

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, April 30, 1971

Senate called to order by the President.

Prayer by the Rev. Fr. John L. Dougher of Augusta.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, May 3, at 4 o'clock in the afternoon.

(S. P. 562)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

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

In the Senate April 22, 1971, the Majority Ought to Pass report was Read and Accepted, and subsequently the Bill was Passed to be Engrossed as Amended by Senate Amendment "A" (S-104).

Comes from the House, the Minority Ought to Pass as Amended Report Read and Accepted and subsequently the Bill was Indefinitely Postponed, in non-concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Insist.

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.

In the House April 27, 1971, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

In the Senate April 28, 1971, that Body Voted to Insist.

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

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

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

Senators:

VIOLETTE of Aroostook
CARSWELL

of Cumberland
SHUTE of Franklin

Non-concurrent Matter

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

In the Senate April 27, 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.

On motion by Mr. Tanous of Penobscot, the Senate voted to Insist and Ask for a Committee of Conference.

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

Senators:

TANOUS of Penobscot
HARDING of Aroostook
QUINN of Penobscot

Non-concurrent Matter

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

In the Senate April 27, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by Senate Amendment "B" (S-118).

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

On motion by Mr. Hoffses of Knox, the Senate voted to Recede and Concur.

Joint Order

WHEREAS, the Honorable Roy Arthur Bither has served with great distinction on the faculty of

Ricker College, Junior College and Classical Institute over the past forty-five years; and

WHEREAS, his countless contributions in the field of education as a conscientious and competent Doctor of Science are matched only by his dedication to civic betterment; and

WHEREAS, his recent elevation to that of Professor Emeritus is fitting recognition of his long service and sterling achievements in behalf of the citizens of Houlton and the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the One Hundred and Fifth Legislature of the State of Maine now assembled offer our heartfelt congratulations and best wishes for good luck on the occasion of this honor to our dear friend and colleague, Professor Emeritus Bither; and be it further

ORDERED, that it shall be spread upon journals and official records of the State that he single-handedly discovered the remains of gastropods and other fossils throughout our State House; and be it further

ORDERED, that a duly attested copy of this Joint Order be transmitted forthwith to Representative Bither as a token of our esteem. (H. P. 1298)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the subject matter of the Bill, "AN ACT Relating to Licensure of Physical Therapy Assistants," House Paper 530, Legislative Document 692, introduced at the regular session of the 105th Legislature, to determine whether the best interests of the State would be served by enactment of such legislation; and be it further

ORDERED, that the State Department of Health and Welfare be directed to provide the Committee with such technical advice and other assistance as the Com-

mittee deems necessary or desirable to carry out the purposes of this Order; and be it further

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

ORDERED, that upon joint passage of this Order a copy be transmitted forthwith to said Department of Health and Welfare as notice of the pending study. (H. P. 1297)

Comes from the House, Read and Passed.

Which was Read.

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

Communications

State of Maine
Senate Chamber
President's Office
Augusta, Maine 04330

April 29, 1971

Mr. Harry N. Starbranch
Secretary of the Senate
Augusta, Maine

Dear Mr. Starbranch:

The Committee on Reference of Bills has met and decided to extend the date by which all bills must be reported out of committee.

All bills and resolves must be reported from all committees by 5:00 p.m. on May 19, 1971.

Respectfully yours,
s KENNETH P. MACLEOD,
Chairman Committee on
Reference of Bills

Which was Read and Ordered
Placed on File.

Orders

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that the Joint Standing Committee on Fisheries and Wildlife report out a Bill segregating, apportioning and expending for the next 2 fiscal years — July 1, 1971 to June 30, 1972 and July 1, 1972 to June 30, 1973 — all funds received by the Department of Inland

Fisheries and Game under the Revised Statutes, Title 12, section 3061.

(S. P. 563)

Which was Read and Passed.
Sent down for concurrence.

Committee Reports House

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

Bill, "An Act Relating to Contracts Made by Real Estate Brokers and Salesmen." (H. P. 1013) (L. D. 1392)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act Relating to Membership on Maine Real Estate Commission." (H. P. 257) (L. D. 339)

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Clarify Marine Research under the Sea and Shore Fisheries Law." (H. P. 766) (L. D. 1032)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Resolve, Appropriating Funds for Payment of Judgment Against the State in Favor of Maurice and Elizabeth M. Woodside. (H. P. 1086) (L. D. 1475)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on, Bill, "An Act Establishing a Home Improvement Bonding Act." (H. P. 1112) (L. D. 1517)

Reported that the same be granted Leave to Withdraw.

The Committee on Public Utilities on, Bill, "An Act to Clarify the Sewer Powers of Lincoln Water District and Change its Name to Lincoln Water and Sewer District." (H. P. 1176) (L. D. 1626)

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.

Ought to Pass

The Committee on Veterans and Retirement on, Bill, "An Act to Provide Retirement Benefits for Certain State Employees." (H. P. 832) (L. D. 1123)

Reported that the same Ought to Pass.

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Change of Name of the Arthritis Foundation Pine Tree Chapter, Inc." (H. P. 959) (L. D. 1320)

Reported that the same Ought to Pass.

The Committee on Health and Institutional Services on, Bill, "An Act to Provide for Thirty Days' Notice When a Nursing Home is Being Voluntarily Closed." (H. P. 1116) (L. D. 1535)

Reported that the same Ought to Pass.

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

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

Ought to Pass-As Amended

The Committee on Health and Institutional Services on, Bill, "An Act to Revise the Pharmacy Laws." (H. P. 453) (L. D. 608)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-180).

The Committee on Education on, Bill, "An Act Relating to Increases in School Assessments in School Administrative Districts." (H. P. 702) (L. D. 945)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-179).

The Committee on County Government on, Bill, "An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements and New Construction." (H. P. 735) (L. D. 997)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-178).

The Committee on County Government on, Bill, "An Act Increasing Certain Fees for Deputy Sheriffs." (H. P. 1070) (L. D. 1462)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-177).

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

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

Divided Report

The Majority of the Committee on Health and Institutional services on, Bill, "An Act Relating to Licensure of Physical Therapy Assistants and Temporary Permits Under Physical Therapy Law." (H. P. 416) (L. D. 543)

Reported that the same Ought to Pass.

Signed:

Representatives:

CUMMINGS of Newport
LESSARD of Lisbon
DOYLE of Bangor
PAYSON of Falmouth
LEWIS of Bristol
CLEMENTE of Portland
DYAR of Strong
SANTORO of Portland

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

Signed:

Senators:

HICHENS of York
GREELEY of Waldo
MINKOWSKY
of Androscoggin

Representatives:

BERRY of Madison
McCORMICK of Union

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

Which reports were Read.

On motion by Mr. Greeley of Waldo, the Minority Ought Not to Pass Report of the Committee was Accepted in concurrence.

Divided Report

The Majority of the Committee on Health and Institutional Services on Bill, "An Act Relating

to Licensure of Physical Therapy Assistants." (H. P. 530) (L. D. 692)

Reported that the same Ought to Pass.

Signed:

Representatives:

CUMMINGS of Newport
LESSARD of Lisbon
DOYLE of Bangor
PAYSON of Falmouth
LEWIS of Bristol
CLEMENTE of Portland
DYAR of Strong
SANTORO of Portland

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

Signed:

Senators:

HICHENS of York
GREELEY of Waldo
MINKOWSKY
of Androscoggin

Representatives:

BERRY of Madison
McCORMICK of Union

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

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Suspension of Motor Vehicle Operator's License for Speeding Violation." (H. P. 1151) (L. D. 1602)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
HARDING of Aroostook

Representatives:

HENLEY of Norway
WHEELER of Portland
PAGE of Fryeburg
ORESTIS of Lewiston
CARRIER of Westbrook
WHITE of Guilford
LUND of Augusta
KELLEY of Caribou

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

Signed:

Senator:

QUINN of Penobscot

Representatives:

HEWES

of Cape Elizabeth
BAKER of Orrington

Comes from the House, the Minority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-203).

