

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, May 5, 1971

Senate called to order by the President.

Prayer by the Rev. Harold J. Rowley of Augusta.

Reading of the Journal of yesterday.

Papers From the House
Non-concurrent Matter

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

In the Senate April 29, 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 Mrs. Carswell of Cumberland, 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
CARSWELL
of Cumberland
MINKOWSKY
of Androscoggin

Non-concurrent Matter

Bill, "An Act Relating to Fees and Compensation of the State Board of Administrators of Medical Care Facilities." (S. P. 238) (L. D. 754)

In the Senate April 29, 1971, Passed to be Engrossed.

Comes from the House, Passed To Be Engrossed as Amended by House Amendment "A" (H-219), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Relating to the Administration of Welfare Programs." (H. P. 1271) (L. D. 1672)

In the Senate April 21, 1971, Passed to be Engrossed, in concurrence.

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

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Relating to Selling Certain Drugs." (H. P. 116) (L. D. 160)

In the House April 29, 1971, the Minority Ought to Pass in New Draft report Read and Accepted and subsequently the Bill, in New Draft, (H. P. 1292) (L. D. 1693) was Passed to be Engrossed.

In the Senate May 3, 1971, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Minkowsky of Androscoggin then moved that the Senate Adhere.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I would ask for a division on that motion.

This bill was heard before the Health and Institutional Services Committee. We had many people from different branches of activities in the state, including sheriff departments, druggists, and others interested in the young people of our state and very much interested in the selling of certain drugs over the counters and as a promotional item in many of our department stores.

I have had people come and tell me that this is going to hurt some of our chain stores and small stores by not being able to sell Contac, Sleepze and some of these other products. But they do have to go to drug stores to get prescriptions filled and I do not see any reason why they can't buy these products at the drug stores when they go there on their regular visits. If there is something that can help these young people stay away from drugs and help control this thing, I think we ought to try to get it through for them.

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

Mr. Wyman of Washington then moved that the Senate Insist and ask for a Committee of Conference.

Thereupon, on motion by Mr. Berry of Cumberland, the Senate voted to Recede and Concur.

Communications

State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine 04330

May 4, 1971

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

Sir:

The Governor of the State having returned to the House:

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

with his objections to the same, the House proceeded to vote on the question

"Shall the Bill become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken; 73 members voted in the affirmative and 57 in the negative, and accordingly the Bill failed to become a law and the veto was sustained.

Respectfully,
s BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

Committee Reports House Ought to Pass - As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to Establish Kidney Disease Treatment Services." (H. P. 731) (L. D. 993)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-211).

The Committee on Legal Affairs on, Bill, "An Act Creating the Cobossee-Annabessacook Authority." (H. P. 786) (L. D. 1062)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-212).

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Hunting from Vehicles, Aircraft, Boats and Snowmobiles." (H. P. 1147) (L. D. 1588)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-192).

The Committee on Natural Resources on, Bill, "An Act to Clarify the Law Regulating the Alteration of Coastal Wetlands." (H. P. 944) (L. D. 1303)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-213).

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.

The Committee on State Government on, Bill, "An Act to Increase the Compensation of Members of the Legislative Research Committee." (H. P. 1099) (L. D. 1505)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-214).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-214) as Amended by House Amendment "A" (H-218) Thereto.

Which report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted in concurrence. Committee Amendment "A", as Amended by House Amendment "A" Thereto, was Adopted in concurrence and the Bill, 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 Requirement of Schools of Barbering and Training for Registration as a Barber." (H. P. 740) (L. D. 1002)

Reported that the same Ought to Pass.

Signed:

Senators:

HICHENS of York

MINKOWSKY

of Androscoggin

GREELEY of Waldo

Representatives:

MCCORMICK of Union

LEWIS of Bristol

BERRY of Madison

PAYSON of Falmouth

LESSARD of Lisbon

DYAR of Strong

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

Signed:

Representatives:

DOYLE of Bangor

CLEMENTE of Portland

SANTORO of Portland

CUMMINGS of Newport

Comes from the House, the Majority Ought to Pass report Read and Accepted and the Bill Indefinitely Postponed.

Which reports were Read.

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

Divided Report

The Majority of the Committee on State Government on Bill, "An Act to Grant Adult Rights to Persons Eighteen Years of Age." (H. P. 435) (L. D. 600)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset

WYMAN of Washington

Representatives:

FARRINGTON

of Old Orchard Beach

HODGDON of Kittery

DONAGHY of Lubec

MARSTALLER

of Freeport

STARBIRD

of Kingman Township

STILLINGS of Berwick

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

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

CURTIS of Orono

GOODWIN of Bath

COONEY of Webster

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

Which reports were Read.

Mr. Clifford of Androscoggin then moved that the Senate Accept the Minority Ought to Pass Report of the Committee and Mr. Johnson of Somerset requested a division on the motion.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think before we take a vote on this particular matter we ought to look at it. This is L.D. 600, Item 6-7 on your calendar.

This situation in which we find ourselves today arose during the last session when the proposal to lower the voting age to 20 and the granting of full adult rights accompanying this arose. I won't say that the proposal to grant adult rights slipped through at the last session, but you will recall that it was not coupled with the referendum vote, and I will say that a lot of people, in and out of the legislature, felt when they were going to vote on lowering the voting age to 20 they were also voting on granting adult rights simultaneously. That was not the case then and it is not the case now.

