

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, May 4, 1971

Senate called to order by the President.

Prayer by the Rev. Robert Canfield of Gardiner.

Reading of the Journal of yesterday.

Papers from the House Non-Concurrent Matter

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

In the Senate April 29, 1971, the Minority Ought to Pass as Amended report Read and Accepted and subsequently the Bill was Passed to be Engrossed as amended by Committee Amendment "A" (S-120).

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

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Regulating the Operation of Snowmobiles in Unorganized Territory During Deer Season." (S. P. 24) (L. D. 52)

In the Senate April 28, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by Senate Amendment "A" (S-126).

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

On motion by Mr. Moore of Cumberland, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the House April 22, 1971, the Majority Ought to Pass in New Draft report Read and Accepted and subsequently the Bill, in New Draft, was Passed to be Engrossed as Amended by House Amendment "A" (H-172) and House Amendment "B" (H-181).

In the Senate April 30, 1971, Failed of Passage to be Engrossed, in non-concurrence.

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

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

Mr. ANDERSON of Hancock: Mr. President, I move we insist and join with the House in a Committee of Conference, and I would make a few brief remarks.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that the Senate Insist and Join in a Committee of Conference.

The Senator has the floor.

Mr. ANDERSON: Mr. President and Members of the Senate: Repetition is not in my vocabulary, so I won't belabor this issue with previous remarks.

I simply want to say that it is time we awaken to what is going on with our wildlife in this still beautiful State of Maine. Our deer are rapidly being decimated. Our rabbits are barely holding their own. Some of you older members in the Senate will remember when we trapped these little animals and shipped them out of state carload after carload to stock other states or replenish their stock. Our partridge, the greatest game bird that ever exploded in a gunner's face, is gone. Our woodcock are so stuffed with DDT that they are no longer edible. Our foxes are sick and a menace to society. Our rivers and streams are so laden with bacteria that the fish are bellying up. Our wetlands, the habitat of small fur-bearing animals, warm water fishes and bird life, are being destroyed by the greedy, relentless march of man.

Now there are those who would destroy the moose, this noble animal fighting for survival, which has been on this continent since the beginning of time.

I have painted a rather gloomy picture, but it isn't too late to rectify these costly, brutal mistakes, if we will just realize that nature will take care of her own if she is not handicapped by the depredations of man. Again, Mr. President, I move we insist

and join in a committee of conference.

The PRESIDENT: Is it the pleasure of the Senate to insist and join in a committee of conference with the House?

The motion prevailed.

Thereupon, the President appointed on the part of the Senate the following Conferees:

Senators:

ANDERSON of Hancock
HOFFSES of Knox
MINKOWSKY
of Androscoggin

Communications

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

May 3, 1971

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

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

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

Messrs. EMERY of Auburn
CARRIER of Westbrook
HENLEY of Norway

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

Messrs. MILLETT of Dixmont
BIRT of East Millinocket
JALBERT of Lewiston

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

Messrs. STILLINGS of Berwick
NORRIS of Brewer
CROSBY of Kennebunk

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

Messrs. WILLIAMS of Hodgdon
MOSHER of Gorham
BARTLETT

of South Berwick
Respectfully,

(Signed)

Bertha W. Johnson
Clerk of the House

Which was Read and Ordered
Placed on File.

Committee Reports House

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

Resolve Providing Funds for the Maine Golf Swing Tour. (H. P. 325) (L. D. 434)

Resolve Reimbursing the Town of Greenbush for Loss of Taxes. (H. P. 146) (L. D. 201)

Bill, "An Act Providing Civilian Radio Operators for State Police." (H. P. 478) (L. D. 619)

Bill, "An Act Relating to Disqualification of Benefits for Certain Female Claimants under Employment Security Law." (H. P. 421) (L. D. 555)

Bill, "An Act Creating the Maine Appalachian Trail Authority." (H. P. 1128) (L. D. 1548)

Bill, "An Act Placing the Appalachian Trail in Maine under the State Park and Recreation Commission." (H. P. 398) (L. D. 510)

Leave to Withdraw

The Committee on Education on, Bill, "An Act to Require Public School Education of Handicapped Children." (H. P. 667) (L. D. 896)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Limiting the Powers of Building and Housing Inspectors." (H. P. 1052) (L. D. 1444)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution Providing for Even-year Legislative Budget Sessions. (H. P. 1130) (L. D. 1558)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Leave to Withdraw — Covered by Other Legislation

The Committee on Labor on, Bill, "An Act Relating to Filing Payroll Reports to the Employment

Security Commission." (H. P. 711) (L. D. 957)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted, in concurrence.

Ought to Pass

The Committee on Legal Affairs on, Bill, "An Act Relating to Permits for Carrying Concealed Weapons." (H. P. 495) (L. D. 636)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act Repealing the New England Welfare Council." (H. P. 603) (L. D. 805)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act Relating to Unorganized Territory Working Capital Fund." (H. P. 659) (L. D. 889)

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 Appropriations and Financial Affairs on, Bill, "An Act to Allocate Moneys for Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1972, and June 30, 1973." (H. P. 289) (L. D. 389)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-204).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Moneys to Supplement Loans by Maine School Building Authority." (H. P. 1008) (L. D. 1387)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-205)

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.