Which reports were Read.

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

Thereupon, on motion by Mr. Tanous of Penobscot, tabled and specially assigned for May 4, 1971, pending the motion by Mr. Quinn of Penobscot to Accept the Minority Ought to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education." (H. P. 475) (L. D. 836)

Reported that the same Ought to Pass.

Signed:

Senators:

CHICK of Kennebec

MINKOWSKY

of Androscoggin

Representatives:

LAWRY of Fairfield

HASKELL of Houlton

MILLETT of Dixmont

SIMPSON of Standish

BITHER of Houlton

TYNDALE

of Kennebunkport

MURRAY of Bangor

LUCAS of Portland

The Minority of the same Committee on the same subject matter reported that the same be referred to the 106th Legislature.

Signed:

Senator:

KATZ of Kennebec

Representatives:

WOODBURY of Gray

LYNCH

of Livermore Falls

Comes from the House, the Majority Ought to Pass report

Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Mr. Katz of Kennebec moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The purposes of this bill are laudable. We saw it at the last session and I think it is coming of age. What it would attempt to do would be to put some tax monies behind the support of Maine students attending Maine institutions of higher education.

The price tag on it this biennium is something over three million dollars, so it will have some problems anyway. But in opposing the passage at this time, what I am suggesting is that we wait until the next regular or, even more hopefully, the Special Session of this Legislature, at which time I think this Legislature will be in a position to make some profound and important changes in the whole question of financing higher education.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I hope the Senate will not accept the Minority Report and will accept the Majority Ought to Pass Report of the Committee.

It seems to me that the Committee all agreed that there is a lot of justification for looking at our higher education on this basis. I see nothing wrong with the passing of this bill. It will remain on the Appropriations Table, and if there are no funds available to carry out the purposes of this bill it still can be voted down at that time.

I think the basic philosophy behind this is that we have recently in the last year or two had the people turn down bond issues to increase the school capacity at our greater university. So it seems appropriate, at least to some of us, that if we can educate some of these students at some of our private colleges at a cost of about half what we are subsidizing at

the State University that there is merit in considering this approach. Also, I might mention that we do have quite a bit of unused capacity in some of our private colleges, so it seems to me that we should pass this at this time, and keep the matter before us so that we can consider this later on and decide what the over-all approach is going to be to appropriating funds for higher education. I hope that the Senate will not accept the Minority Report but will vote against it, and later accept the Majority Ought to Pass Report of the Committee.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would take very little issue with the things that the Senator from Kennebec has said but I have a feeling that this bill looks at only a small part of a very important and very expensive problem.

Because I support the concept of putting tax support behind Maine youngsters attending private institutions of post secondary education, I am not certain that this bill is the right answer. For example, it restricts support to only those youngsters attending four-year baccalaureate schools. Although I think that perhaps we should support them, the bill specifically ignores vast numbers of youngsters who are not oriented in the direction of going after education in a four-year baccalaureate school. But even worse, I think it is premature and it is urging us to look at just one part of a very expensive problem.

The decision we make on this one, in advance of looking at the entire problem, may be the right decision. On the other hand, I have an uneasy feeling it may be the wrong decision. If it is the wrong decision it could lock us into a very expensive program, the cost of which could increase very substantially in the years ahead. So all I am asking the Senate to do today is to delay its decision, with a firm commitment that we will come back into a special session with a full comprehensive program for you to consider and for

you to attempt to establish new public policy on.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President, I would request a division.

The PRESIDENT: A division has been requested. As many Senators are in favor of the motion of the Senator from Kennebec, Senator Katz, to accept the Minority Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twelve Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion to accept the Minority Report of the Committee did not prevail.

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

Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act Eliminating Certain Organizations as Participating Local Districts under State Retirement System." (H. P. 979) (L. D. 1341)

Reported that the same Ought Not to Pass.

Signed:

Senator:

CARSWELL

of Cumberland

Representatives:

SIMPSON of Millinocket

LEWIN of Augusta

DOW of West Gardiner

CURTIS of Bowdoinham

VINCENT of Portland

HAYES of Windsor

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

Signed:

Sensors:

ANDERSON of Hancock

BERNARD

of Androscoggin

Representatives:

JUTRAS of Sanford
 PRATT of Parsonsfield
 THERIAULT of Rumford
 LINCOLN of Bethel

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

Which reports were Read.

On motion by Mr. Anderson of Hancock, tabled and specially assigned for May 4, 1971, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act Relating to Participating Local Districts in the Maine State Retirement System." (H. P. 434) (L. D. 569)

Reported that the same Ought Not to Pass.

Signed:

Senators:

ANDERSON of Hancock
 BERNARD
 of Androscoggin

Representatives:

CURTIS of Bowdoinham
 JUTRAS of Sanford
 THERIAULT of Rumford
 DOW of West Gardiner
 LINCOLN of Bethel
 HAYES of Windsor
 LEWIN of Augusta
 SIMPSON of Millinocket
 PRATT of Parsonsfield

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-197).

Signed:

Senator:

CARSWELL
 of Cumberland

Representative:

VINCENT of Portland

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

Which reports were Read.

On motion by Mrs. Carswell of Cumberland, tabled and specially assigned for May 4, 1971, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Require

Fluoridation of Some Public Water Supplies." (H. P. 540) (L. D. 753)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York
 GREELEY of Waldo
 MINKOWSKY
 of Androscoggin

Representatives:

DOYLE of Bangor
 BERRY of Madison
 LEWIS of Bristol
 CLEMENTE of Portland
 McCORMICK of Union
 DYAR of Strong
 SANTORO of Portland
 LESSARD of Lisbon

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-195).

Signed:

Representatives:

PAYSON of Falmouth
 CUMMINGS of Newport

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

Which reports were Read.

Mr. Hichens of York moved that the Bill be tabled and specially assigned for May 4, 1971, pending Acceptance of Either Report.

On motion by Mr. Hoffses of Knox, a division was had. Thirteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion to table did not prevail.

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

Senate**Leave to Withdraw, Covered by Other Legislation**

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds for Operation of Kennebec Valley Vocational-Technical Institute." (S. P. 250) (L. D. 757)

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

Which report Was Read and Accepted.

Sent down for concurrence.

Ought to Pass.

Mr. Clifford for the Committee on Legal Affairs on, Bill, "An Act to Incorporate the Town of Carra-basset Valley." (S. P. 448) (L. D. 1294)

Reported that the same Ought to Pass.

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

Ought to Pass in New Draft

Mr. Anderson for the Committee on Veterans and Retirement on, Bill, "An Act Providing Educational Assistance for Widows of Veterans and Wives of Totally Disabled Veterans." (S. P. 246) (L. D. 707)

Reported that the same Ought to Pass in New Draft Under New Title: Bill, "An Act Providing Educational Assistance for Certain Widows, Wives and Children of Veterans and Wives and Children of Prisoners of War" (S. P. 560) (L. D. 1700)

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

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Relating to Voters Resigning or Removed from the Voting List." (S. P. 405) (L. D. 178)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 561) (L. D. 1701)

Signed:

Senators:

SHUTE of Franklin

MARTIN of Piscataquis

Representatives:

ROSS of Bath

WOOD of Castine

BOUDREAU of Portland

BUNKER of Gouldsboro

VINCENT of Portland

BROWN of York

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

Signed:

Senator:

MOORE of Cumberland

Representatives:

BINETTE of Old Town

HANCOCK of Casco

MARSTALLER

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

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Creating the Cobbossee Watershed District." (S. P. 202) (L. D. 587)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-124).

