

# 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**

Tuesday, May 18, 1971

Senate called to order by the President

Prayer by the Rev. Shane D. Estes of Winthrop.

Reading of the Journal of yesterday.

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

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

In the Senate May 7, 1971, Passed to be Engrossed as Amended by Senate Amendment "A" (S-150).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-150) as Amended by House Amendment "A" (H-270) Thereto, in non-concurrence.

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

**Non-concurrent Matter**

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

In the Senate May 6, 1971, Passed to be Engrossed as Amended by House Amendment "A" (H-203) in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-203) and House Amendment "C" (H-280) in non-concurrence.

On motion by Mr. Hoffses of Knox, tabled and Tomorrow Assigned, pending Consideration.

**Non-concurrent Matter**

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

In the Senate May 5, 1971, Passed to be Engrossed as Amended by Senate Amendment "B" (S-140).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "B" (S-140) and House Amendment "B" (H-250) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act to Incorporate the Town of Carrabasset Valley." (S. P. 448) (L. D. 1294)

In the Senate May 3, 1971, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-279) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Communications**

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

May 17, 1971

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

Dear Mr. Starbranch:

I hereby appoint Senator Bennett D. Katz as a member of the Advisory Commission for the Study of Public Support for Post-secondary Education in Maine created by Senate Paper 472, Legislative Document 1492.

Respectfully,

(s) KENNETH P. MacLEOD  
President of the Senate

Which was Read and Ordered  
Placed on File.

**Orders**

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that the Clerk of the House be authorized to purchase 200 2 cent postage stamps for each member of the House, and the Secretary of the Senate be authorized to purchase 200 2 cent postage stamps for each member of the Senate, for the purpose of mailing public documents at the new federal postal rates.

(S. P. 590)

Which was Read and Passed.  
Sent down for concurrence.

**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 Appropriating Funds to Equalize the Salaries of Classified

Employees at the University of Maine and the State of Maine. (H. P. 579) (L. D. 774)

Resolve in Favor of Town of Haynesville for Development of a Recreational Area. (H. P. 326) (L. D. 435)

Bill, "An Act Relating to Indian Tribal Police Officers." (H. P. 309) (L. D. 409)

Bill, "An Act Exempting Sales Through Certain Coin-Operated Vending Machines from the Sales Tax." (H. P. 1079) (L. D. 1472)

Bill, "An Act Relating to Minimum Speed under the Motor Vehicle Laws." (H. P. 1198) (L. D. 1649)

Bill, "An Act Requiring the State Highway Commission to Perform Cost-benefit Analysis on Proposed Highway Improvements and Programs." (H. P. 1202) (L. D. 1653)

Bill, "An Act Increasing Motor Vehicle Registration Fees." (H. P. 1204) (L. D. 1655)

#### **Leave to Withdraw**

The Committee on State Government on, Bill, "An Act Relating to Privileges of Members of the Indian Tribes at the Legislature." (H. P. 82) (L. D. 122)

Reported that the same be granted Leave to withdraw.

The Committee on Transportation on, Bill, "An Act Relating to Weight for Commercial Vehicles Hauling Forest Products or Raw Ore." (H. P. 547) (L. D. 719)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act Providing for Bond Issue in the Amount of \$4,960,000 to Reconstruct Route 161 from St. Francis to Canada." (H. P. 1133) (L. D. 1561)

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 County Government on, Bill, "An Act Increasing Salaries of Jury Commissioners of York County." (H. P. 628) (L. D. 851)

The Committee on County Government on, Bill, "An Act to Increase Salaries of Jury Commissioners for Hancock County." (H. P. 331) (L. D. 440)

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

The Committee on County Government on, Bill, "An Act Increasing Salaries of County Officers of Sagadahoc County." (H. P. 521) (L. D. 684)

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

The Committee on County Government on, Bill, "An Act Increasing Salaries of County Officers of Kennebec County." (H. P. 700) (L. D. 943)

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

The Committee on County Government on, Bill, "An Act to Increase the Salaries of the County Officers of Hancock County." (H. P. 180) (L. D. 238)

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

The Committee on County Government on, Bill, "An Act Increasing the Salary of the Clerk of Courts of Aroostook County." (H. P. 329) (L. D. 438)

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

The Committee on County Government on, Bill, "An Act Increasing Salaries of County Commissioners of Penobscot County." (H. P. 451) (L. D. 606)