Ought to Pass in New Draft

The Committee on Transportation on, Bill, "An Act Relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities." (H. P. 791) (L. D. 1067)

Reported that the same Ought to Pass in New Draft Under Same Title (H. P. 1296) (L. D. 1697)

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

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Eligibility for Benefits under Employment Security Law Due to Temporary Disability." (H. P. 774) (L. D. 1040)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot
LEVINE of Kennebec
MARCOTTE of York

Representatives:

SIMPSON of Millinocket
GENEST of Waterville
ROLLINS of Dixfield
BEDARD of Saco
McTEAGUE of Brunswick
BUSTIN of Augusta
GOOD of Westfield

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

Signed:

Representatives:

LINCOLN of Bethel
KELLEY of Machias
LEE of Albion

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

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Mediation Authority of State Employees Appeal Board for Employees of the Maine Turnpike Authority," (H. P. 710) (L. D. 956)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

LEVINE of Kennebec

Representatives:

GOOD of Westfield

GENEST of Waterville

ROLLINS of Dixfield

LEE of Albion

BEDARD of Saco

LINCOLN of Bethel

SIMPSON of Millinocket

KELLEY of Machias

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

Signed:

Senator:

MARCOTTE of York

Representatives:

McTEAGUE of Brunswick

BUSTIN of Augusta

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

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to a Minimum Salary for Full-time Municipal Law Enforcement Officers." (H. P. 652) (L. D. 883)

Reported that the same Ought Not to Pass.

Signed:

Senator:

TANOUS of Penobscot

Representatives:

SIMPSON of Millinocket

GENEST of Waterville

LEE of Albion

ROLLINS of Dixfield

LINCOLN of Bethel

GOOD of Westfield

KELLEY of Machias

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

Signed:

Senators:

LEVINE of Kennebec

MARCOTTE of York

Representatives:

McTEAGUE of Brunswick

BUSTIN of Augusta

BEDARD of Saco

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

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Providing Professional Immunity to Certain Persons in Emergency Cases." (H. P. 149) (L. D. 204)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

QUINN of Penobscot

HARDING of Aroostook

Representatives:

WHITE of Guilford

HEWES of Cape Elizabeth

WHEELER of Portland

HENLEY of Norway

CARRIER of Westbrook

LUND of Augusta

BAKER of Orrington

ORESTIS of Lewiston

KELLEY of Caribou

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

Signed:

Representative:

PAGE of Fryeburg

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 "B" (H-215).

Which reports were Read, and the Majority Ought Not to Pass Report of the Committee Accepted in non-concurrence.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Amend the Charter of the Presque Isle Water District." (H. P. 1212) (L. D. 1659)

Bill, "An Act Providing for a Feasibility Study for Future Highway Improvements in the U.S. Route 1 Corridor from Warren to Belfast." (H. P. 1295) (L. D. 1696)

Bill, "An Act Relating to Sinking Fund for Bath Water District." (H. P. 1282) (L. D. 1682)

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

House — As Amended

Bill, "An Act to Amend the Marine Worm Tax." (H. P. 559) (L. D. 735)

Bill, "An Act Relating to Fixing Boundaries or Locations for Highway Purposes." (H. P. 951) (L. D. 1314)

Resolve Designating a Certain Road in Northeastern Maine as William F. McDevitt Road. (H. P. 978) (L. D. 1340)

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

Senate

Resolve Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line. (S. P. 71) (L. D. 150)

Bill, "An Act Providing Moneys for Eastern Regional Conference of the Council of State Governments to be Held in Maine in 1971." (S. P. 161) (L. D. 483)

Bill, "An Act Restricting the Sale or Use of Detergents Containing Phosphate." (S. P. 564) (L. D. 1702)

Bill, "An Act Defining the Standards of Judicial Review in Appeals from Orders and Decisions of the Environmental Improvement

Commission." (S. P. 565) (L. D. 1703)

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

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

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

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

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

An Act to Correct Inconsistencies in the Town Election Law. (H. P. 1049) (L. D. 1439)

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

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

An Act Relating to Political Designations on Nomination Petitions. (H. P. 806) (L. D. 1079)

An Act Relating to Weight Tolerance for Vehicles Loaded with Road Salt. (H. P. 726) (L. D. 971)

An Act Relating to Fees of Municipal Police Officers as Witnesses. (H. P. 709) (L. D. 955)

An Act to Increase Fees for Junkyards and Auto Graveyards. (H. P. 616) (L. D. 827)

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

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

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

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.

Emergency

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

This being an emergency measure and having received the affirmative votes of 30 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Relating to Regional Facility for Mentally Retarded Children in Aroostook County. (H. P. 487) (L. D. 628)

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

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts. (H. P. 1238) (L. D. 1524)

Comes from the House, having Failed of Final Passage.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: As I believe quite firmly that this represents a certain degree of election reform, and fully realizing that any discussion of this would be an exercise in futility, I think that because it is an important measure and does represent a step forward in governmental progress, I would like to see this recorded on a roll call vote, and I so request.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I hope that we would not enact this legislation today, and I am very glad to join in the roll call requested by my friend from Franklin, Senator Shute.

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.

This is a Constitutional Amendment and in order for its passage it requires a two-thirds vote of those Senators present and voting. The pending question is final passage of Resolution, Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts. A "Yes" vote will be in favor of final passage; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

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

ABSENT: Senators Bernard and Levine.

A roll call was had. Nineteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, with two Senators absent, the Resolution Failed of Final Passage.

Orders of the Day

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

Bill, "An Act to Eliminate Moose River from the Maine Forestry District." (H. P. 141) (L. D. 196)

Tabled—April 29, 1971 by Senator Shute of Franklin.

Pending—Consideration.

Thereupon, the Senate voted to Recede and Concur.

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

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

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

Pending — Motion by Senator Quinn of Penobscot to Recede and Concur.