Signed:

Senators:

QUINN of Penobscot

CLIFFORD

of Androscoggin

KELLAM of Cumberland

Representatives:

BRAWN of Oakland

CURTIS of Bowdoinham

CROSBY of Kennebunk

FECTEAU of Biddeford

EMERY of Rockland

GAUTHIER of Sanford

NORRIS of Brewer

SILVERMAN of Calais

SMITH of Dover-Foxcroft

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

Signed:

Representative:

COTE of Lewiston

Which reports were Read, the Majority Ought to Pass as Amended Report of the Committee Accepted and the Bill Read Once.

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

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Relating to the Regulation of Private Detectives." (S. P. 344) (L. D. 984)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-125).

Signed:

Senators:

QUINN of Penobscot

CLIFFORD

of Androscoggin

Representatives:

EMERY of Rockland
 BRAUN of Oakland
 NORRIS of Brewer
 CROSBY of Kennebunk
 SMITH of Dover-Foxcroft
 SILVERMAN of Calais
 COTE of Lewiston
 FECTEAU of Biddeford
 GAUTHIER of Sanford
 CURTIS of Bowdoinham

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

Signed:

Senator:

KELLAM of Cumberland

Which reports were Read.

On motion by Mr. Quinn of Penobscot, 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.

Second Readers

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

House

Bill, "An Act Repealing Certain Procedure for Registration of Voters." (H. P. 187) (L. D. 244)

Bill, "An Act to Prohibit False or Misleading Potato Labeling and Branding." (H. P. 1046) (L. D. 1437)

Bill, "An Act Relating to Fees for Marketing and Advertising Farm Products." (H. P. 1047) (L. D. 1438)

Bill, "An Act Relating to Boundaries of Municipalities in Annual Reports." (H. P. 1056) (L. D. 1447)

Bill, "An Act to Clarify the Classification of Certain Minor Tributaries of the Penobscot River." (H. P. 1094) (L. D. 1482)

Bill, "An Act Establishing the Law and Legislative Reference Library under the Legislative Research Committee." (H. P. 1104) (L. D. 1510)

Bill, "An Act Relating to Search by Coastal Wardens." (H. P. 1291) (L. D. 1690)

Bill, "An Act Relating to Control over Abandoned Automobiles." (H. P. 1123) (L. D. 1542)

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

House - As Amended

Bill, "An Act to Give the Attorney General Authority to Require Certain Telephone Records." (H. P. 909) (L. D. 1254)

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

Bill, "An Act Establishing an Open Season on Moose". (H. P. 1287) (L. D. 1686)

Which was Read a Second Time.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would hope that you would oppose the passage of this bill to be engrossed. This has been a very controversial matter, and I think some of the members here have some very definite opinions on it. I would ask for a division on the passage of this bill to be engrossed.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Moore.

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

Senate Amendment "A", Filing No. S-127, was Read and Adopted.

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

Mr. HOFFSES of Knox: Mr. President, I would again urge the members of this Senate to vote against the passage of this bill to be engrossed.

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

Mr. SEWALL of Penobscot: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted. Ob-

viously more than one-fifth having arisen a roll call is ordered.

The pending question before the Senate is the passage to be engrossed of Bill, "An Act Establishing an Open Season on Moose". A "Yes" vote will be in favor of passage of the bill to be engrossed; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Clifford, Conley, Danton, Dunn, Graham, Kellam, Marcotte, Martin, Moore, Peabody, and Violette.

NAYS: Senators Anderson, Bernard, Berry, Carswell, Chick, Fortier, Greeley, Hichens, Hoffses, Johnson, Katz, Minkowsky, Quinn, Schulzen, Sewall, Shute, Tanous, and President MacLeod.

ABSENT: Senators Harding, Levine and Wyman.

A roll call was had. Eleven Senators having voted in the affirmative, and eighteen Senators having voted in the negative, with three Senators absent, the Bill failed of Passage to be Engrossed.

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

Mr. ANDERSON of Hancock: Mr. President, having voted on the prevailing side, I now move reconsideration, and hope you will all vote against me.

The PRESIDENT: The Senator from Hancock, Senator Anderson, now moves the Senate reconsider its action whereby this Bill failed of passage to be engrossed. As many Senators as are in favor of reconsideration will please say "Yes"; those opposed "No".

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

Senate

Bill, "An Act Creating the Maine Litter Control Act." (S. P. 262) (L. D. 768)

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

Bill, "An Act to Provide Transportation for Blind Adults Attending Educational Facilities." (S. P. 472) (L. D. 1493)

Bill, "An Act to Amend the Law on Sale or Packing of Herring." (S. P. 531) (L. D. 1581)

Bill, "An Act Relating to the Size Limit on Herring." (S. P. 540) (L. D. 1645)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to Manufacturer's Warranty Concerning Ability of Passenger Motor Vehicles to Sustain Shock." (S. P. 323) (L. D. 937)

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 Fish and Fisheries Product Inspection. (H. P. 901) (L. D. 1239)

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

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

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

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

An Act to Prohibit the Importing and Introduction to Our Coastal Waters of Any Uncertified Maine Species.) (S. P. 513) (L. D. 1370)

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

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

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Senate voted to reconsider its prior action whereby

the Bill was Passed to be Engrossed.

Mr. Berry of Cumberland then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-128, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Legal Affairs on Bill, "An Act Prohibiting the Use of Certain Nonrefundable Beverage Containers." (H. P. 940) (L. D. 1299) Report "A" Ought Not to Pass; Report "B" Ought to Pass.

Tabled — April 28, 1971 by Senator Clifford of Androscooggin.

Pending — Motion by Senator Quinn of Penobscot to Accept Report "B" Ought to Pass.

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

Mr. CLIFFORD of Androscooggin: Mr. President and Members of the Senate: I rise in opposition to Senator Quinn's motion to accept Report "B" of the committee. Just so there won't be any misunderstanding, Report "B" is the report which recommended that this bill should pass. I am against this and I will ask for a division when the vote is taken.

I would like to briefly explain the bill. It is not a complicated thing at all. The bill simply does one thing: it prohibits the sale of soft drinks or beer unless these items were sold in a refundable container. The requirement in the act would make the refundable value at least four cents per container. I don't think I have to explain the reason or the purpose of the bill. It is threefold. It is the hope of the sponsor that it would reduce the number of bottles discarded upon the highway. Number 2, that it would encourage their being picked up. And the third purpose of the bill, according to the statement of fact, would be that it would reduce the expenditure that the State Highway goes to. This figure was \$250,000. It would

reduce, hopefully, this amount of money the State Highway expends each year for the picking up of these bottles.

It is my opinion, and this is an opinion that I arrived at after study, and after a three hour hearing before the Legal Affairs Committee, which hearing incidentally, was very well attended and the proponents and opponents did an excellent job of presenting their case, and I thought they brought out the best of each side of the argument — but, in my considered opinion, this bill would not accomplish the purpose for which it was intended. I don't think the bill would do what the proponents think it would do.