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

The Committee on County Government on, Bill, "An Act Increasing Salaries of County Officers of York County." (H. P. 583) (L. D. 778)

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

The Committee on County Government on, Bill, "An Act Increasing Salaries of Certain County Officials of Somerset County." (H. P. 904) (L. D. 1248)

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

The Committee on County Government on, Bill, "An Act Increasing Salaries of Jury Commissioners of Cumberland County." (H. P. 840) (L. D. 1152)

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

The Committee on County Government on, Bill, "An Act Increasing the Salary of the Sheriff of Lincoln County." (H. P. 292) (L. D. 392)

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

The Committee on County Government on, Bill, "An Act Increasing Salaries of Certain County Officers of Washington County." (H. P. 258) (L. D. 340)

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

The Committee on County Government on, Bill, "An Act Increasing Salaries of County Officials of Androscoggin County." (H. P. 984) (L. D. 1346)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### **Ought to Pass**

Bill, "An Act Relating to Sales Tax Exemption of Pollution Control Facilities." (H. P. 165) (L. D. 221)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Moneys to Maine Port Authority for Liability Insurance Premiums." (H. P. 578) (L. D. 773)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds to Preserve the Machias Valley Airport." (H. P. 833) (L. D. 1129)

Reported that the same Ought to Pass.

The Committee on Natural Resources on, Bill, "An Act Clarifying

the Statute Relating to Realty Subdivisions." (H. P. 1034) (L. D. 1425)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act Relating to Exemption from Real and Personal Property Taxation for Industrial Disposal Systems." (H. P. 1131) (L. D. 1559)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bill 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 Legal Affairs on, Bill, "An Act Relating to Parking on Paved or Improved Portions of Ways and Removal of Vehicles." (H. P. 572) (L. D. 748)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-267).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Loans to Encourage the Practice of Family Medicine to Assist in Maintaining the Health of Maine Residents." (H. P. 577) (L. D. 772)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-265).

(On motion by Mr. Katz of Kennebec, tabled until later in today's session, pending acceptance of the Committee Report.)

The Committee on Legal Affairs on, Bill, "An Act Relating to the Annual Division of the Interest Arising from the Ministerial and School Fund of Turner, Maine." (H. P. 716) (L. D. 961)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-266).

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, except for the tabled matter, 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 Legal Affairs on, Bill, "An Act Restricting Use of Certain Campsites." (H. P. 996) (L. D. 1358)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-268).

Comes from the House, the report Read and Accepted and the Bills Passed to be Engrossed as Amended by Committee Amendment "A" (H-268) as Amended by House Amendment "A" Thereto (H-281).

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.

#### **Ought to Pass in New Draft**

The Committee on Legal Affairs on, Bill, "An Act Relating to Membership on Board and Definitions under Engineer Law." (H. P. 653) (L. D. 884)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Membership on Board of Registration for Professional Engineers." (H. P. 1322) (L. D. 1734)

The Committee on Taxation on, Bill, "An Act Relating to Distribution of Certain Taxes to Municipalities." (H. P. 1195) (L. D. 1646)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1323) (L. D. 1735)

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

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

#### **Divided Report**

The Majority of the Committee on State Government on, Bill, "An Act to Authorize the Governor and Council to Transfer the Management or Ownership of Certain Land in Augusta." (H. P. 1035) (L. D. 1426)

Reported that the same Ought Not to Pass.

Signed:  
Senators:

JOHNSON of Somerset  
WYMAN of Washington

Representatives:

DONAGHY of Lubec  
MARSTALLER

of Freeport  
HODGDON of Kittery  
COONEY of Webster  
CURTIS of Orono  
STILLINGS of Berwick  
FARRINGTON

of Old Orchard Beach

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

Signed:  
Senator:

CLIFFORD

of Androscoggin

Representatives:

GOODWIN of Bath  
STARBIRD

of Kingman Township

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 Health and Institutional Services on, Bill, "An Act Relating to Prescribing Contraceptive Methods to Minors without Parental Consent." (H. P. 958) (L. D. 1319)

Reported that the same Ought Not to Pass.