We have done two things at this session of the legislature relative to lowering the voting age, neither one of which have taken effect. We have put ourselves on record as a state favoring, through the federal constitutional change, lowering the voting age to 18, and

we have turned out to the people to be voted on in the state lowering the voting age to 18 as a result of the people voting on the issue.

Now, the lowering of full adult rights to 18 is not going to be voted on by anybody but members of this legislature. While I am neither for nor against it, I feel it extremely important that we all realize that we are voting on this issue and that if we pass it, and if the people of the State of Maine turn down lowering the voting age to 18, you have granted full adult rights which two years ago you had to be 21 years old to enjoy, you are granting these rights to 18 year old people. I think that here is a point where we might say perhaps the granting of adult rights should follow, not precede, the lowering of the voting age, be it by federal action or be it by vote of the people. I think the two really go together, quite frankly. I think in honesty they go together. So I would oppose the motion of Senator Clifford and hope that this action could be deferred until either the federal government requirements or the people of the State of Maine have approved the entire issue.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I rise in opposition to the motion that has been presented to us this morning. First, I hate to see us forcing our young people into adulthood. I have often heard it said that the best years of one's life were in his or her teens before they had to accept the responsibilities of an adult.

Two years ago we gave them these responsibilities the moment they were no longer teens. Now this bill forces adult rights and responsibilities on them at 18. I have had, even this morning, people tell me that these youngsters of today are much smarter than they were years ago, and maybe they are. But one thing they lack is the knowledge of responsibility. This generation today and the generations probably ahead of it, following World War II, have not known really what

responsibility is. Many of us in this Senate Chamber went through the depression and World War II and we know what it is to have to make up our own minds on things but, in a general sense of the word, the young people of today have had things handed to them on a silver platter. True, they have had a war to confront, but then again, as was told to one of the newspaper agencies this past week, they are not compelled to be drafted until they are 19 or 19½ years of age.

There are, as I mentioned, several reasons why I am opposed to L.D. 600, but I will only mention two or three. On pages 7 and 8, under Sections 34 through 38, we read the lines concerning public schooling. If I interpret this correctly, after having it brought to my attention by a high school principal, if this bill is passed the young people 18 and over will have to pay tuition to finish high school because the law does not entitle them to school privileges after that age at taxpayers' expense. Maybe this will be the solution to our school problems and our budgeting that we have been confronted with this year.

On Pages 13 and 14 we read the amended laws granting privileges for young people 18 and over to purchase malt beverages and liquor. You all know, without my elaborating on it, how I feel about that. I would remind you, however, that a bill permitting 18 year olds to purchase malt liquors was heard by the Liquor Control Committee last month and it came out of that Committee unanimously Ought Not to Pass. I hope that you have noted that very few reports of the Liquor Control Committee are unanimous, and that you will take this under consideration on this L.D. 600, which allows purchase of all liquors.

The last portion of the L.D. that I will dwell on are the sections allowing 18 year olds to sign contracts and make agreements. I have been asked several times to be co-signer for a teenager when they have purchased cars or in some cases purchased property, and many times these teenagers have expressed the feeling that they were glad to have someone

supporting their signatures. These are huge responsibilities.

At the hearing on this bill the only proponent was the sponsor. An employee of the Health and Welfare Department cited the problems that would be forthcoming regarding wards of the state, especially among the retarded. I was the only opponent to the bill and, as a result, I received a front page heavy inked column in my local newspaper as being the only legislator in the State of Maine voicing opposition to 18 year old adult rights. I reaffirm my position that we are forcing our 18 year olds to be adults if this bill is passed.

If our young people are so much in favor of having adult rights, where were they when this hearing was held? I have not received one letter or had one teenager criticize me for my stand before the Committee, but many have expressed concern over the bill becoming law. As I told the members of the State Government Committee, I would tell you in the Senate this morning, that life for most people lasts long beyond 18 years. I submit to you today, let them be kids until they are 20. They are going to be adults for a long, long time.

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 that you would accept my motion to accept the Ought to Pass Report of the Committee.

I think basically what L.D. 600 does is simply this: the two very meaningful items in the bill are that it allows an 18 year old to enter into a contract and makes him responsible for a contract that he enters into. It also allows him the privilege, if you will, of the right to drink at the age of 18. These are the things, I think, that are controversial and which this bill does for the 18 year old.

I am practical enough to know that anything I say on the floor of the Senate today is not going to change any of your minds. I think that this is one of these bills that either you do or you don't, and

anything that I say isn't going to turn the tables.

I disagree with Senator Berry. The 18 year old does have the right to vote. He has the right to vote for his representative, his congressman, senator and president. And I think we can fairly accurately predict that come November of 1971, when we put this out to referendum, that he will have the right to vote on the state and local level also.

As far as the public school problems are concerned, I think that is a very minor item and I think that there isn't any 18 year old who is going to be deprived of the right to finish his schooling because of this particular L.D.

I would simply in conclusion say this: The way I feel about it, if a person has the right to vote, if we make him serve in the armed services, then I say we ought to also give him the privileges and the responsibilities that go along with it, and I hope you will support my motion.