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

Mr. TANOUS of Penobscot: Mr. President, I was under the impression that perhaps Senator Quinn this morning might withdraw his motion to recede and concur in favor of a motion to insist and send it back to the other body. I would like to yield to Senator Quinn at this time.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate recede and concur with the House whereby the House accepted the Minority Report of the Committee which is Ought Not to Pass.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: When the vote is taken, I would like a division on this vote.

The Judiciary Committee worked long and hard hours on this particular bill, and we feel that we have come out with an amendment that would be acceptable to both the landlords and the tenants. And this matter in the other body just barely missed passage, and we feel it wasn't properly debated, so I certainly would like to see this bill go back there and be properly debated to see what the decision is over there. Now I would ask that we vote against the motion to recede and concur and perhaps afterward you would join me in a motion to insist.

Now, this bill is one of the bills that came out of the Attorney

General's office as a result of hearings across the state on landlord and tenant problems. Where it seeks to remove the straw eviction, so to speak, we have included by virtue of an amendment in this bill to now give the landlords the opportunity to give a seven-day notice to evict a tenant if he is in arrears on his rent. So we have replaced the straw notice with another alternative which I feel was the greatest objection which some of the landlords had.

I think it is a good bill. It is an honest bill in the sense that it removes from the present law a straw conveyance to evict a tenant which, in my opinion, was a false procedure that has been utilized by some landlords to obtain the eviction of a tenant. We have now made it an honest bill, so to speak. We have made it a seven-day notice when a tenant is either in arrears on his rent or he destroys the property or anything. And presently they need a thirty-day notice, so I think this bill, in my opinion, is really a step forward for both the landlords and the tenant, and I would ask that you join me in defeating the motion to recede and concur, and then again perhaps join me in a motion to insist and send it back to the other body. Thank you.

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: At the present time under the current law regarding landlord and tenant, if the tenant is not under a lease, then there is no termination date of the tenancy. The tenant is in from either week to week or month to month, and in order to terminate the tenancy it requires a thirty-day written notice before any further action can be taken. And if the tenant does not move out within the thirty days after the notice, if he still holds onto the property, the landlord has to go and get a writ of forcible entry and detainer, which requires another seven days notice. And then it requires a further period of waiting to get a

hearing. So that finally it may be well onto two months before the landlord can get repossession of his property. Now, that has to do with landlords and tenants.

Now, when a person purchases a property he is not the landlord of the tenant; he is the owner of the property. And under this bill it would require that owner to give thirty days notice, which is unreasonable. If a man buys a property with the idea of moving his family in and using the property immediately, he is withheld from doing that by the tenant not moving. So I hope you will go along with my motion to recede and concur.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: If a division has not been asked for, I would ask for a division at this time. And I would support the position which has been taken on this bill by the good Senator from Penobscot, Senator Tanous. This is a bill which he introduced and which I support.

What this bill does away with, as far as the legitimate sale of your premises, of an honest sale of your premises, you are not bound by the thirty days, and a seven-day notice is all you would be required to give.

What this bill does is do away with the fictitious sale or fictitious lease of the premises, and it puts in the situation under which the tenancy may be terminated in the seven-day period of time. That is, if the tenant, for example, is destroying the premises you can throw him out in seven days. If he is committing a violation of law on the premises you can kick him out in seven days. If there is a nuisance being committed on the premises you can kick him out in seven days. It does away with this fictitious lease which has been abused both ways whereby that actually the property hasn't really been sold or it hasn't really been leased, but they make out a fictitious deed or a fictitious lease pretending that it was done. This does away with that, and I think that we ought to do away with

that. We ought to be honest in our dealings and above board. This is what the bill calls for. So I would hope that you would support Senator Tanous and myself on this.

Also, this is a bill which came out of the long hearings by the Attorney General, and this is one of their recommendations, that this very serious abuse be corrected, so for all of these reasons I hope you will go along with us.

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 recede and concur with the House on Bill, "An Act to Amend the Laws Relating to Forcible Entry and Detainer."

A division has been requested. As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Quinn, that the Senate recede and concur with the House 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 twenty Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Insist

Sent down for concurrence.

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

Bill, "An Act Establishing a Statewide Open Deer Season for the First Three Weeks of November." (H. P. 906) (L. D. 1250)

Tabled — April 29, 1971 by Senator Hoffses of Knox.

Pending — Adoption of House Amendment "B" Filing H-169.

On motion by Mr. Hoffses of Knox, retabled and Tomorrow Assigned, pending Adoption of House Amendment "B".

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

House Reports — from the Committee on Judiciary on Bill, "An Act Providing for Records of Sales of Used Merchandise." (H. P. 490) (L. D. 631) Majority

Report, Ought Not to Pass ; Minority Report, Ought to Pass as Amended by Committee Amendment "A" Filing S-115.

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

Pending — Acceptance of Either Report.

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

Sent down for concurrence.

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

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

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

Pending — Enactment.

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

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

HOUSE REPORTS — from 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)

Tabled — April 30, 1971 by Senator Tanous of Penobscot.

Pending — Motion by Senator Quinn of Penobscot to Accept the Minority Ought to Pass Report.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: For those of you who aren't familiar with this particular bill, perhaps an explanation is in line at this time.

This L.D. 1602 calls for the suspension of a driver's license after two speeding convictions. The bill was amended to make it over ten miles an hour, I understand, in the other body.

Now, I signed the Ought Not to Pass Report on this bill, and I think this was the majority report of the Committee. The feeling generally of the Committee was this: An individual may drive 90

or 100 miles an hour and not be suspended on one offense, for instance, and who might endanger the lives of many, many more people on the highways by driving at such a fast rate of speed, or he may drive recklessly or he may drive without due regard to the rights and property of others. Yet this particular individual is permitted to hold his license. And an individual who may have all the care in the world and who would exceed the speed limit twice within a year by going ten miles over the limit, he would be subject to lose his license for 60 days. The equities just don't seem to balance. It just doesn't seem to answer the problem.

