is permitted credit while a licensee is not permitted credit on purchases. The statement of fact clearly indicates that the purpose of this bill is to permit licensees to receive from the wholesalers credit for liquor purchased, the

same as is received by wholesalers when they purchase liquor.

Now, an issue has been raised asking what is meant by the words in this bill "normal credits and the usual and customary commercial credits." Well, these words were taken from the liquor laws which permit the brewers and the wineries to give credit to the wholesaler. So if these words are fair for the wholesalers, then they ought to be fair for the licensees.

First of all, I want to explain that it is difficult for me to go back to the people that I represent in my area that have been given a license, the licensees, so to speak, and to tell them that I permitted this bill to go through the Senate undebated and unexplained, because I represent a lot of licensees in my area and most of them would love to see this bill go through. And I don't see why they shouldn't be permitted to have the privilege or the benefit of this legislation.

Now everyone else they deal with, the licensees, that is, they deal with everybody day in and day out in their businesses, and they get credit from these people, they can charge things. They buy food, the Class "A" restaurants, or anything that they do, they get credit and they pay the first of the month or the 15th of the month. And the only thing this bill permits them to do is to get credit like the wholesaler does, or it gives them credit to operate their business as any other business that extends credit for the customary period until the 30th of the month or the 15th of the next month.

I don't want you to feel that I am against the wholesalers here because they have this right, yet every law that we have seems to benefit the wholesalers. There are a great number of laws on the books and they seem to benefit the wholesalers. For instance, they can wait until the 10th of the month to pay the state excise taxes. The wholesalers can have their trucks painted for free. They can have free uniforms for their employees. We permit them to receive refunds and we permit the wholesalers to transfer a license from one town to another. These are all laws that

we have on the books giving the wholesalers all of these benefits. And here the licensees come before us and ask for one little benefit, to be able to charge these purchases like any other item that they purchase until the 10th or 15th of the following month, and we deny them this privilege.

Now, the beer excise taxes, for instance, in the State of Maine, and this is really interesting: the excise tax in the State of Maine that we collect annually is in the area of \$4,500,000. That is four and a half million dollars. And do you realize that the wholesalers, under our present system, because they can buy on credit from the breweries and so forth, or rather that they get the cash from the retailers when they sell, they get the benefit of the four and a half million dollars, the wholesalers in the State of Maine, until the next month, so to speak. So you add this benefit up that they have over a period of a year and this amounts to a pretty penny in their pockets, because the licensees have to pay cash for this. I don't see why the wholesalers ought to have the benefit of this money any more than the licensees should.

So I really feel that the present law as it is is inequitable, and if we are going to have laws on our books, liquor laws, so to speak, I do feel that the licensees ought to be granted the same privilege as the wholesalers and be permitted to charge in accordance with the custom of business that we have today. Thank you.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: Back in the days when Senator Tanous and I were mere striplings, back when we first permitted the sale of alcoholic beverages, they did have a law on the books, and upon its initiation in 1933, and until 1937, credit was granted by the wholesaler to the retailers throughout the state. What were the results of such action?

About three wholesalers in the State of Maine literally owned the retailers. They were in a position,

consequently, to make demands upon the retailers. They dictated as to what kind of credit to be given, what kind of brands could be sold, and through the use of this credit gained control of the retail trade in the beer industry. Now, what was the result of this? Well, you can imagine that it did result in chaos and corruption.

In 1937 the Carl Law came into effect, because of the prevailing conditions at that time, and granting credit to retailers was discontinued. This can lead to consumer credit, which in the liquor business could really be public disaster.

At the hearing there were two proponents, the sponsor of the bill and representatives of a large retail food concern, who complained they couldn't control because the payments of these credits, cash on the barrelhead, as it were, because of their many stores involved, and the posting of a bond was required by them on payment in advance. There were several opponents, among them the Liquor Commission itself. The Liquor Commission opposes repeal of the cash law and granting of credit. The Carl Law has kept business relatively clean, and credit would mean a return to corrupt conditions which prompted it.