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

Mr. CONLEY of Cumberland: Mr. President, when the vote is taken, I move that it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested. The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that on Bill, "An Act to Grant Adult Rights to Persons Eighteen Years of Age", the Senate accept the Minority Ought to Pass Report. 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 Androscoggin, Senator Clifford, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act to Grant Adult Rights to Persons Eighteen Years of Age." A "Yes"

vote will be in favor of accepting the Minority Ought to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Chick, Clifford, Conley, Danton, Graham, Harding, Katz, Kellam, Marcotte, Minkowsky, Schulten, Violette and President MacLeod.

NAYS: Senators Anderson, Berry, Carswell, Dunn, Fortier, Greeley, Hichens, Hoffses, Johnson, Levine, Martin, Moore, Peabody, Quinn, Sewall, Shute, Tanous and Wyman.

A roll call was had. Fourteen Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

Senate Ought to Pass in New Draft

Mr. Kellam for the Committee on Legal Affairs on, Bill, "An Act Relating to Electrical Inspection." (S. P. 483) (L. D. 1563)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 567) (L. D. 1708)

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

Second Readers

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

House

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

Bill, "An Act Repealing the New England Welfare Compact." (H. P. 603) (L. D. 805)

Bill, "An Act Relating to Un-organized Territory Working Capital Fund." (H. P. 659) (L. D. 889)

Bill, "An Act Relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities." (H. P. 1296) (L. D. 1697)

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

Bill, "An Act Relating to Eligibility for Benefits under Employment Security Law Due to Temporary Disability." (H. P. 774) (L. D. 1040)

Which was Read a Second Time and Passed to be Engrossed, in non-concurrence.

Bill, "An Act Eliminating Certain Organizations as Participating Local Districts under State Retirement System." (H. P. 979) (L. D. 1341)

Which was Read a Second Time.

On motion by Mr. Katz of Kennebec, tabled and specially assigned for May 7, 1971, pending Passage to be Engrossed.

House - As Amended

Bill, "An Act to Allocate Moneys for the 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)

Bill, "An Act Appropriating Moneys to Supplement Loans by Maine School Building Authority." (H. P. 1008) (L. D. 1387)

Bill, "An Act Relating to Use of Hypodermic Syringes." (H. P. 1019) (L. D. 1398)

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

(On motion by Mr. Wyman of Washington 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, as Amended, in concurrence.

Senate - As Amended

Bill, "An Act Relating to Use of Electronic Recording Equipment in the District Court and before Administrative Agencies." (S. P. 298) (L. D. 855)

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 Bail or Personal Recognizance for Misdemeanors. (S. P. 555) (L. D. 1692)

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

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

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

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

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

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

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

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

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

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

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

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

(On motion by Mr. Harding of Aroostook, temporarily set aside.)

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

(On motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned pending Enactment.)

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

Which, except for the tabled matters, were Passed to be Enacted and, having been signed by the President, were by the

Secretary presented to the Governor for his approval.

The President laid before the Senate the matter previously set aside by Mr. Harding of Aroostook: An Act Relating to Search by Coastal Wardens. (H. P. 1291) (L. D. 1690) — pending Enactment.

On motion by Mr. Harding of Aroostook, 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-134, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Comes from the House, having Failed of Enactment.

On motion by Mr. Hoffses of Knox, and under suspension of the rules, the Senate voted to reconsider its previous action whereby the bill was Passed to be Engrossed.

On further motion by the same Senator, tabled until later in today's session pending Passage to be Engrossed.

Emergency

An Act to Provide Funds for the Construction and Equipping of a Maine Information Center at Kittery. (H. P. 1290) (L. D. 1689)

This being an emergency measure and having received the affirmative votes of 29 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.

Constitutional Amendment

RESOLUTION, proposing a n Amendment to the Constitution to Provide for the Selection and Duties of a Lieutenant Governor. (S. P. 545) (L. D. 1678)

Comes from the House, having Failed of Final Passage.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: The bill that I introduced was changed a little bit by the committee. In the bill the duties of the Lieutenant Governor were supposed to have been assigned by the Governor and the Legislature, and I think the position we have on this bill now is that it is taking away the power from the legislature to assign with the Governor the powers of the Lieutenant Governor.

I feel that the Majority Leader feels that he would like to go along with the Lieutenant Governor if the legislature would have a part in assigning his duties. So I hope somebody would table it and we will try to amend it so it will be acceptable to everybody.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would ask that everybody vote with me against passage of this resolution.

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

Mr. Graham of Cumberland then moved that the Resolution be tabled and Tomorrow Assigned, pending Final Passage.

On motion by Mr. Berry of Cumberland, a division was had. Fifteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the tabling motion did not prevail.

Thereupon, the Chair ordered a division on Final Passage of the Resolution. Fifteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, and fifteen being less than two-thirds of those Senators present and voting, the Resolution Failed of Final Passage.

Orders of the Day

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

HOUSE REPORTS — from the Committee on Education on Bill, "An Act Relating to School Con-

struction Aid for All Administrative Units." (H. P. 737) (L. D. 999) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — April 28, 1971 by Senator Katz of Kennebec.

Pending — Acceptance of Either Report.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for May 10, 1971, pending Acceptance of Either Report.

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

Bill, "An Act to Create a School Administrative District for the Town of Orono." (H. P. 804) (L. D. 1077)

Tabled — April 29, 1971 by Senator Quinn of Penobscot.