If we are going to pass legislation of this type, it is my recommendation that we make a sweeping change in the law and not just touch on one area whereby it doesn't answer the problem that the sponsors seek to prove. So, as I say, you permit the reckless driver, you permit the one who drives to endanger, and you permit the individual who passes where the view is obstructed, for instance, which in my opinion would be far more dangerous than speeding, and he merely accumulates points under our present system. Under this an individual may have all the care in the world and exceed the speed limit twice and he would be subject to losing his license, the mandatory loss of his license, for sixty days.

Now, another point which is important, I don't think that we should be in a hurry to deprive or take away from the Secretary of State the present authority which he now has. The Secretary of State can suspend at any time that he sees fit, and this is within the realm of his authority. This bill would seek to remove this authority from him, and I feel that we ought to leave that at the discretion of the Secretary of State's office, and permit him to act accordingly when he sees that a particular case justifies the suspension of a license. Thank you.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I support the concept and the actual workings of this bill. I have yet to see a highway safety bill that does justice by all of us, because we all identify.

For years drunk driving legislation was difficult to pass through because so many of the members of the legislature identified "There but for the grace of God go I."

This bill was sponsored by a legislator who was a state trooper for many years, and he sponsored it purely and simply, I think, because of his first-hand evidence of blood and carnage on the highway. And I think that the outstanding influence of this bill which, incidentally, is substantially supported by the office of the Secretary of State, is that it will slow people down on Maine highways. There is no deterrent like fear, and the fear of license suspension for the ordinary law-abiding citizen who goes 50 customarily on a 35 mile strip of road, the fear of license suspension can and I think will be a very substantial deterrent.

I remember when I was a kid, and I think you do too, that certain communities had reputations as being hard-nosed when it comes to speeding. And when I got to the outskirts of Providence I slowed down to 25 miles an hour. The reason I slowed down was because I had heard plenty of stories from my high school classmates as to what happened when they went blasting into Providence, Rhode Island. And where you grew up I am confident that there were communities with similar reputations.

I think the real influence of this bill will put a little bit more fear into our minds that when we drive on the highway and we come into Augusta where it says 35 miles an hour we won't come into the community at 48 miles an hour. I don't think the bill will be abused, and I deeply feel that it can save lives.

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

Mr. HARDING of Aroostook: Mr. President, may I ask if the Secretary would read the report, please?

The SECRETARY: The Majority Ought Not to Pass Report was signed by Senators Tanous and Harding, Representatives Henley, Wheeler, Page, Orestis, Carrier, White, Lund and Kelley.

The Ought to Pass Report was signed by Senator Quinn and Representatives Hewes and Baker.

Mr. HARDING: Thank you. Mr. President and Members of the Senate: I was very interested in the remarks of the good senator from Kennebec, Senator Katz. I would mention that the good Senator had introduced a bill which the Committee worked on to put the power where it ought to be, with the Secretary of State, to act uniformly on these matters. This bill has been before this body, has been passed and is now in the other body. Although it has had some problems in there, I am confident that it will pass. Under that bill the Secretary of State if given the power, as he now has, to revoke a license with a hearing, but in case of a bad record or a real bad violation the Secretary of State may revoke a license even without a hearing under the terms of that bill.

So this kind of bill which we have here in the name of highway safety, we put these things out, and we say that this is a good bill and if you are in favor of death you certainly will vote against this bill, but if you are in favor of safety on the highways then you should be for the bill. Well, it is easy to say those things, but it doesn't work quite that way. You can have someone who is going through a 25 mile zone here and have two violations in a year, and he would lose his license mandatorily. You could have another fellow that has been speeding, say 80 miles an hour in a 60 mile zone, and he wouldn't lose his license. You could have a traveling salesman who, for instance, might travel 100,000 miles a year and he had two violations during that period of time. You have another individual who had traveled 3,000 miles and had one violation. Now who is the worst violator? You get some very unequal treatment under this type of things by making

it mandatory, that this is the way it will work.

One of the things that you get out of our laws is that they are fair, and if you have a law that is fair people will obey it and it is accepted and you get better compliance. When you set up something which is unfair people resent it. You have trials in your courts, you have appeals, and you have difficulties, so it does not have the good effect that it ought to. These are the considerations which the committee took into account in voting this out Ought Not to Pass, and I hope that you would go along with the Ought Not to Pass Report of the Committee and will vote against the motion which the Senator from Penobscot, Senator Quinn, has made.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: This is a highway safety bill. The members of that Highway Safety Committee were before us, as well as members of the State Police and other enforcing officers. They claim that many of the accidents, as a matter of fact most of them, are caused by speeding, and they asked for some assistance to reduce the situation, and I hope we go along with the bill.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Relating to Suspension of Motor Vehicle Operator's License for Speeding Violation."

The Chair will order a division. As many Senators as are in favor of accepting the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Eighteen Senators voted in the affirmative and thirteen Senators having voted in the negative, the Minority Ought to Pass Report of the Committee was Accepted in concurrence.

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

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

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

Tabled — April 30, 1971 by Senator Anderson of Hancock.

Pending — Acceptance of Either Report.

On motion by Mr. Anderson of Hancock, the Minority Ought to Pass Report of the Committee was Accepted in non-concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

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

HOUSE REPORTS — from 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) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass with Committee Amendment "A" Filing H-197.

Tabled — April 30, 1971 by Senator Carswell of Cumberland.