Signed:  
Senators:

HICHENS of York  
MINKOWSKY

of Androscoggin  
GREELEY of Waldo

Representatives:

BERRY of Madison  
LESSARD of Lisbon  
McCORMICK of Union

DYAR of Strong  
LEWIS of Bristol

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

Signed:

Representatives:

CUMMINGS of Newport  
PAYSON of Falmouth  
DOYLE of Bangor  
CLEMENTE of Portland

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

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

#### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Relating to Operating a Motor Vehicle Without a Current Certificate of Inspection." (H. P. 790) (L. D. 1066)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo  
JOHNSON of Somerset

Representatives:

WOOD of Brooks  
CROSBY of Kennebunk  
HALL of Windham  
BARNES of Alton  
LEE of Albion  
McNALLY of Ellsworth  
KEYTE of Dexter  
DUDLEY of Enfield

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

Signed:

Senator:

KELLAM of Cumberland

Representatives:

LEBEL of Van Buren  
FRASER of Mexico

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

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

#### Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An

Act Imposing Effluent Charges to Abate Water Pollution." (H. P. 1059) (L. D. 1450)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SCHULTEN of Sagadahoc  
VIOLETTE of Aroostook

Representatives:

BROWN of York  
HERRICK of Harmony  
HARDY of Hope  
KILROY of Portland  
CUMMINGS of Newport  
AULT of Wayne  
MacLEOD of Bar Harbor  
CURRAN of Bangor  
SMITH of Waterville

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

Signed:

Senator:

GRAHAM of Cumberland

Representative:

WHITSON of Portland

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

Which reports were Read.

Mr. Graham of Cumberland then moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. GRAHAM: Mr. President and Members of the Senate: This idea of the effluent charge may be an idea whose time has not yet come. It is a charge on the waste matter dumped into our rivers, streams and waterways by private parties, factories and so forth.

The effluent charge would check pollution at the source. That is, it would measure pollution at the source, and it is possible to do so because under the E.I.C. laws now the dischargers are required to detail the nature and volume of their discharge.

The idea of the effluent charge puts the public in the driver's seat, because the public can then use the effluent charge as a brake on discharges into our public waterways. It is a brake that can be applied slowly so as not to harm industry, but can be applied so as

to hurt those who are polluting excessively. In this way pollution can gradually be brought to a halt.

At the present time there is a great deal of argument about so-called mixing zones, that is, where is the E.I.C. to measure the amount of pollution that is discharged into our public waterways? The measuring is a matter of dispute between industry and the E.I.C. now. Where should they measure? In some cases pollution does not reach its full power until it has gone two or three miles down river, therefore, this system of measuring is at times very doubtful. But when you have the effluent charge you have a wonderful way of determining at once what is being discharged into a river.

The effluent charge is not some wild idea concocted by a few college professors. It is an idea that is now in force in Germany. It has been used to clean up the Ruhr River. The Ruhr River was a river lined by factories, chemical plants and so forth, and yet by means of the effluent charge they have been able to purify that river so that its water is drinkable. The effluent charge is also applied in several places in the United States. Oswego, New York, for instance, and it is also applied in Vermont to a limited extent.

It is true that the matter of deciding the charges is a very difficult matter, and that must be studied further, no doubt. But clearly the effluent charge is the method of the future for cleaning up our rivers. I think we will find in the long run that the classification system will fail. It will be too difficult to apply the law in many cases, whereas the effluent charge is fair, it is easily administered, and I am sure it is the method of cleaning up our waterways of the future.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I would hope that when the vote is taken that the Senate would vote to sustain the Majority Ought Not to Pass Report of the Committee. This was an eleven to

two decision by the members of the Natural Resources Committee.

The effluent charge may be the charge of the future, but it was very clearly pointed out that it is not the way to do things today, that the water classification was a solemn obligation of the legislature to the people in the state, that we would have pollution under control and under certain guidelines by a specified date, and to impose an effluent charge with criminal penalties at this time would not be fair to anyone, including the legislators themselves.

Also, I would point out that the Majority Ought Not to Pass Report was signed by Senator Violette of Aroostook, and I would hope that someone would table this matter until the next legislative day when the Senator would be present.

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

Thereupon, on motion by Mr. Hoffses of Knox, tabled and Tomorrow Assigned, pending the motion by Mr. Graham of Cumberland to Accept the Minority Ought to Pass Report of the Committee.

### Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Relating to Public Utility Transmission Lines." (H. P. 918) (L. D. 1264)

Reported that the same Ought to Pass.