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

On motion by Mr. Katz of Kennebec, retabled and specially assigned for May 10, 1971, pending the motion by Mr. Quinn of Penobscot to Accept the Majority Ought Not to Pass Report of the Committee.

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

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "B" — Filing H-190 from the Committee on Education on Bill, "An Act to Reconstitute School Administrative Districts Numbers 12, 22, 59, 73, 74, 75 and 77." (H. P. 646) (L. D. 876)

Tabled — May 3, 1971 by Senator Anderson of Hancock.

Pending — Acceptance of Report.

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

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

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

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

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Passage to be Engrossed.

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

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)

Tabled — May 4, 1971 by Senator Violette of Aroostook.

Pending — Passage to be Engrossed.

On motion by Mr. Violette of Aroostook, tabled until later in today's session, pending Passage to be Engrossed.

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

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

Tabled — May 4, 1971 by Senator Hoffses of Knox.

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

Mr. Hoffses of Knox then moved the pending question.

Thereupon, House Amendment "B" was Adopted in concurrence.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I understand there is a conflict in the present amendment on this particular bill, and I was under the impression that someone from the Committee would rise to correct the amendment or to postpone one of the amendments that is in conflict with the other one. I would appreciate it if someone might table this until tomorrow so that I might have an opportunity to review the bill and perhaps correct the inconsistency.

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

Mr. ANDERSON of Hancock: As I am waiting for an amendment on this bill to be reproduced, I would respectfully ask one of my colleagues to table it until the next legislative day.

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

Thereupon, on motion by Mr. Shute of Franklin, the Bill was Tomorrow Assigned for Second Reading.

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

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

Tabled — May 4, 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 eighth 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 — May 4, 1971 by Senator Sewall of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Sewall of Penobscot, retabled and specially assigned for May 7, 1971, pending Passage to be Engrossed.

The President laid before the Senate the ninth 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 — May 4, 1971 by Senator Berry of Cumberland.

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

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

Mr. BERRY of Cumberland: Mr. President, I withdraw my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, withdraws his motion to indefinitely postpone the bill.

The Chair recognizes the same Senator.

Mr. BERRY: Mr. President and Members of the Senate: If I am successful in my efforts, I would end up by hoping we would refer this bill to the next special session of this legislature.

I have explained the joint resolution, which was a very important part of this matter and which has been passed by both bodies now, and this will, under the provisions of it, provide for a special select committee which will arrive at the mechanics of the change in the L.D. and come up with definite figures so that the special session will be in a position to provide the money for this much needed improvement in our court system.

Our judicial system really needs the benefits provided in the L.D., and I personally shall devote all my efforts to seeing that this is implemented at the next special session. Accordingly, I would move that the rules be suspended and that the Senate reconsider its action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that under suspension of the rules the Senate reconsider its action whereby Legislative Document 1519 was passed to be engrossed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise in opposition to that motion, and I would like to speak briefly, if I may.

Mr. President and Members of the Senate, I can tell you that the court system of this state faces a grave crisis. It isn't a crisis that we face two years from now or three years from now; we face it now, and it is getting worse. This problem is primarily in the Counties of York, Cumberland, Androscoggin and Kennebec. In the County of Aroostook we still can

obtain pretty prompt disposition of cases. In the County of Cumberland now there is a backlog of over 450 criminal cases.

I hear members of the Senate here tell me about law and order and how important it is that we have mandatory sentences and this kind of thing. But whatever we pass for law, whether it is Senator Katz's highway safety measures, whether it is Senator Hoffses's hunting bills, whatever it is, they all have to go through this one funnel, and that is our court system. And our court system now is clogged.

One of the problems is that you don't have one budget for our court system; you have 17 budgets. Each of the county commissioners proposes a budget, and then this is combined with the state budget, so there is no one state budget for our Superior Court system.

There was a study that has been made already of this problem, and it cost the State of Maine \$50,000. It is of the Supreme Judicial and Superior Court of the State of Maine and it was made by the Institute of Judicial Administration. It recommended this bill which is before you. The Judicial Council of Maine unanimously endorsed the bill and recommended it. The Superior Court judges of this State unanimously endorsed this bill, and the Supreme Court justices also endorsed this bill. This bill received a unanimous committee report. Now the question is: Why now? Why not study it more? The problem is that this bill will only become effective two years from now, and this will be the budget which is prepared as of June 1, 1973. It does not affect one dime of the current state expenditures, not one dime. It goes into 1973.

Now, there is also a problem which our small counties face, like the County of Washington and the County of Hancock. If you had a murder in one of those counties, this could put a real financial crisis on that county because of the burdens which the county has to bear now of these Superior and Supreme Court expenses. So, whatever we do here today, it will take

approximately three years, if we pass this bill, to implement the one budget. If you postpone it, that means that it is that much longer before we make these needed changes and the crisis will build up that much farther until you may get like it is in New York State where now a defendant is never tried; he spends his time in jail, if he can't get bail, for about a year and then he plea bargains and he is let out. This is the kind of a weapon which the criminal element will have over this state. This is how important it is that we deal with this matter.

Now, as far as the cost of it is concerned, we don't know what the cost of it will be because we don't know how many improvements or what kind of a system we may have. But whatever the system is, it will come before the legislature in 1973, and that legislature will decide what they want to buy for a package. They will decide what is needed, but this will give them the opportunity to make that decision.