Pending — Acceptance of Either Report.

Mr. Anderson of Hancock moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I understand that this will cover just three individuals and I would hope that the Minority Report is accepted, and that you vote against the Majority Report. I ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President, I would request that the Secretary read the report.

The PRESIDENT: The Secretary will give the report.

The SECRETARY: The Majority Ought Not to Pass Report was signed by Representatives Curtis, Jutras, Theriault, Dow, Lincoln, Hayes, Lewin, Simpson, Pratt, Senator Anderson, and Senator Bernard.

The Minority Ought to Pass Report was signed by Representative Vincent and Senator Carswell.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. ANDERSON: Mr. President and Members of the Senate: This bill is very similar to Legislative Document 1341. It was the opinion of the majority of the Committee that we should not expand the retirement system by taking in these employees as listed in this document. One of these employees would be the AFL-CIO. This would just open the door to many other employees and eventually would disrupt the entire retirement system. I urge acceptance of the Ought Not to Pass Report, and I hope you will vote against the Ought to Pass Report.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Participating Local Districts in the Maine State Retirement System".

A division has been requested. As many Senators as are in favor of accepting the Majority Ought Not to Pass Report of the Committee in concurrence will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twenty Senators having voted in the affirmative, and eight Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

The President laid before the Senate the ninth 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 30, 1971 by Senator Sewall of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Sewall of Penobscot, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the tenth 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 30, 1971 by Senator Violette of Aroostook.

Pending — Motion by Senator Berry of Cumberland to Indefinitely Postpone.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending the motion by that Senator to Indefinitely Postpone the Bill.

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

SENATE REPORTS — from the Committee on Liquor Control on Bill, "An Act Permitting the Liquor Commission to Issue Liquor Licenses to Public Golf Courses." (S. P. 450) (L. D. 1296) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — May 3, 1971 by Senator Kellam of Cumberland.

Pending — Acceptance of Either Report.

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

Sent down for concurrence.

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

SENATE REPORTS — from the Committee on Judiciary on Bill, "An Act Relating to Use of Electronic Recording Equipment in the District Court and before

Administrative Agencies." (S. P. 298) (L. D. 855) Majority Report, Ought to Pass as Amended by Committee Amendment "A" Filing 130; Minority Report, Ought Not to Pass.

Tabled — May 3, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

Mr. Tanous of Penobscot moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: The people of the State of Maine are very much concerned and the Judiciary Committee is very much concerned about our crowded court dockets. In some of our counties a defendant may have to wait six months to a year for a trial. It is the intent of this bill, as some others that have been introduced, to make more efficient the system which we have.

There has been a bill, which has been signed into law, whereby a defendant, if he wishes to plead guilty, may plead guilty before a district court judge. In order to have that system effective, however, there must be a record made of those proceedings at that time. We do not have court reporters enough to take care of this. This bill would simply provide that the Supreme Judicial Court may, not must, but may, if the need exists, promulgate rules whereby you can have electronic recording in the district courts. This would provide the record of those proceedings which would be sufficient. Otherwise, although we passed the law making these waiver of indictments possible in the District Court, it would not be used.

For example, in the Court in Madawaska, Maine, you might just have one felony being waived. You are not going to have a court reporter come all the way from Bangor to do that. So, this would bring efficiency in, and I would ask for a division on this. The Majority of the Committee voted Ought to Pass and the Minority

was Ought Not to Pass, so I would ask for a division because this is a very badly needed tool. Incidentally, this is among the recommendations that the state and federal government paid \$50,000 for this study, \$50,000, and this is one of the recommendations in that study. So, I would hope that you would go along on this. If I haven't asked for a division, I would ask for a division.

The PRESIDENT: A division has been requested. 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: I wish that our very capable reporter who left a moment ago had not left, and I wish the rules would have permitted him to speak against this bill, because he could have given you many more arguments than I possibly could to vote against this particular bill.

Nevertheless, we had a very good hearing on this particular bill up in Judiciary. We had some of the court reporters present. We had an individual who came from New York to speak to us on this particular bill. Apparently there is only one state that has this electronic reporting right now and from my understand, at least from the evidence that was presented at the hearing, the system is not a good workable system. Now for those of you that have been in court where we utilize a reporter, or even right here in this body, now if we did away with the reporters that we have here, for instance, how would the record show who is speaking. This is the problem that you have, and you have got many problems with a recording system. How does one know when the recording system is working? It could be out of kilter and wouldn't be working and you haven't got a record. If any of you have ever been in court and have seen a couple of lawyers arguing over a point, along with the judge, and the witness trying to answer a question in between you can imagine the muffled sounds that you would have on a recording system?

Now, Senator Harding from Aroostook and I are good friends, but we did part ways on this particular bill for these various reasons that I have mentioned. It just seems to me to be an impractical system to be even tried to get involved in. I realize that the Supreme Judicial Council of the Superior Court has recommended changes in this area, but I wonder how many of them really sat in on a particular recording system or were in court when such a system is used. Now, we have in District Court, as we have passed here, we have given the District Court the authority to dispose of felonies. Under our laws when we dispose of a felony it must be reported, it must be recorded. Now, if the electronic system is not working properly and the individual is given a jail sentence, how many errors would be made by the use of such a system? The courts would be flooded with requests for reviews and writs of habeas corpus because the system was not adequate. I just don't think it has been perfected sufficiently to even attempt to utilize it in our courts at this time. I would hope that you would join me in accepting the Minority Ought Not to Pass Report of the Committee. Thank you.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: If I were debating this matter before a jury with the good Senator from Penobscot, Senator Tanous, I would have objected to his arguments that they were irrelevant, because the issue here is not doing away with the present court reporting system, that is not the issue at all. Under this bill we would retain the present court reporting system, as we ought to do. The issue here is that in the District Court we have no reporting system, no court reporters at all. This is only to provide in the District Court that the Supreme Judicial Court may promulgate rules in relation to electronic recording. It would be up to them ultimately whether they needed it or whether they didn't. This would give them an additional tool.