One of the very important pieces of evidence that I felt was presented at the hearing was an incident that happened in the City of New York in the spring of 1970. That was that the Pepsi Cola Bottling Company purchased 14,400,000 twelve-ounce returnable bottles and charged a five-cent deposit for each one. Within a six-month period these bottles were all thrown away by the consumer. The consumer, according to the figures that were presented at the hearing, paid \$720,000 for these five-cent deposits. This is one of the reasons, one of the pieces of evidence, which led me to the conclusion that this bill would not produce the effect the proponents think it would produce.

On the other side of the coin, I think there was ample evidence that this bill would produce a number of detrimental effects in the State of Maine. By the very nature of the bill, it would encourage children to pick up litter along the side of the road. I think this would create a hazard, and very definitely it would be a safety fact which we should consider when arriving at some conclusion as to what we should do with this bill.

The second detrimental effect that I think this bill would have was that it would create a sanitary problem for every retail store in this state. These bottles take many, many routes, go to many, many places before they are finally returned. Sometimes when they are returned they aren't the cleanest

item in the world. These must be received, sorted, and stored by the retail stores in this state before returned to the wholesaler.

The third detrimental effect I felt the bill would have would be to penalize two very important industries that we have in the state. That is the beer industry and the soft drink industry. I think that both of these industries contribute heavily towards the economy of this state, so that at least we should take into consideration the affect that this bill might have on these two very important industries. It was also brought out that these retail stores in the State of Maine would require additional help to receive these bottles or the cans, whichever the case may be, to sort them and to store them. If the stores in this state are required to do that, this is going to be an additional cost which will reflect in the food prices in this state.

So, considering all these things, and many, many more which were brought out in the hearing, I have come to the conclusion that this is a very, very complex problem. It has no simple answer. And this is what this bill attempts to do, to provide a simple answer to a complex problem of the solid waste management we have in this state. I will join anybody in referring this matter to the Legislative Research Committee for further study, but I urge you once again to vote against Senator Quinn's motion to accept Report "B" of the Committee. If I have not already asked for a division, Mr. President, I do so now.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: AS the good Senator from Androscoggin, Senator Clifford, stated, we had about a four-hour hearing on this bill. There was an awful lot of feeling on it, and the great majority of those on the committee were in favor of the returnable bottles. They felt that it would not be a cure-all to our litter problem but they did feel that it was a step in the right direction.

My good friend, Senator Clifford of Androscoggin, is a sponsor of a statewide litter bill. Now, this bill, if it was passed, would take care of the litter to some degree but it will not be a full litter bill. I do feel that we should pass it because so many people in our state are interested in this subject matter. They are tired of seeing these beer bottles and other bottles along the highway. They felt that if we passed this bill that at least some effort would be made to pick them up and cash them in.

I hope you will go along with my motion to accept Committee Amendment "B".

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: Good reason compels me to agree with the good Senator from Penobscot, Senator Quinn. I feel that the litter problem is very, very severe. I believe that something should be done to at least initiate a start in solving one aspect of the problem.

The empty bottles and beverage containers are a very significant part of the litter problem in the State of Maine. Not only that, it is a very significant part of the waste in this country. It seems to indicate an affluent society which would rather throw something away than be bothered to use it again. I believe that the requiring of a deposit would help, I believe significantly, but certainly to some extent, to help relieve the difficulty we have with litter along the roadside and the hazard involved with having broken glass scattered across our fair state.

I fail to see why a small inconvenience placed upon the distributor or the store owner should sway us in our action on this matter. It strikes me that the objection to this bill has come virtually completely from those who feel it would be inconvenient to have to take the bottle back and wash it and use it again. I don't feel really that is what we should be thinking about. We should be thinking about what the concrete results would be for the state in order to require this deposit. I am not saying it

has to be a nickel deposit. We presently have two-cent deposits on malt beverage bottles and they are used over and over again. The difficulty seems to have been that over the years the greatest bulk of these beverages are sold in the large supermarket chains and these chain stores refuse to be bothered with the problem of having the bottle returned. We still have some returnable bottles in State of Maine that are used over again, particularly those being particularly merchandized by small stores. It just strikes me that if the supermarkets do feel that it is such a terrible inconvenience to sell malt beverages in a returnable bottle then they can have the smaller store, who apparently has more time on his hands and has more difficulty making a living, let him do the merchandizing for that beverage for them. I really rather suspect they will find some way of meeting this very serious problem they say they have, and will continue to sell these beverages. So, I support Senator Quinn on his motion.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I rise in support of the position taken by the Senator from Penobscot, Senator Quinn. I would like to mention one other angle that hasn't been brought out, and that is the loss to agriculture by these bottles. I will be the first to admit that that may be returnable or non-returnable bottles but they are thrown out into the hayfields, damaging tractor tires and also in many cases getting into our baled hay, and I am sure that some of our loss of livestock has been due to glass getting into the hay. So, I support the position taken by Senator Quinn.

I don't think the argument that has been brought up, that it is dangerous to have the children picking up these bottles, I don't believe that that is too logical an argument because, from my experience, the greater part of these bottles are not thrown directly on the highway but thrown into the right-of-way and fields alongside

the road, so I don't believe that there would be any great danger of loss of children from picking up these returnable bottles, and it is my hope that with a fair amount paid for returnable bottles that they will make more effort to pick them up and earn a little spending money, and in that way perhaps get some of these bottles off the highway. Thank you.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I would like to make clear my position on pollution and pollution control in the State of Maine. I think it is absolutely vital that we take every step we can to control the monster of pollution of all forms before it controls us.

However, when you start to attack a problem as great and as all pervasive as this has been for so many hundreds of years, I think it is a little bit unrealistic to expect any one small segment of our society to lead the way whereby we are discriminating against that one particular industry or type of operation.

I feel pollution definitely has to be cleared up. However, I feel just as strongly that Legislative Document 1299 does not attack the problem to an extent that would be meaningful, and I would suggest that we vote the Ought Not to Pass Report and make serious efforts to encompass the problem through studies so that we can some day, and I hope soon, pass a bill that would be meaningful to the entire state and also put us on record that we mean what we say, that we are interested in cleaning up pollution and this is an over-all plan to do it properly. I would support the position of Report "A", Ought Not to Pass.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate accept the Ought to Pass Report "B" of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted. Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair will state the question once more. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate accept the Ought to Pass Report "B" of the Committee on Bill, "An Act Prohibiting the Use of Certain Nonrefundable Beverage Containers". A "Yes" vote will be in favor of Accepting the Ought to Pass Report "B" of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Berry, Chick, Dunn, Fortier, Graham, Greeley, Hichens, Hoffses, Kellam, Moore, Quinn, and President MacLeod.

NAYS: Senators Anderson, Carswell, Clifford, Conley, Danton, Johnson, Katz, Marcotte, Martin, Minkowsky, Peabody, Schulten, Sewall, Shute, Tanous, and Violette.

ABSENT: Senators Harding, Levine and Wyman.

A roll call was had. Thirteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, with three Senators absent, the motion to Accept the Ought to Pass Report "B" of the Committee did not prevail.

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

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

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

Tabled — April 28, 1971 by Senator Harding of Aroostook.

Pending — Passage to be Engrossed.

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

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

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

Tabled — April 28, 1971 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Sewall of Penobscot, retabled and specially assigned for May 4, 1971, pending Passage to be Engrossed.

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

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

Tabled — April 28, 1971 by Senator Kellam of Cumberland.

Pending — Enactment.

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

The President laid before the Senate the fifth 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 28, 1971 by Senator Sewall of Penobscot.

Pending — Enactment.