Now, I would also point out that in the District Court fund of this state is a profit-making deal. It turns about a million dollars a year back to the several counties. This, if the legislature decided, since the counties would be relieved of this burden, if they wanted to do it, they could take the money that the District Courts now have to make reimbursements. This would be up to the legislature that would be convening to decide this.

Now, there are very few things which I have ever pleaded with you about, very few. On this one I can tell you that the safety of our people is involved, the safety of our loved ones, the people on the highway, of hunting and fishing, of all of our laws involved, because if you don't have the court system to run these things through you get no justice. And it is serious so I would ask for your support for this.

This is not a party issue. The Governor has never even spoken to me about this.

This is solely to do with our courts. Probably the Judiciary was unwise in asking me to support

this. Probably they should have asked some member of the Majority Party, but they try to divide these things among the lawyers in the legislature to do the best they can. So I have taken this assignment and am trying to do the best I can with it because of the perils that are presented if it is not passed. So, I would ask for a division on the motion which has been made for reconsideration, and I would hope that you would support me and that you would also support this for enactment.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I rise to support the position of Senator Harding from Aroostook and in opposition to Senator Berry's motion to reconsider.

Last Friday I spoke at some length about this particular bill, this L.D. 1519. I think I pretty much covered the ground. There is one point that I did cover Friday that I would like to emphasize today, and that is this: the court system has got to be paid for by the people of the State of Maine. Now, whether it is supported at the state level or by the county level the people in this state are still going to pay for it. My point is this now, that the property taxes, which is where the county gets its revenue, is over-burdened. I think this would be an excellent way of relieving the burden on the property tax owners on the local level and shifting this burden over to the state level, and at the same time you would be streamlining your court system, which the study that Senator Harding referred to by the Institute of Judicial Administration has strongly recommended and urges immediately.

So, it isn't that you are adding a tax burden; you are just shifting the tax burden away from the property owners, which everyone, I think, acknowledges would be a good thing. So, again I would ask you to support Senator Harding's position in opposition to the reconsideration motion by Senator Berry.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I agree wholeheartedly with ninety-nine point six percent of the statements made by both Senator Clifford of Androscoggin and Senator Harding of Aroostook. I will even go Senator Harding one better: in my support for action in this area at the Special Session I would urge at that time that we find funds and implement the bill on an emergency situation, and that it go into effect immediately, and not wait until July 1, 1973.

All we are asking here is that this matter be handled as provided by the Joint Order. If the motion to suspend the rules does not succeed, I would then make a motion for indefinite postponement of the bill and accompanying papers, and again would pledge myself to see that this legislation is introduced at the Special Session. However, to simplify the matter and have the bill before us at the Special Session, I urge you to support my motion to suspend the rules and refer it to the Special Session eventually.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: The State Government Committee heard this bill. I think we are all in sympathy with it. One of the selling points of the bill was the fact that if there was a murder case such as the Manson Case it would cost the county \$50,000 to \$75,000, and it would be a burden.

The good Senator from Aroostook, Senator Harding, says that this would be a definite burden, but what he forgets to add is the fact that the cost of this bill, as near as I can figure out now, would probably run anywhere from \$800,000 to \$1,500,000 of state money. He is right when he says it comes from the taxpayers, from the county and so forth.

This is a good bill, but there is a problem with it. We don't know what it will cost and we are com-

mitting another legislature for this amount of dollars.

We have added judges to the court system, and if he wants five more judges to be more efficient in the operation of the backlog which Senator Harding feels we have, I would just as soon add the judges. But we have added them, and it is my honest opinion that if anyone checked the courts, if everyone would get to work at nine o'clock in the morning there wouldn't be any backlog. They start at eleven o'clock and adjourn at two-thirty. Maybe this is the way they should do business, but the average person who has to work for a living puts in a full day, and I think this could be one of the solutions too. I would certainly agree with Senator Berry in this case. I don't want to see the bill killed, but I would feel that I would have to go along with Senator Berry's motion if it were not referred to the next Special Session.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the rules be suspended and the Senate reconsider its action whereby Bill, "An Act Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State", was passed to be engrossed.

As many Senators as are in favor of suspending the rules and reconsidering the action whereby this bill was passed to be engrossed 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 fifteen Senators having voted in the negative, the motion to suspend the rules did not prevail.

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

Mr. BERRY of Cumberland: Mr. President, I now move this bill be indefinitely postponed.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would hope that the motion of the Senator from Cumberland, Senator Berry, would not prevail. I think undoubtedly there is a genuine difference of opinion here as to how to go at this proposal. Everybody says that they are willing to see the improvement of our judicial system.

My feeling is that I think the time to make the commitment, the time for the state to make the commitment, is now, and to work out the ground rules later. I think, in effect, what we would be doing if we indefinitely postponed this bill is that we would delay the commitment of this state to improve its judicial system. We never know what will happen in six months or one year from now as to what would be the feeling of this body or the other body as to what it may want to do in regards to that.