I am sure that if a court reporter were available he would always be used. I am sure the Supreme Court would recognize that. As far as this nonsense about the complications of this system and so on, I would mention that the State of Alaska has had this for ten years, electronic recording, for their full court system. It is very simple, we use it here, we use recording. It is very easy to manage.

This provides a very simple system for the District Court which has no court reporting system at the present. And this would enable us to put in a very, very simple system in some of the courts where they would not have any court reporter at all. So, this is the issue, whether you have electronic recording in the District Courts or no recording at all.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Now Senator Harding from Aroostook perhaps has answered a few of my problems. There was no area where he answered my problem though as to how you are going to distinguish a speaker on a recording system, unless the judge stopped the hearing and made an announcement that now we will have Attorney Tanous questioning witness X. How are you going to accomplish that? You just don't stop and use any formality like that in the court.

Now if Senator Harding from Aroostook can solve that problem for me, and do it without delay or without cluttering up the record itself, perhaps I might change my opinion, but I still haven't been able to figure out when two or three people are going to be speaking, when you have a recording system, how you are going to identify or be able to record properly what is being spoken. This, to me, will create a great injustice to whoever is having a particular hearing and who would be depending on this particular record either for an appeal or either for a review. Thank you.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: Perhaps I can shed some light on Senator Tanous' question which he just posed, and that is in relation to identifying voices, because it is a known fact that voices can be identified through voice prints which are similar to finger prints.

But I have a question which I would like to ask the members of the Judiciary Committee, and that is if there is any law which prevents the taking of depositions or statements before any court in the State of Maine? I am under the impression that this has been done before. I just wonder if it has been done illegally.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I am not sure I understand the question, but if the question is that on depositions are they electronically recorded, that is, when you take a deposition by order of court, there is a rule of court now whereby depositions may be electronically recorded, and the court has already promulgated a rule in that regard.

Now, most of the court reporters, in fact, do use electronic recording to assist them in taking the shorthand notes. They already do this, and almost all of them in fact, use electronic recording devices to assist them.

The purpose of this bill is where the defendant is being sentenced, and there are not a lot of attorneys that are involved, it is not a trial where people are objecting, and the judge asks the defendant certain questions. The defendant answers those questions. The prosecution may make a statement and the defense attorney make a statement. This is the kind of an area where this is desired, and it is not to replace the court reporter, let's emphasize that again. It is merely to have a record where there is no record now.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I would hope

the members of the Senate would go along with Senator Harding in accepting the Majority Report rather than the Minority Report.

I would attempt to answer the objection raised by Senator Tanous from Penobscot. He says that there would be a great deal of difficulty in recognizing who was talking. Well, very frequently during the noon hour I eat lunch in the Senate retiring room upstairs on the fourth floor and I turn on the speaker which records what is going on in the other body, and I haven't been here very long, but I am getting so that I know almost all of the members of the House, and there are 151 members, and even though I don't always catch the name given by the Speaker of the House, I do frequently, even though there are 151 members, recognize the speaker's voice who is talking on the floor of the House. So I think that the problem would be minimized to a great degree if there were only two or three people speaking in a court of law and it was being recorded electronically. So I would hope that this would remove some of the objection by Senator Tanous. I think that some of the members of this body have joined with me in eating lunch up there and have sat and listened to the members of the House and themselves have recognized voices. So for this reason, and for the reasons stated by Senator Harding of Aroostook, I hope you would accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Use of Electronic Recording Equipment in the District Court and before Administrative Agencies."

A division has been requested. As many Senators as are in favor of accepting the Minority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. Those

opposed will please rise and remain standing until counted.

A division was had? Eight Senators having voted in the affirmative, and twenty-two Senators having voted in the negative, the motion did not prevail.

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

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

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

Tabled — May 3, 1971 by Senator Chick of Kennebec.

Pending — Passage to be Engrossed.

On motion by Mr. Chick of Kennebec, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

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

Tabled — May 3, 1971 by Senator Harding of Aroostook.

Pending — Adoption of Senate Amendment "A" — Filing S-132.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

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

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

Tabled — May 3, 1971 by Senator Berry of Cumberland.

Pending — Motion by Senator Violette of Aroostook to Reconsider Enactment.

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

Mr. VIOLETTE of Aroostook: Mr. President, I yield to the Senator from Kennebec, Senator Levine.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I don't have any quarrel with the Mars Hill Utility District or any other district in the State. I know that some districts have already laws of the same kind on the books but that doesn't mean that we have to go farther. I think on some of them the franchise should be taken away from them.

I am a member of the Waterville Sewerage District, and I think it is wrong for anybody who doesn't pay their sewage bill that the Sewerage District should go and put a lien on the building. By checking the bills of the people who don't pay are I usually find that the man who has the money usually pays. Nobody likes to go to court and nobody likes to pay any extra expense put on him that he has to pay afterwards.

We are trying to pass now legislation here to help the elderly. We passed last year a law which would exempt them from paying a tax on their homes but a lien will be put on it afterwards. Now I feel that most members agree that it is the wrong procedure to do. I feel in this case it is the same idea and the same thing; the fellow that means well but at the time can't pay. I don't know of anybody who has the money in his pocket and doesn't want to pay. You make it too easy for anybody — we are becoming a police state more and more — we are getting deeper into it — and I feel that we don't need this bill right now. The Mars Hill Utility District will be able to operate as efficiently as before if they don't have that tool to work with.