Signed:

Senators:

MOORE of Cumberland  
MARCOTTE of York

Representatives:

WILLIAMS of Hodgdon  
MOSHER of Gorham  
TYNDALE

of Kennebunkport  
SHUTE

of Stockton Springs  
BARTLETT

of South Berwick  
MARSH of Hampden

RAND of Yarmouth  
CONLEY

of South Portland  
BERUBE of Lewiston  
EMERY of Auburn

The Minority of the same Committee on the same subject matter



reported that the same Ought Not to Pass.

Signed:  
Senator:

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

Which reports were Read.

Mr. Moore of Cumberland moved that the Senate Accept the Majority Ought to Pass Report of the Committee.

Thereupon, on motion by Mr. Harding of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Moore of Cumberland to Accept the Majority Ought to Pass Report of the Committee.

#### Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act Relating to Forestry Cutting Practices for the Protection of Rivers, Streams and Lakes." (H. P. 682) (L. D. 919)

Reported that the same Ought Not to Pass.

Signed:  
Senators:

SCHULTEN of Sagadahoc  
GRAHAM of Cumberland  
VIOLETTE of Aroostook  
Representatives:

BROWN of York  
SMITH of Waterville  
CURRAN of Bangor  
HERRICK of Harmony  
MacLEOD of Bar Harbor  
AULT of Wayne  
CUMMINGS of Newport  
KILROY of Portland  
HARDY of Hope

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

Signed:  
Representative:

WHITSON of Portland  
Comes from the House, the Minority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-262).

Which reports were Read.

Mr. Shute of Franklin moved that the Senate Accept the

Minority Ought to Pass Report of the Committee.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I would hope that the motion on the floor would not prevail. This L. D. 919, Relating to Forestry Cutting Practices for the Protection of Rivers, Streams and Lakes, was heard by the Natural Resources Committee on March 30th. It was a long, well over an hour, hearing. It was very emotionally charged, but at the end of the hearing, and several days after that, the Committee discussed this bill. It was the feeling that the bill might have merit, but there were a number of things involved that were not clearly brought up. Most important was the cost actually of doing the type of work that was recommended.

Now, at one point the committee was unanimous that this bill should not pass, however, one of the members from the other body felt that he owed it to the sponsor of the bill to vote as a minority of one to accept the bill. For that reason we had a divided report. So, as all of you, I am sure, are aware, this report of twelve to one Ought Not to Pass went into the other body, and for some strange reason, the majority report of such magnitude was overturned and is now in here to us.

I still firmly believe that the majority report of the committee was correct and, with your indulgence, I would like to take a moment to read a letter from the Forestry Department which outlined, I think, the greatest dangers and the greatest stumbling blocks to the enactment of a bill like this. In other words, very briefly, there is a \$280,000, better than a quarter of a million dollars, price tag attached to this bill, which does not show in the Minority Ought to Pass Report. I will quote now:

"The original bill without the amendment I interpreted to require the expert advice and decisions by technical trained foresters who have to pass judgment on whether or not proper forestry cutting practices are in

fact being carried out by landowners. The amendment requires me to use the present Forestry Department employees to check on the cutting practices and the present workload of my staff is such that this proposed additional burden would be almost prohibitive. Less than 10 per cent of my staff are trained foresters. The trained foresters presently on my staff are occupied full time and there is a substantial backlog of assignments waiting their attention. I have every faith in my other employees but they are not properly trained, in all due respect to them, to carry out an evaluation of cutting practices as I would be required to do.

"Attached is a statement that I sent to the Budget Officer. The amendment offered by Mr. Dyar will not change the need for these funds to properly carry out and enforce L.D. 919 should it become law.

"I would like to point out that from my point of view" — and this is the Forest Commissioner speaking — "it would be impossible to set up a uniform code of cutting practices that would be applicable from Kittery to Fort Kent. It seems to me, if the Legislature is desirous of moving in this area, and that decision is yours, that the subject matter should be studied in depth before we embark into State regulation in this field which will affect 77,424 individual timberland owners within the State of Maine."

So I say to the members of this Senate body that I feel, under the circumstances, the Majority Ought Not to Pass Report of the Committee does make sense, is applicable to the day right now, that this is not realistic to impose such a cost on people who are not trained to do the work, so I would ask the motion of the Senator from Franklin, Senator Shute, does not prevail.

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

Mr. Anderson of Hancock then moved that the matter be tabled and specially assigned for May 20, 1971, pending the motion by Mr. Shute of Franklin to Accept the

Minority Ought to Pass Report of the Committee.