I think in this state, as in most areas of the country, that our judicial system is at a real crossroads. In fact the administration of justice is at a real crossroads. Now, we may not be in such a serious situation in Maine as they may be in other areas of the country, but we see many areas of the country today where actually it has become impossible, because of our court systems and our inability to do the job, it has become impossible to really actually carry out the administration of justice. And I feel very, very strongly that the state should make a commitment today, now, that it is going to make the decision that it will upgrade our judicial system, and we can work out the ground rules. We have two years to work out the ground rules as to how we will carry that out. But I would like to see the commitment made now that we will do that, and we will work out the ground rules later.

The matter of just adding judges may be part of the answer, but it is not a total answer. The total answer is to place the entire operation of the judicial system under the hands of the judiciary where they can make a comprehensive operating unit out of our court

system. We have judges today that in some parts of the state actually have no courtrooms to sit in. Many of our counties don't have the courtroom facilities to handle the work load even if they had the judges. This is why I think we have got to make the commitment here.

Sometimes I really feel because of the failure of the justices of our state, because of their position of judges, to really tell the people to tell their legislature what is the problem with the judicial system and what they need to update it and make it a viable part of our three branches of government, very often I think they have failed to do so, they have isolated themselves and, while they themselves have been aware of the problems, they have failed to let other people know about it. Consequently, our judicial system has lagged behind the administrative part, the executive branch of our government, and it has even lagged behind the legislative branches, as slow as the legislative branches are to update their own operating procedures.

I feel very, very strongly that the time is now for us to make that commitment and let us work the ground rules out later. This is, in effect, I think, the position the Senator from Aroostook, Senator Harding, is taking, and I think he has the right direction. I hope this legislation would not be indefinitely postponed, and that in fact it would be enacted.

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 think it is for me the right thing to do what I am doing now; maybe some lawyer should have stood up and mentioned it. I am a layman, I am not a lawyer and I am not a judge, but I would like to defend the judges in the State of Maine. The work that they do between nine and two is not the only work that they do. No judge likes to render a decision that will be overruled by a higher court. So they have to look up the laws, they have to look up what the rulings were on the same kind of situation, so they

do a lot more work than the actual time that they spend in court where people see them. That is what I would like to mention to this body, that it takes more work to study the cases than it does really to be right on the bench. Thank you.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I thank the Senator from Kennebec, Senator Levine, for his remarks. There are no more dedicated, harder working people, who have any more difficult and challenging task in the State of Maine than do the judges of our courts. They do an excellent job and they deserve our support.

But there is another aspect of this bill, why it is important that we make this commitment now, and that is that these county courts now are used strictly for the business that occurs in that county, but that need not be. We could make a more efficient use of the courts. For example, the court in Sagadahoc County, there is no reason why the matters that occur in Brunswick couldn't be tried there for example. The court in Farmington is empty very often. Now, these things are going to take a lot of planning by the judiciary, by the judges, in order to make their recommendations to the next legislature.

Again, I would tell you that as far as law and order is concerned, as far as the administration of justice is concerned, this is the most important bill before this legislature. If you do not enact it, justice in this state will be imperiled. When the vote is taken, Mr. President, I ask it be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It seems that some of us have ears and hear not. I am sure ad nauseam I explained to the Senate that we are very much for the bill, that we are for law and

order, and my recent pledge would accelerate the implementation of the very thing that Senator Violette of Aroostook and Senator Harding of Aroostook want.

I take no back seat to these gentlemen in a regard for law and order, nor do any of the others of us in the Chamber. I have been equally as concerned as Senator Harding has been with the problem in the courts, one reason being that in my own county of Cumberland we have the worst situation in the state. And I am very happy to tell you that at the suggestion of Judge Lessard, and with the complete cooperation of the Governor and Council, the Attorney General, and the County Attorney, that we have been able to get a sum of money especially assigned for employing two special assistant attorneys general in Cumberland County to help clear up the log jam. This is an effort which is appreciated by everybody and has received their full cooperation, particularly from the people that I mentioned.

So we are not sitting here idly trying to obstruct the progress of justice. We all know the problems that our courts face. So the rhetoric, I think, is uncalled for. And I say to you that if we were sincere, and if we really wanted to advance the cause, it would have been awfully smart to have suspended the rules and have the bill for prompt consideration at the next special session and not have to go through the procedure which we will now have to go through.

So with this on the record, I would hope that you would vote for indefinite postponement, with the certainty that you are acting with the best interest of improving our judicial system.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I only have one wish, that the good Senator from Cumberland, Senator Berry, would make his commitment at this time. Referring a bill to the next session or to the next legislature, as you know, is in effect killing it, because the bill at that time must go

through all of the things like it was introduced anew. Because of this peril that we face here, whatever is done here today, I suspect if we lose that we will have to try not only at the special session, and if we lose then, then the backlog becomes that much worse, and if we lose at the next regular session we will keep trying until this is done. But this is why we make the effort now, because the time is so short and we need to start, not a year from now, but now. I would hope that you would vote against the motion to postpone this.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, "An Act Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State," be indefinitely postponed.

A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senator 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 is the motion of the Senator from Cumberland, Senator Berry, that Bill, "An Act Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

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

A roll call was had. Seventeen Senators having voted in the affirmative, and fifteen Senators

having voted in the negative, the motion to Indefinitely Postpone prevailed.

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 and hope you vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby this bill was indefinitely postponed. 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.