It is really mainly to punish the man that gets hard up once in a while and gets in a financial position that he can't pay his bill maybe once, and you make it too easy for the others to just slap on a

lien and that is all there is to it.

What happens when you put on a lien? When you put a lien on the man who owes you thirty dollars, twenty dollars, or ten dollars, by the time he gets done he will have to pay maybe one hundred or one hundred and fifty dollars, and I think it is unfair. If you give people a chance they will pay their bills. I find in billing the people that maybe one out of a thousand don't want to pay, but they are such a small minority that we shouldn't try an go punish the man that would like to pay but at one time or another gets hard up by sickness or by some misfortune in his family that he can't pay right off, and you give the utility a tool right off to say "All right I have got a shot gun and I am going to use it against you." That is why I would like the Senate to go along with me. I didn't get a chance to talk with many members about it — I was out — but I hope that the Senate will go along with me to reconsider this motion.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would oppose the motion for reconsideration, I would think that it would be quite important that we focus our attention on the principle involved here because this applies to far more than the Mars Hill Utility District.

One of the problems Sewer Districts find themselves in, whether they be a straight municipal operation such as we have a few in the state, where really the title to the property is in the municipality, or whether they are a district where the title to the property is in the board of trustees of the district, one of their major problems is the collection of assessments. Now, a sewer system has two types of assessments: it has the construction assessment and it has a rate assessment. If you own a piece of property and the sewer district constructs a collection pipe by your property there is an assessment, as a rule, put on you for your proportionate share of the cost of that pipe. And there must

be a means of collecting it. So, the means of collecting it is the same as any assessment that the municipality puts on you; if unpaid becomes a lien on the property and this must be discharged before the property can be sold. This is the only method that municipalities have of collecting their assessments and this is the only means that sewer districts have for collecting their construction assessment.

The other type of assessment is a rate assessment, and this is a bill you receive regularly through your sewer system operation. It would either come, as I say, from the board of trustees, for instance, in the case of Mars Hill, or in the case of some of the larger municipalities directly from the municipality involved. Now, what happens if you do not pay your rate assessment, your rate bill? Unlike telephone, electricity, water, and gas, there is no valve located on your property line, there is not a set of wires that can be cut, there is no way of discontinuing a sewer service so, consequently, the legislature has given to all sewer systems, not only in Maine but across the country, the right of placing a lien on the property to secure eventual payment. Now, this means that there can and there occasionally does occur a situation where a sewer assessment will not be paid for a long time, but if everybody did this the sewer system would be without the money to operate. So, we do have the possibility for an eventual payment, based on this, and there is no other feasible method of collecting sewer rates.

I would point out that we quite recently passed an enabling act for the formation of sewer districts in the absence of the legislature. This is Chapter 11 under Title 38, and in it are provided the two reasons for putting liens on property for a construction assessment and for an operational assessment. This bill, running to some twelve or thirteen pages of fine print, was the result of the best legal minds in the state, the people who are familiar with the industry, and it provided in there just what is being requested by the Mars Hill Utility District which, if it has been

formed under this, would have this right anyway. I would hope that you would vote against the motion for reconsideration.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I would like to answer the good Senator Berry on some of his arguments. I am, like I mentioned before, one of the board members of the Waterville Sewerage District. If one man that lives five miles out of town decides he wants a sewer line connected from his house to the main line, if he is smart enough and gets most of the members to agree with him, we will say somebody might own a 5,000 foot frontage between his house and the destination where the line has to go, the land might not be worth five cents to him, it might be a piece of swamp land that he would never be able to see or do anything with, and according to most of the bills they can assess him any amount. He might have to pay ten, twenty or thirty thousand dollars. They will assess him so much per foot.

We will say if Senator Berry owned a piece of land 5,000 feet long, and it is a piece of swamp land, if they go up through to his house they assess everybody so much a foot. You have to pay so much a foot if a pipeline goes by your land. What are you going to do in a case like that? Why should a man be punished. He might have to pay twenty or twenty-five thousand dollars for it. He never will be able to sell the land if it is a piece of swamp and is not usable for anything. According to the way the laws are now, the man has to pay. By being on the Sewerage District I have found out about cases like that, of poor people who might have a piece of land that is not salable, they will be assessed and they have to pay, and then they will put a lien on some other property or anything else they own. I think it is unfair, and that is why I would like the Senate to go along with me on my motion.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I am just thinking out loud and wondering, where this hasn't been brought up, perhaps somebody in the body could answer it: What would happen in the case of a rented property where the arrangement between the tenant and the landlord is that the tenant pays for the sewerage. In the case where the tenant would not pay the water or the sewerage bill, would the landlord, the owner of the property, be responsible? Would he be facing a possible lien against his property the same as in tax measures for uncollected taxes?

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am opposed here to this motion for reconsideration. What we are talking about here today is something that is written into practically every sewer district charter in the state. Now inadvertently, when this was written up back around 1960, some lawyer slipped up which they don't very often, but they did make a mistake and didn't put this in. This is in every charter.

Now, I am surprised at the good Senator from Kennebec, Senator Levine. He introduced a bill here to create the Kennebec Sewer District, and in that, if he read the bill, which I don't know he has, but if he had read the bill he would find that these same words were in his bill that he presented and we passed here a few weeks ago. Thank you.

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

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I think that the good Senator from Cumberland, Senator Moore, is right. I don't think that we need any of this language in these bills for any of the districts, and I think we should start right now.