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

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

SENATE REPORTS from the Majority of the Committee on Judiciary on Bill, "An Act Relating to the Form of Ballots of General Elections." (IB 2) considered the petitions and asks leave to report that 380 petitions were filed with the Secretary of State on February 20, 1971 at 1:00 p.m., that petitions

are in the form required by Article IV, Part Third, Section 18 and Section 20 of the Constitution and that said petitions contain the valid signatures of 37,633 electors and the invalid signatures of 8,301 electors. Twenty-three petitions were found to be invalid and 357 petitions were found to be valid.

The Committee further reports that the petitions contain a sufficient number of signatures which are valid and that said bill is properly initiated before the Legislature under the provisions of Article IV, Part Third, Section 18 of the Constitution.

The Minority of the same Committee on the same subject matter reported that of the petitions submitted, 119 containing 32,059 signatures consisting of two or more petitions bound together, only one petition among each respective group was signed and verified by a petitioner. We believe this renders invalid the other respective petitions in each respective group of the 119 which were not signed and verified by one of the petitioners. This would render invalid over 30,000 of the signatures submitted. Therefore, the minimum number of signatures required by Article IV, Part 3, Section 17 of the Constitution of Maine was not complied with.

Tabled — April 29, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

Mr. Tanous of Penobscot then moved that the Senate Accept the Majority Report of the Committee.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I rise to oppose the motion of the Senator from Penobscot, Senator Tanous. Further, I would like to present the Senate with some information.

The Minority Report of the Committee raises certain points, namely, that 119 of the petitions contained over 30,000 signatures, consisting of one or more petitions bound together, and only one petition amongst several groups were signed and verified by the peti-

tioner. Now, it was the belief of the members signing the Minority Report that this procedure may be invalid, and that in fact, if they were invalid, this would mean that it would render invalid as many as 30,000 signatures submitted.

In view of this, and in order to get this answered, the Senator from Aroostook, Senator Floyd Harding, discussed with members of the Judiciary Committee the matter propounding questions to the Supreme Judicial Court to answer the objections or the questions raised in their report. Yesterday Senator Harding did consult the Attorney General with regard to drafting up the questions that he thought should be propounded to the Court and answered, also assistance in drafting them, and also in presenting an order to this body propounding those questions to the Court.

I have a letter here, addressed to me, because the Senator from Aroostook, Senator Harding, had to be away on legal business today, and the letter reads as follows: "Dear Senator Violette:

"Deputy Attorney General George West and I talked with Senator Floyd Harding on April 29, 1971 relative to questions to be presented for consideration to the Supreme Judicial Court concerning the above matter. Senator Harding asked that we advise you that we are working on the draft of the questions and order, and we would expect to have that draft in your hands next Tuesday.

"We will also, as is usual in such case, prepare a non-advocatory memorandum of law for the assistance of the Supreme Judicial Court.

Sincerely yours,
Jon R. Doyle"

Now, I think that these are questions that are important enough to be submitted, and I would hope that somebody would table this matter until next Tuesday so that we can have a look at these questions and the proposed draft or the order for consideration by the Senate. I would certainly hope that the matter would be tabled until that time.

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

Mr. CONLEY of Cumberland: Mr. President, I move that this matter lie on the table until next Tuesday.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Initiated Bill Report No. 2 be tabled and specially assigned for Tuesday next.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I request a division on the tabling motion.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Conley, that this matter be tabled until Tuesday next will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I request a roll call.

The PRESIDENT: 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 Cumberland, Senator Conley, that Initiated Bill No. 2, the Judiciary Committee Report be tabled and specially assigned for Tuesday next, pending acceptance of either report. A "Yes" vote will be in favor of the motion to table; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

NAYS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Moore, Peabody, Quinn, Schulten,

Sewall, Shute, Tanous, and President MacLeod.

ABSENT: Senators Harding, Levine and Wyman.

A roll call was had. Twelve Senators having voted in the affirmative, and seventeen Senators having voted in the negative, with three Senators absent, the tabling motion did not prevail.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: At this moment now I feel remiss in my obligations to you for not having spoken on this matter before Senator Conley from Cumberland stood up to make a motion to table this matter until next Tuesday. It might have made your decision a little easier on the tabling motion if I had perhaps.

You know, as I stand here and look around this august body, and I use the word "august" as Senator Hoffses from Knox has often used it, and I am wondering if he means we are going to be here until next August. He may well mean that.

In all seriousness, this body is represented by two major political parties in the State of Maine, and when I get done speaking here today there may well be three representative parties in this body, and I may be a member of one.

To many of you the particular issue before us is a political issue, so to speak, it is a partisan issue. I fully recognize that the Democrats are opposed to removing the big "X" at the bottom of the ballot, so to speak, they are opposed to ballot reform, so to speak. And I am fully cognizant that the Republicans feel that politically removing this box would be to their benefit. I am in between here. I am Chairman of the Judiciary Committee and I am a State Senator representing District 27. But in a larger sense, I suppose all of us here should represent the interests of the State of Maine ahead of any other interests which we may have, either personal or partisan.

When I get done I hope that the Minority Floor Leader, Senator Violette from Aroostook, and his party will join me in my senti-

ments, and I hope that Senator Berry, the Majority Floor Leader from Cumberland, will also join me in my sentiments.

You know, you can sit here so long and feel the partisan winds blow across your face. I sit here and see Senator Conley from Cumberland waving his head "No." I am not trying to grandstand it, Senator Conley, I am just trying to speak my heart on this matter. I apologize for that remark to the Chair. But you know, you sit here and you think about partisan politics, and you look up at the Chair and see the American Flag on your left and you see the State of Maine Flag on your right, and you see a member of the cloth representing the people of the state before us and, you know, you suddenly realize that there is something greater than the barriers of a political party in our state, and that is the ultimate right perhaps of the people. And when you are talking about an initiated referendum as we have before us today, and as we did have on another issue some time ago, this is what is at stake here, the rights of the people. And this is what we should be concerned with.

We should be concerned with whether we should use dilatory tactics to abridge the rights of the people that have been granted to them under the Constitution of the State of Maine, and this is foremost in my mind. This is why I don't feel that partisan politics ought to play a part when you are talking about the rights of the people as granted to them by the Constitution of the State of Maine. This particular right, in my opinion, should override the barriers of either political party.

Now, what we have been asked to do in voting on this particular bill today is not changing any of our political advantages as a party, so to speak. All we are asked to do is approve a report of a committee, as we have done in other instances. We have been asked to send a question to the people to determine whether the will of the people will accept a particular change. Now, it matters not whether it be an income tax repeal question. It matters not whether

it is a removal of the big box at the top of the ballot, or ballot reform, so to speak. The issue is unimportant as to the content of the particular referendum. What is most important and what is primary, or should be primary, in our minds is the rights of the people, the rights of the people as granted to them by the founding fathers of our Constitution. And this is the important thing.

So I ask and I plead with both political parties to override the barriers of your party and move this thing along. Let's not try to impede this, to be obstructionists and use dilatory tactics to delay this matter, to delay the rights of the people. Let's move it along.

Now, there has been mention of going to the Law Court on certain questions. Briefly, I would like to cover the work of the Judiciary Committee on this particular bill, on this Initiated Referendum No. 2. We have had this before our Committee since sometime in the area of March 1st. Actually we have had it two months. The first part of April we had a public hearing on this bill, at which time the petitions were brought up before our Committee for examination, and we had an evening session last Tuesday night at which we inspected these and had an opportunity to look at and examine the petitions and signatures. They were examined at length. We didn't get done until approximately a quarter of 11:00 or 11:00 o'clock that evening. I want you to know that your Judiciary Committee is really doing their homework.