The President laid before the Senate the tenth 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 4, 1971 by Senator Chick of Kennebec.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-133, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CHICK: Mr. President and Members of the Senate: In explaining this amendment, this is quite long, however, the statement of facts is very accurate as to what we are attempting to do, so I will read that.

"The purpose of this amendment is to clarify the Educational Grant Fund and provide that the grants shall commence with the members of the freshman class enrolled in the 2nd semester of 1971-72. The amendment also changes the appropriation for the 1971-72 year from \$1,007,700 to \$287,700 and for the 1972-73 year from \$2,008,500 to \$1,088,500."

Now the only purpose of the amendment is to make it less

costly for the state to implement this program if they see fit to do it. So, I hope that the amendment will be adopted.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The effect of the bill, of course, is to reduce the price tag down to 1.3 million dollars. With reluctance, I move that this bill and all its accompanying papers be indefinitely postponed. I would like to tell the Senate why I feel it should be postponed.

I call to your attention that nowhere in this bill is there any need criteria whatsoever. Now, this is not just a happenstance. This amendment very clearly avoids mentioning any need. And at the public hearing the proponents of the bill specifically said they wanted no need factors in this program. The sponsor clearly said that he wanted no need factor. So here is a compounding of the problem facing the State of Maine right now, an additional attempt to put 1.3 million dollars into a student aid program based, not upon need, but upon just the acceptance at an institution.

Second, I call to your attention that this pertains only to baccalaureate institutions. I recall very clearly the Senator from Kennebec, Senator Levine, last session pleaded with us to put some money into a scholarship program to help kids based on need, unsuccessfully. But this program today very clearly rules out any students who are attending vocational institutions, any kid who is attending an institution that is not oriented towards a baccalaureate program. And if we suffer from one thing in this state, it is from an over-emphasis on this business of four-year baccalaureate degree programs, and in the process of concentrating on this we substantially close smack in the face of lots of kids who don't want to be doctors, lawyers and Indian chiefs. That is my problem No. 2 with the bill.

Problem No. 3 is that it is definitely oriented toward the institution. Not towards the kid, whom I think we really want to help, but towards the institution, the basic reason for the bill is that some of our institutions are in trouble, and the proponents will make it very clear that that is their primary interest, the institution.

Mr. President and ladies and gentlemen of the Senate: I really deeply believe that we can do better. I know we can do better with the use of our money. There are three things involved in student assistance. One is loans to students, We have got a good program and I hope we are going to improve on it this session. Two is grants to kids; scholarships they don't have to repay. The third is work-study programs. In the last two we are seriously deficient. One reason we are deficient is that we are not spending our money wisely, and I think it is demonstrable that we are not spending our money wisely. Of the \$50 million or so that we give to the University of Maine, most of it goes to underwrite the tuition differential, the fact that it costs \$2,000 to educate the youngster and we only get \$400, on an average, back from him. So at the University we are giving \$1,600 behind every youngster, regardless of whether there is any need. This was all right up until recent years, when the number of kids so increased that this year this process of giving assistance to youngsters, without respect to need, is the major reason that many of our youngsters who want to go to school are having the door slammed in their face. It is happening at the University, and this bill would create a companion piece to let it happen at the private colleges.

Now, I think that the Maine Legislature is very close — and I have mentioned the Special Session to you before, and I mean it sincerely — we are very, very close to being able to come up with a comprehensive program, a substantial program of student assistance based on need. Believe me, that is the criteria that you

should use to put your tax-supported dollars in aid of higher education. This bill doesn't do it; it takes us one step back. And I urge you to support my motion to indefinitely postpone this bill, with a clear understanding and a clear commitment that at the Special Session you will have an opportunity to vote on a comprehensive program to support all youngsters in the state, regardless of whether they go to Colby, Bates, Ricker or the University of Maine, based on need. I think that is what the Senate wants to do and, Mr. President, I request a division.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Bill, "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education", be indefinitely postponed. A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Chick.

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: In reply to the good Senator from Kennebec, Senator Katz, I wish to say that I am not interested in this bill to support private institutions. My only position is that I see much unused space in the private institutions, and I think that this is cheaper for the State of Maine to take advantage of this space available in those private institutions rather than continue a massive building program at our state institutions.

Now, the comment he made in regard to supporting students regardless of need, I will concur with him that this is true, but we are doing that at the University of Maine also. If we can come up with some solution to maybe supporting our students at our state colleges more on the basis of need then there is no reason why, if this becomes law, we cannot correct this and make it apply to needy students at a special session as well as taking care of the other situation. So, I hope that you will vote against the indefinite postponement of the bill.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I think it is a poor bill, it is poorly timed and I hope that we kill it. This bill will work hardships for low income people that want to send their children to college. If we give the money to the private schools we will have less money for the University of Maine. It will mainly help the privileged children that want to go to private schools and their parents can't afford it. I don't think that it is time for us now to go and invest money for families that can't afford to send their children to private schools. I think if they want to go send them to ivy league schools, and they have the money to pay for it, let them pay for it. I don't think it is the duty of the legislature to do it.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The Senator from Kennebec, Senator Chick, makes a telling argument when he expresses concern about unused facilities in private schools. There isn't anybody in the Senate who is more aware of this problem or more dedicated to the solution of the problem, but not under the guise of student assistance, and that is what this bill does. This bill attempts to throw a blanket of institution aid under the guise of student assistance. The problem that Senator Chick mentions is a very real one, and a problem that I think we can face in a comprehensive manner, but not in this form.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education", be indefinitely postponed. As many Senators as are in favor of the motion to indefinitely postpone the bill will

please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the eleventh 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 4, 1971 by Senator Berry of Cumberland.