Since I introduced this bill there was a case that came up that made me change my mind, and I am

sure now that we don't need it. And I think if we stop this one we ought to amend the others so that none of them are able to put on any liens.

As far as reading the bill, as the good Senator said, I definitely didn't read all of the bill. It was a bill that was drawn up by lawyers who represented five towns. I changed some of the provisions I didn't like in the bill. I went before the Committee and I changed the major ones. I don't know, the good Senator always keeps on picking on me a little bit. I never liked to pick on him. He picked once at me because I was out during the special session. I was sick then. I never mentioned the time he ran away so not to vote for the income tax; I didn't say anything about it. Thank you.

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

Mr. CLIFFORD of Androscoggin: Mr. President, could I inquire through the Chair what the vote was in committee on this particular bill?

The PRESIDENT: The Secretary will give the vote.

The SECRETARY: It was a unanimous Ought to Pass as Amended by Committee Amendment "A" Report.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I may be remiss in not explaining my motion. I held the bill at the request of Senator Levine, who was unable to be here, so my name appears as having made the motion for reconsideration. But I want the Senate to know that I will vote against the reconsideration motion, because I am on the Public Utilities Committee.

I think the case has been pretty well stated. I do have some reservations. I have been on this committee, I guess, three terms, and it does trouble me sometimes with regard to giving rights of liens because it may seem harsh in certain instances. I know I have always resisted it when it has come to water utilities or other municipi-

pal districts, which have a way of collecting their dues and their assessments, but in the matter of sewer districts it is pretty hard. You can't cut out the service. In fact, some court might order the district to reinstate the service if you were to close it for non-payment.

The districts are at somewhat of a disadvantage. You take a light district or you take a water district, and you can cut the service for non-payment, and the Public Utilities Law allows you to do that with reasonable notice. But in the case of sewer districts, it is pretty hard, as I say, and undoubtedly the courts, if you went and closed it, they might for health purposes or other reasons order you to reinstate the service. So, I think there is considerable validity in allowing this lien to be placed on by the sewer districts. While they have bothered me, I have voted for them, and I certainly couldn't change my direction in mid-stream here and vote against this one. So I thought that I ought to explain my position here and state why I made the reconsideration motion and how I will vote.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Aroostook, Senator Violette, that the Senate reconsider its action whereby it enacted An Act Authorizing the Mars Hill Utility District to Enforce Liens to Secure Payment of Rates.

The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Aroostook, Senator Violette, that the Senate reconsider its action whereby this bill was passed to be enacted will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

A division was had. Six Senators having voted in the affirmative, and twenty-four Senators having voted in the negative, the motion did not prevail.

Reconsidered Matter

Mr. Dunn of Oxford moved that the Senate reconsider its action of yesterday whereby on Bill, "An Act

Relating to Use of Hypodermic Syringes", (H. P. 1019) (L. D. 1398), the Senate Accepted the Majority Ought Not to Pass Report of the Committee.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, may I request the Secretary to read the status of the committee report?

The PRESIDENT: The Majority Ought Not to Pass Report of the Committee was signed by Senator Hichens, Greeley, and Minkowsky, Representatives McCormick, Lesard, Berry, Dyar, and Cummings. The Minority Ought to Pass Report of the Committee was signed by Representatives Payson, Lewis, Clemente, Doyle and Santoro.

The Chair recognizes the same Senator.

Mr. MINKOWSKY: Mr. President and Members of the Senate: I signed the Majority Ought Not to Pass Report based upon two simple arguments. First, the imposition it would place upon the people in the State of Maine. Let us use the diabetics as a classification. It would be mandatory for them to go to a physician to obtain a prescription to buy this syringe or needle. As I was led to understand this morning, now the rule would be to have a physician write a prescription, but the prescription would not have to be surrendered to the pharmacist in order to purchase a particular syringe or needle.

I think another aspect of this which is extremely important is that now you can purchase syringes or needles via mail order, and this would also be an imposition in the areas of the agricultural facet, who use a great deal of syringes and needles in the care of their animals.

If, in my estimation, it was to cut down the illegal use of syringes and needles in the State of Maine, I might reassess my position on this particular matter, but I believe this is sheer speculation. I would urge the Senate to vote against the reconsideration motion.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: The Maine State Police, the Sheriffs Association, the Police Chiefs, the Maine Medical Association, the Osteopathic Association, they are all in favor of this bill. This would simply provide, as the Senator from Androscoggin, Senator Minkowsky said, that anyone who needed to keep a needle or syringe in his possession, would carry authorization or prescription stating that fact from a doctor, and it seems to me that this could well be quite helpful in fighting the drug problem that we have now.

As far as agriculture, that has been exempted in the Minority Report Amendment 207, which exempts the agriculture department.

This is in effect in 37 states, I am told, and it seems to me this could be a useful tool in fighting the drug problem that we have.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: This still does not prevent the interstate mail order of syringes if a person so desires to have them. Insofar as the agricultural facet, people could still obtain them easily, so actually this is a useless piece of legislation in my estimation.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I am as much concerned as anyone else about the drug problem among our young people, but in the hearing on this bill we were not convinced that this was the answer to the problem. We feel that these hypodermic needles are accessible to young people, as they are discarded in many areas and thrown in the dump where youngsters can get hold of them. So I feel that this isn't good legislation at this time.

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

Mr. DUNN of Oxford: Mr. President, I would request a division.

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that on Bill, "An Act Relating to Use of Hypodermic Syringes", the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee.

A division has been requested. As many Senators as are in favor of the motion of the Senator from Oxford, Senator Dunn, that the Senate reconsider its action will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

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

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.