Well, we had an opportunity to look at these petitions. This, incidentally, is the third examination that these petitions were given. They were given this same examination at the local level by your town clerks, they were given an even more close inspection, I believe, by the Secretary of State's office, and we again examined them at liberty the other night in the Judiciary room in executive session. We had quite a few discussions. There were questions of law that were brought up by Senator Harding of Aroostook and other members of the Committee. Fortunately, there was some research

work that had been done in this area, and I have the cases before me, the statutory references, and each and every legal question that was raised at this executive session has been answered either by the Supreme Court of the State of Maine or by statute. The questions that were raised, I will repeat, have already been answered.

To my understanding, the questions that are being prepared at this time are similar in nature to what I believe to already have been answered. Perhaps they have come up with different questions. But we did have a discussion about sending valid questions to the Law Court, and I have no objections to this. If any member of the Committee or Legislature can come forth with a valid, legal question which has merit and which has not been answered heretofore by the Supreme Court of the State of Maine or by statutory provision, I assured my members of the Committee that I would lead the way to have the questions resolved by the Supreme Court.

Now, this was last Tuesday evening, and this is Friday afternoon. The legislative process must work along or else we will be here until August. I see no harm in accepting the Majority Report of the Committee at this time. I see no harm in sending this matter along to the other body to be approved, because this particular question still has to go to a public hearing. And here we are, the first week of May starts tomorrow, some committees are winding up their business, and it is imperative to move this legislative process along so that we can adjourn sometime within this calendar year.

If, after this process through the legislative halls has been completed, or during that period of time, any member of either party can come up with some good valid questions, I assure you that the leadership of both parties will join hands in seeing that these questions are sent to the Supreme Court to be resolved and answered. So I say that nobody's rights are going to be abridged, estopped or abated. I merely ask you to join in a greater cause, to move along the legislative process and to grant the people of the State of Maine

their rights as granted to them under the Constitution. Thank you.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I am not part of the Judiciary Committee, I wasn't here when the report came out, and I have not had much to do with what questions are being prepared, but I do want to say a few words, and I hope I am not misunderstood.

I must say that I personally have never been that much excited over what happens to the big box ballot or what doesn't happen to it. I recall in my part of the State that we used to get beat pretty frequently, and we used to say — well, I am not going to say the first words we used, but "those straight Republican ballots kill us." That wasn't too many years ago, so I guess what we had to do was go out and work that much harder to overcome that obstacle, and we are now licking a few people here and there. Nothing spectacular yet, but we are electing more legislators and more county officials, and I don't know what the big box has to do with it or has not had to do with it. Some of us just like to think that we have been doing more work than other people have, and that may be why we have been a little more successful along the line, not only in Aroostook but perhaps in other areas as well. I have never been that bothered with it.

I have no quarrel with the opinions expressed by my good friend, the Senator from Penobscot, Senator Tanous. He and I were brought up together and we have always been good friends. But I must say that I very deeply resent the arguments being used that anything that our party does here in this legislature with regard to these questions are only being done because we want to drag our heels, because we are being dilatory and disrespectful or insensitive to the rights of Maine people to be heard on questions that they have an interest in.

Neither I nor my party in any way, shape or manner want to impede the ability of our people

to be heard on any questions that they ask for. I submit to you that we are being placed here today in a position where, if we do raise questions which we think are legitimate — and on the floor of the Senate here every day we see divided reports and different opinions on both sides being expressed, and the Senate voting on these questions. Some of them are of a partisan nature and some of them are not, and we generally vote the way we feel eventually, whether they are party matters or not, and I know that I, as Minority Leader of my party, don't feel that when the ball bounces against me that I am going to start casting questions in the direction of my opposition as to what their motives are. If I expect them to feel that my motives are sincere when I argue legislation, I am willing to give them the benefit of that doubt too and say that they are as sincere as I am.

Now, on our request to have these questions propounded to the Court, which we think may be legitimate questions, if the Majority Party here wants to refuse us the opportunity to propound those questions, it is their privilege to so vote, but I do very, very strenuously object to the idea that in our requesting that these questions be propounded we are trying to thwart the will of the voters of Maine. I object to it and I reject it.

We still have several weeks in this legislative session to act, and I am sure that the request that we are making in no sense would prevent the legislature from acting in due time with the initiated referendum. I feel there are serious questions that ought to be answered and we think it should be done before the legislature gets through with it. This is all that we ask. It may well be that if those questions were propounded and they were answered that the questions would be found to be objectionable and the Court would say that the petitions were right. If they are, all well and good. Fine, then let them go.

I also want to make just one other brief remark, because we are being placed in a position here of obstructionism. I think I was

the only one in my party here in this Legislature that knew or had an idea when the so-called big box referendum was submitted with signatures of people that it didn't only do that. It doesn't only say we are going to do away with the big box; it substitutes a completely new ballot form, and I would like to know how many people who signed their signatures knew also that that was what they were signing. I would dare say that perhaps not ten percent of them knew that was what they were signing, if in fact that many, and that the answer might well have been different on the number of signatures if they had known that they were losing their right and privilege to vote for candidates of their party as parties, regardless of the big box, so to speak. And I think there is a tremendous amount of good in allowing our voters to see candidates not only as individuals but as party members.

So, that is all I have to say, Mr. President and Members of the Senate. We can proceed in the voting here. But very, very seriously, it does pain me very greatly to be cast here today in the roll of obstructionist because I know that the situation does not warrant it, and we certainly don't accept it.

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 know as to whether or not my words a few moments ago in any way accused my good friend, Senator Violette from Aroostook, of being an obstructionist. I certainly didn't intend that. It is difficult sometimes to express what you want to say in words.

But I do want to reiterate and reaffirm my pledge to Senator Violette and the members of his party that we don't have to wait for these questions to be prepared by you at this moment to have them available here today in order to have the questions resolved by the law court. This matter can be moved along in the legislative halls, and your questions can be prepared. And as I have said, if the questions

are valid and have not been answered, and they are meritorious questions, I have been promised by the leadership of my party that they would definitely in no way prevent these matters from being sent to the Supreme Court by legislative order to be answered. This can be done at any time. It need not be done before acceptance of the report. This legislative body can overturn any report if it so desires, at any time. So that we are not going to, or at least I don't feel that I personally will renege on my word that I have given to you. I merely ask that this matter be moved along while your questions are being prepared. Then we can get together with you and if the questions are valid and they haven't been answered, then certainly I have pledged, as I said, that this matter will be sent to the Law Court for determination. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook. Mr. President, if a division has not been requested, I so request.

The PRESIDENT: A division has been requested. As many Senators as are in favor of accepting the Majority Report of the Committee on Judiciary will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Seventeen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the Majority Report of the Committee on Judiciary was accepted.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side, I move we reconsider our action whereby we accepted the Majority Report, and I hope you vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby it accepted the Majority Report of the Committee on Judiciary on Bill, "An Act Relating to the Form of Ballots of

General Elections." As many Senators as are in favor of the motion to reconsider will please say "Yes"; those opposed "No."

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

Thereupon, on motion by Mr. Berry of Cumberland, Initiated Bill No. 2 was Referred to the Committee on Election Laws, with 3,000 copies Ordered Printed, and the petitions ordered placed on File with the Secretary of State.

Sent down for concurrence.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side, I now move reconsideration of the motion, and I hope you vote against it.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby this Bill was referred to the Committee on Election Laws with 3,000 copies ordered printed and sent down for concurrence. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action will please say "Yes"; those opposed "No."

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

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

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

Tabled — April 29, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Shute of Franklin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A," Filing No. S-131, was Read and Adopted the Bill as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Creating an Advisory Commission for the Study of Public Support for Post-Secondary

Education in Maine." (S. P. 473) (L. D. 1492)

Tabled — April 29, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its prior 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-129, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — April 29, 1971 by Senator Fortier of Oxford.