The wholesaler does receive credit, I might say, from the brewer, but usually bills are paid before the shipment arrives. So this is a very short-term credit. The Committee Report was seven to six, Ought Not to Pass, so it was by a close margin. We feel that this is a condition which could lead to corrupt practices and, therefore, we are opposed to this bill and would be opposed to the reconsideration motion.

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

Mr. DANTON of York: Mr. President and Members of the Senate: I am a business man in the food business. I don't happen to have a liquor license, but many of my friends do.

Now, this cash on the barrelhead imposes a real hardship on a lot of men in the food business with liquor licenses. No. 1, when their

delivery is delivered they have to be there to make provisions for the money for the check to be there when the beer is delivered. That is because on the liquor they go down to the liquor stores and pick it up.

Now, in my business I buy hundreds of pounds of meat every week and I don't have to pay cash for it. I don't know how you could in any way say that this would encourage any corruptive measures. I think that this credit should be allowed to the licensees. I think it is discriminating when you stop and think that the wholesaler can buy on credit. The licensee should also be allowed the same privilege of having that credit. So I certainly hope that you support the good Senator from Penobscot, Senator Tanous. Thank-you.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I feel compelled to rise in opposition to this reconsideration motion.

The distinguished Senator from Franklin, Senator Shute, has very well covered the issue from top to bottom, so to speak. We have in the State of Maine had a very, very clean business as far as our beer and liquor is concerned. The majority of the Committee had strong convictions that if this bill were to pass that it would be the opening wedge to ultimate consumer credit, which I feel that everyone of us here are very much opposed to. We do not want to get into that aspect, but this particular document would definitely be the opening wedge to allow consumer credit for liquor by the customer, and I hope that the members of this Senate will use wise and sound judgment in this matter, and that you will vote against the reconsideration motion by the distinguished gentleman from Penobscot.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I don't want to belabor

the argument on this, but the arguments against it that were propounded because there were some ill effects in the law some thirty odd years ago I really don't believe apply to today's methods of doing business and the way that we conduct our businesses today. You have got to agree that the way business was run thirty some years ago is certainly much different than it is today.

Our whole economy today is based on billing systems and credits and so forth. I am sure Senator Shute will agree with me that back in the 30's if a poor fellow went to the local bank and had to borrow a small sum, even a hundred dollars, the banker ended up owning you body and soul for a lousy hundred dollar loan and your family together. Things have changed since then. I think that the economy and methods of doing business are different today, they are all above board, and I think all we are doing is updating this particular law in this respect. Thank you. May I ask for a division, Mr. President?

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Credits to Liquor Licensees by Wholesalers."

As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that the Senate reconsider its action whereby it accepted 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. Thirteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion did not prevail.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Harding of Aroostook: Joint Order-Relative to Joint Interim Committee to study the Financial Impact of

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) pending Passage.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: This order is related to item 16 on today's calendar which is also tabled until later in today's session. If those two items were to be debated, and I would think that they ought to be before they are disposed of, it would take some time. I would also mention that the Senator from Aroostook, Senator Violette, has expressed an interest in this particular legislative document and, because of the lateness of the hour and these other factors, I would think it might be well if we might table both of these and take them up at tomorrow's session, if someone would be so kind.

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

Thereupon, on motion by Mr. Clifford of Cumberland, the Joint Order was tabled and Tomorrow Assigned, pending Passage.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Min-

kowsky of Androscoggin: Bill, "An Act to Provide Transportation for Blind Adults Attending Educational Facilities." (S. P. 472) (L. D. 1493) - pending Acceptance of Either Committee Report.

Mr. Minkowsky of Androscoggin mover that the Senate Accept the Minority Ought to Pass Report of the Committee.

Mr. Katz of Kennebec then moved that the bill and accompanying papers be Indefinitely Postponed.

Thereupon, on motion by Mrs. Carswell of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Katz of Kennebec that the bill and accompanying papers be Indefinitely Postponed.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Berry of Cumberland: 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) - pending Enactment.

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

(Off Record Remarks)

On motion by Mr. Hoffses of Knox.

Adjourned until 9 o'clock tomorrow morning.