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

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I hope that the Senate will adopt Senate Amendment "A". I will call the Senate's attention to the statement of facts under 547.

"The purpose of this bill is to clarify and correct inconsistencies in the Municipal Public Employees Labor Relations Law."

All my amendment has done is to take out most of the new provisions in the act, and I have left the errors and inconsistencies in the amendment. I hope that the Senate will go along and adopt Senate Amendment "A".

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I rise this morning to oppose the amendment as presented by Senator Chick from Kennebec. This would, in effect, just about destroy half of the intent of this particular bill.

This bill is intended to correct some of the inconsistencies that we have in our Municipal Public Employees Labor Relations Law,

and by enactment of this amendment you would be striking out all of those sections 1, 2, 3, and 9, which would just about emasculate the entire bill. I would oppose it. I don't think the amendment is necessary whatsoever.

The Committee Report "B", incidentally, which was the Minority Report, attempted to do this, and my understanding is presently that the Majority Report, which is the bill as is with a minor amendment on it, is before us today as having been accepted by the other body and is pending enactment. I ask your support in the defeat of the proposed amendment, and when the vote is taken I would ask a division.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "A" to Bill, "An Act To Amend the Municipal Public Employees Labor Relations Law". As many Senators as are in favor of the Adoption of Senate Amendment "A" will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, I ask for 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 pending question before the Senate is the adoption of Senate Amendment "A". A "Yes" vote will be in favor of adoption of Senate Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

NAYS: Senators Bernard, Carswell, Conley, Danton, Graham, Harding, Johnson, Kellam, Levine, Marcotte, Martin, Shute, and Violette.

Mr. Tanous of Penobscot was granted permission to change his vote from Yea to Nay.

A roll call was had. Nineteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, Senate Amendment "A" was Adopted.

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 reconsideration and hope you will vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves the Senate reconsider its action whereby it Adopted Senate Amendment "A".

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. Tanous of Penobscot then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Berry of Cumberland to reconsider.

On motion by Mr. Berry of Cumberland, a division was had. Fourteen Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion to table did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby it adopted Senate Amendment "A"? 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.

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

Sent down for concurrence.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Hoffses of Knox:

An Act Relating to Size Limit of Trout. (S. P. 548) (L. D. 1674)

Pending — Passage to be Engrossed.

Mr. Hoffses of Knox then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-138, 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 matter tabled earlier in today's session by Mr. Berry of Cumberland:

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

Pending — Passage to be Engrossed.

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

Senate Amendment "B", Filing No. S-140, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The purpose of Senate Amendment "B" is to take out any action requiring expenditure of money on the part of the state, which amounted for the biennium to something over \$80,000 to enforce the litter control act. This primarily would have been funds appropriated to the Department of Health and Welfare. The bill, as amended, also includes a bit of language that the Highway Commission wished to have in. Also the basic bill itself retains the feathers and offal features which have concerned some members of the Senate.

Accordingly, Mr. President, I move the pending question.

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

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: During the next prior enlightening debate I was looking over this amendment. It seems to me that it strikes out about more of the bill than it leaves, which

made me arouse my concern for it.

This bill was presented to the Legal Affairs Committee and was touted at that time as being a very important bill to eliminate litter on the highways. I, myself, had some feelings that it was motivated primarily due to the presence in this session of the legislature of bills to eliminate the non-returnable beverage containers.

However, I will agree with the good Senator from Cumberland, it does seem to deal primarily with the action by the various departments within the state. But it does appear also to take away, at first blush at least, any responsibility for private enterprise to help in this litter control. So, it strikes me that it would have been a little bit better, if this bill was going to be cut down to about a third of its size, if that had been done prior to the discussion about the non-returnable beverage containers, because this bill was held out by many people to help solve our litter problems. It would strike me that what is going to be left after this amendment, and I admit I only see it just today, but it would seem to me that it doesn't leave a great deal of the bill left. I don't think you are going to solve our litter problems just by increasing the fines and that type of thing. For that reason I would object to the adoption of the amendment.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I would hope that this body would adopt Senate Amendment "B". I was the sponsor of this bill originally and at least two of the items, I will confess at this point, I meant to amend myself. The bill got out of committee without my doing this, and it was my neglect that caused this. This amendment takes care of those two problems.

I see nothing objectionable and I don't think it weakens the bill at all. I don't think the amendment weakens the bill in any manner at all; it just clarifies it and strengthens it. I would hope that

you would go along with Senator Berry and adopt Senate Amendment "B", and I hope that the Bill would receive passage very shortly.

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

A viva voce vote being taken, Senate Amendment "B" was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Violette of Aroostook:

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)

Pending — Passage to be Engrossed.

Mr. Violette of Aroostook then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-136, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. VIOLETTE: Mr. President and Members of the Senate: What this amendment does is just remove language from the redraft of the bill, and the language being removed should not have been in the new draft. It is somewhat ambiguous and makes the bill somewhat difficult to understand. So that is the reason for the amendment, and I hope the Senate will adopt it.

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

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

Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.