Pending — Enactment.

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

Mr. BERNARD of Androscoggin: In re-examining this document, Mr. President and Members of the Senate, I find that presently the fee for young couples obtaining a marriage license is two dollars, and the bill changes that up to ten dollars. I feel that the statement of fact says that this is going to end discrimination, and I certainly can't see where raising the license fee for young couples, who in the lowest income-earning bracket, and are no doubt trying to make a half decent start in a new life, that we should burden them with this additional cost. Therefore, I move that this bill and accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Androscoggin, Senator Bernard, moves that Bill, "An Act Relating to Fees for Recording Marriage Intentions and Issuing License," be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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

Bill "An Act Relating to Fees for Transcripts of Evidence Furnished by Official Court Reporters." (S. P. 252) (L. D. 759)

Tabled — April 29, 1971 by Senator Berry of Cumberland.

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

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending the motion by Mr. Tanous of Penobscot to Reconsider.

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

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)

Tabled—April 29, 1971 by Senator Berry of Cumberland.

Pending—Passage.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

The President laid before the Senate the twelfth 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 29, 1971 by Senator Berry of Cumberland.

Pending—Enactment.

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 briefly mention this bill. We have discussed it and I debated it in some detail along with the order which we just passed; the two are intertwined.

As you will recall, there is considerable expense involved in Item 12, which takes effect on July 1, 1973. This expense is unknown at the present time and in order to determine exactly the expense and the mechanics of the significant changes contemplated here the Joint Order was prepared.

The institution of the new set-up on July 1, 1973 means that if there were details of money or anything else involved in this L. D. that has to be corrected it could only be corrected by the 106th Legislature by emergency action, which means a two-thirds vote of both Houses. Now, this could present a problem. Consequently, it was felt that a practical review, not a study of a study as has been mentioned by Senator Harding, but rather a group of Legislators and judges would actually be prepared to implement the changes as outlined in the L. D. and report back to a Special Session of this Legislature with what is involved. At that time we would know just how much money was needed to implement this on July 1.

Now, I wanted to reemphasize this and put it on the legislative record because we must do something with L. D. 1519. And everybody, as far as I know, is in complete agreement with it. I have discussed this with the Chief Justice of the Supreme Court and explained it very carefully to him, and he has agreed with this procedure. It would be the intent to reintroduce this legislation at the Special Session and with the back-up knowledge that we have of the special committee of which, as I say, a member of the court is a member, we would then be in a position to go ahead and do this properly. Accordingly, I would move, Mr. President, that this bill and all accompanying papers be given leave to withdraw.

The PRESIDENT: The Chair would inform the Senator in order for this bill to be referred to the 106th Legislature the Bill would have to be before us and not up for enactment.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I withdraw my motion. I think the record is full of the intent of the legislature and I move the bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Legislative Document 1519 be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I would oppose the motion by the good Senator from Cumberland, Senator Berry. I would like to say a few words concerning this particular bill.

I think everybody acknowledges that this is one of the most important pieces of legislation that was presented to this legislature concerning the judicial system in the State of Maine. The bill was heard by the State Government Committee and that committee reported the bill out unanimous Ought to Pass.

At the present time the judicial system, that is, the Supreme and Superior Court, is partially paid for by the State and partially paid for by the counties. The part that is paid for by the state, generally speaking, are the salaries of the judges. There are six Supreme Court judges and at the present time eleven Superior Court judges. That part of the judicial system that is paid for by the counties is the courtroom space, the court personnel, such as bailiffs, court messengers, the jury system or the payment that the jurors get, I think it is twelve dollars a day plus mileage, this is also paid for by the county.

What this bill would do, or what this bill proposes, is that the state take over the entire payment for the entire expenses of both the Supreme and Superior Courts.

Back in May of 1968 there was a very serious murder case in the County of Androscoggin. It happened in the City of Auburn, and it was a brutal and vicious murder and it attracted a lot of notoriety in the newspapers. There were two men accused, and the trial took place in September of that year in Androscoggin County and the prosecution was directed by the Attorney General's Office. The trial took three weeks, and the jury during that three weeks time was locked up almost entirely. Each one of the defendants involved in the case had court-appointed counsel, and after everything was said and done the trial

of that one case cost the County of Androscoggin \$35,000.

I think that the members of this Senate will remember that a short time ago there was a trial in California, the name of the defendant was Charles Manson. That trial took place over a period of five or six months. I don't have the figures as to how much that cost the County of Los Angeles, but I have some estimates. Now, I ask you to consider if some small county such as Hancock County where Senator Anderson is from, or Lincoln County or Piscataquis County, if we had a murder trial such as happened either in Androscoggin or, even worse, something along the lines of the Charles Manson Case, it would virtually bankrupt that particular county.

I think the thought behind this bill is to more evenly spread the expenses of running our judicial system among all of the counties of this state, to wit: the State of Maine.

A short time ago an organization known as the Institute of Judicial Administration did a survey of the Supreme and Superior Courts in the State of Maine. They were hired by the Judicial Council of the State at a cost of \$50,000, most of which cost is paid for by the Federal Government. The survey was done during the spring and summer of 1970. The organization that did this survey, the Institute of Judicial Administration, is made up of a group of professional people who do nothing else but do this type of work all over the country. They did an in-depth study of our Judicial System. One of their recommendations was that the state should pick up the tab for the entire court system in the State of Maine, and that is exactly what L. D. 1519 does. It takes the burden of paying for our Judicial System away from the county and into the state. I know that it is going to be expensive, but if it has to be done it has got to be done.

I don't think that this act should go before the Appropriations Committee or needs to be studied any further, other than the fact to prepare us as to what the cost would be, and that is what the legislative order, Item Number 11, does, and

I don't disagree with that. But I think we have got to say to ourselves has this got to be done or not. I think everybody agrees that this L. D. 1519 is a good bill and that it must be done. Well, I say let's do it now and during the next year and a half plan for the cost of it.

When we talk about money I really can't stand in front of you here and give you an accurate cost, but we are not talking enormous figures. We are talking at the very most \$1,500,000. But you have got to realize that if the counties don't pay for it then this will relieve the taxpayers on the local level, this will relieve the property taxes in the locations that are paying for it now. I would urge you to enact this piece of legislation because it is a good piece of legislation and the experts tell us that we need it, we should have it, and we must have it. I would urge you to vote against the motion by Senator Berry to indefinitely postpone, and I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I will reiterate my complete agreement with Senator Clifford of Androscoggin, and assure him that I personally will do my best to introduce a new measure and get the money to implement this program.

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

Thereupon, on motion by Mr. Violette of Aroostook, tabled and specially assigned for May 4, 1971, pending the motion by Mr. Berry of Cumberland that the Bill be Indefinitely Postponed.

Reconsidered Matter

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

Mr. TANOUS of Penobscot: Mr. President, is the Senate in possession of L. D. 52, "An Act Regulating the Operation of Snowmobiles in Unorganized Territories During Deer Season"?

The PRESIDENT: The Chair would answer in the affirmative,

the paper having been held at the request of the same Senator.

The Chair recognizes the same Senator.

Mr. Tanous of Penobscot then moved that the Senate reconsider its prior action whereby the Bill was Passed to be Engrossed.

A viva voce vote being in doubt, the Chair ordered a division. Twenty Senators having voted in the affirmative and six Senators having voted in the negative, the motion prevailed.

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

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: This is the first time I knew that if I asked for a bill to be held at my request that somebody else could ask for it. Probably it is perfectly all right, but I didn't realize it. I am perfectly agreeable for the Senator to take it off the table because I wanted to amend the bill, and that's why I didn't oppose the motion. I have never seen this happen before, but it is quite all right.

I realize that it is going to be perfectly doubtful whether I can pass this today because I know that the snowmobile lobbyists have been very active here since yesterday noon. They certainly turned out in force and, as they have told me several times, they are such a powerful organization that they can do anything they want, that they could pass any bill they want or they could kill any bill that they want to.

Members of the Senate, I hope you defeat this motion before us at the present time to indefinitely postpone this bill because I feel it is a good bill. It is not based on any intent of taking any pleasures away from anyone; it is just based on conservation.

The same type of legislation is being studied by the Secretary of the Interior to see what is happening to the wildlife in the national forests. There was an article in the Christian Science Monitor yesterday bringing up this same thing, that the ecologists in the na-

tion feel that with the uncontrolled use of snowmobiles it will be the end of our ecology and our wildlife. So I hope that you will defeat the motion before us.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I apologize to Senator Moore from Cumberland. I had also asked for this bill to be held, and I was unaware that there was a procedure that was used in the Senate when two Senators asked for a bill to be held. But I still reaffirm my request that this matter be indefinitely postponed.

The PRESIDENT: Is the Senate ready for the question? A division has been requested. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Legislative Document 52, Bill, "An Act Regulating the Operation of Snowmobiles in Unorganized Territories During Deer Season" be indefinitely postponed.

A division has been requested. As many Senators as are in favor of the motion that the bill be indefinitely postponed will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

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

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

Senate Amendment "A", Filing No. S-126, was Read.

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

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: As we go along this bill gets a little more ridiculous as we move this matter. Now, this particular amendment that you see before you points out clearly the very problems with this bill. Now, if that bill in its original form was permitted to be passed and you owned a camp and you desired to

go to your camp on a snowmobile, or even on a Sunday prior to the proposed amendment, you could be arrested for using your snowmobile even to try to reach some of your own property.

I don't know what the support is behind this bill, believe me. But this points out the ridiculousness of this particular bill. He has an amendment offered before us now to remove some of the objectionable parts to some of the members perhaps of this body, but will you be willing to go to court every time a game warden stops you because you are operating your snowmobile through the woods during hunting season? Would you be willing to go to court and defend yourself, telling him that you were merely on your way to your camp? Now, this is what you would have to do. The proof would be upon you to show that you were on your way to camp.

I commend Senator Moore from Cumberland for recognizing these problems with his bill, and he has offered an amendment but the amendment still doesn't solve the problem. I realize that perhaps some of you are playing fun and games with this bill, but to a certain segment of our population it is a serious matter, and it is a serious matter as far as I am concerned.

Since an offer has been made of an amendment, I believe at this time I am again in order to move indefinite postponement of this bill and all accompanying papers, and I so move.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that Bill, "An Act Relating to the Operation of Snowmobiles in Unorganized Territories During Deer Season", be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I am sure the good Senator from Penobscot, Senator Tanous, is sincere in his motion to protect these people that have snowmobiles, but I can't even remember the last time it snowed in November, and I think really we are making a mountain out of

a molehill. I certainly think the good Senator from Cumberland, Senator Moore, is concerned with some of the actions that have been taken by some of the snowmobile owners not only during hunting season but perhaps after the hunting season. So, I see nothing wrong with the bill or with the amendment and hope that it would be adopted. And I oppose the motion to indefinitely postpone.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: In view of the remarks made by Senator Conley from Cumberland, if he can't remember snow in November I present an invitation to him to come to Piscataquis County and Aroostook County. He will find there was snow last year on November 8.

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 the Senators here aren't playing any tricks, and it isn't any joke. What I have offered here is entirely in the interest of conservation: nothing else. It isn't to deprive anyone of any fun or anything else.

The amendments that you have ridiculed some that I didn't have in the bill, I offered them to the committee at the time when the bill was presented, and I guess they felt that they were worthless where the bill came out with such a report as Ought Not to Pass.

I happened to be in the North Country two years ago when we had the early snow and I saw what happened. We had an overkill somewhere from eight to ten thousand deer that time. We cleaned out deer yard after deer yard by the use of snowmobiles during hunting season. When they would find out that there was a deer yard back in ten miles or twenty miles they went in and cleaned it out. Now, this is a fact because I was there, and that is what concerns me. It is not that I want to stop anyone from using their snowmobile because I have two of them. As I said the other

day, I was one of the first men in the state to have one, and I know what the potential of them is, and I know what the potential of the snowmobile is to our wildlife also, and that is why I am very serious about this bill. I hope you defeat this motion again to indefinitely postpone it, and I request a division.

The PRESIDENT: Is the Senate ready for the question? The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: One final word on this: If you for one moment think that a snowmobile can race through the woods at forty and fifty miles an hour you are mistaken, because if you have never been on one, you are fortunate to be able to crawl through the woods between the trees. So that the intent of this particular bill is because it is harming the deer, I disagree with this very strongly. Snowmobile users well know you can only barely crawl through the woods and, you are not going to harm your deer population because of this.

In reference to your deer as far as their being chased or the deer yards, this is already in the law. We have already got legislation on this, that they are not supposed to chase deer or disturb deer yards. So that legislation already exists in this area.

We had this somewhat similar bill, I guess, last time. It was named a little different, a bill about going through deer yards, somewhat similar to this, and the intent being the same. I hope that you will bear with me and kill this bill.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: The bill he refers to is hunting from a snowmobile. That isn't what this bill that we have before us today means. It means that they can't go back into these areas that normally would be inaccessible to reach, which with the coming of the snowmobiles it has changed hunting, fishing, ice fishing, trap-

ping, and everything completely over. There is no comparison to what it was a few years ago, and that is the only purpose of this bill, that when those deer go to yard back in the back country that they won't be molested again until spring.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: It seems to me that I recall where we passed legislation that makes it a law against having a weapon in our snowmobiles during the hunting season. I may be wrong on this, but it seems as though I recall something along that line that we debated, and I certainly would go along with killing this bill. For the people in my area, as I have already spoken in opposition to this bill, I would ask for a roll call.

The PRESIDENT: A roll call has been requested. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Bill, "An Act Regulating the Operation of Snowmobiles in Unorganized Territory During Deer Season", be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please 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 Penobscot, Senator Tanous, that Bill, "An Act Regulating the Operation of Snowmobiles in Unorganized Territory During Deer Season", 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, Bernard, Clifford, Danton, Hoffses, Johnson, Martin, Peabody, Schulten, Tanous and Violetten.

NAYS: Senators Berry, Carswell, Chick, Conley, Dunn, Fortier,

Graham, Greeley, Hichens, Katz, Kellam, Marcotte, Minkowsky, Moore, Quinn, Sewall, Shute, and President MacLeod.

ABSENT: Senators Harding, Levine, and Wyman.

A roll call was had. Eleven Senators having voted in the affirmative, and eighteen Senators having voted in the negative, with three Senators absent, the motion to Indefinitely Postpone did not prevail.

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

Reconsidered Matter

Mr. Violette of Aroostook moved that the Senate reconsider its ac-

tion of yesterday whereby, An Act Authorizing the Mars Hill Utility District to Enforce Liens to Secure Payment of Rates, (H. P. 1097) (L. D. 1485), was Passed to be Enacted.

On further motion by Mr. Violette of Aroostook, tabled and Tomorrow Assigned, pending the motion by that Senator to Reconsider.

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox,

Adjourned until Monday, May 3, 1971, at o'clock in the afternoon.