On motion by Mr. Hoffses of Knox, a division was had. Seven Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the tabling motion did not prevail.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: In relation to this L. D. 919, I would like to call your attention to Section 3 on Page 2 of the document, which does disturb me quite a bit, and that is that the Commissioner may restrict the cutting of timber and its removal, and shall set the minimum standards to protect the ecology and conservation of watersheds, to include brooks, streams, rivers, ponds and lakes. He shall have the power to approve the location of principal haul roads and crossing of waterways. To me, this looks like an extremely restrictive measure, and what you are doing is tying the hands of anyone who has any timberland.

Now, I believe, myself, that people who are growing timber certainly should know whether they want to cut the timber clear down to the water's edge, and I think they are in a better position to determine what they want to choose for major haul roads rather than to have to go to the Forestry Commissioner to get permission to locate their major haul roads. I think this is a very bad piece of legislation, and I hope that you would vote against the motion to accept the minority report of the committee. I would ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: First of all, I would like to express my disappointment at the unwillingness of the leadership to have this tabled for two legislative days. This is an item which requires the careful attention of all of us.

This bill is not brought before us in any spirit or retribution against the big landowners, the paper companies. It is brought to us here by a representative of a rural area in northern Franklin County, Representative Dyar. It comes about as a natural problem brought on by mankind in his depredations in the forest, particularly in our area.

A few years ago, while I was fishing on the Cupsuptic River—this was a good dozen years ago—I noticed that a once clear, pure stream in the wilderness was turning muddy. In the next few years it became thick enough in that area, the siltation that came down through the Cupsuptic River Valley, thick enough to walk upon. And it used to be a joke that you couldn't use a canoe paddle in the Cupsuptic River because you would be mired in the mud before you got across to the other side. This practice has been extended now to the Seven Pond Stream area, the upper watershed of the Kennebeco River, and I think it is a natural corollary to the problem created when people ask a candidate or representative or a senator what can we do to stop this practice. The practice of siltation in the streams, brooks and rivers comes about as a very faulty practice on the part of landowners and jobbers for paper companies.

This is not a bill that is intended to be a sword of Damocles pointed at the guys in white hats, and I refer particularly to the International Paper Company for one, and Scott Paper Company for another, where they have followed good forestry cutting practices by and large. It is the independent jobber, many of these working in behalf of the Brown Company, for one, in northwestern Maine that have caused this problem and caused the people to become upset and ask what can be done. They will drag logs, many of them with the limbs still on them, and you cannot imagine what havoc this type of operation will create in the woods. When you take an unlimbed tree and drag it through the woods, it is just like a grader going through and tearing off the topsoil,

dragging it through brooks and streams and causing the pollution of the waters in the lower levels of that watershed. This is what this bill is designed to do and this is why the bill is here. It is not intended as something that would be in opposition to the 77,000 landowners in the state.

Indeed, the Forestry Commissioner currently has authorization to control cutting practices of the small landowners. This is intended for the 40 percent or two-thirds of the land area that is our wild land, where there is no authorization on the part of the Forestry Commissioner to regulate the use of these lands. This is what this bill tends to do, so I would hope that you would go along with the Minority report and follow through with the overwhelming victory which came about in the other body, and try to help preserve our wilderness area.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: In my judgment, I don't think we need this legislation. All of us, I suppose, follow the actions of the big companies, what they are doing and what they intend to do about the land and the shore property that they own. I think the big companies are doing an excellent job as of now. I don't know what happened years ago.

They are going to sell their shore land, they are going to sell it very reasonable, and they are going to reserve quite a piece of frontage where they are not going to cut it. In my judgment, they are doing an excellent job, and what we are trying to do now is punish them by passing this kind of legislation for trying to do a good job.

The second thing is that we are not gaining too many industries in the State of Maine lately. As always, some industries will go out of business for economic reasons and for some other reasons, but by passing this kind of legislation we are discouraging industries from coming into the state. We are making them scared, I mean. Just as soon as they find out that

the State of Maine doesn't want industry they go somewhere else. We need people in the state that can pay their bills. Our expenses in state government have gone up every year. What we are doing is driving businesses out, no one is going to want to come in, and I don't know who is going to pay the bills.

We are talking about pollution and we are talking about other stuff, but the biggest polluters are the people who are doing the kicking. We have, for instance, in our part of the state here China Lake, the water that we are drinking. There are no industries there, there are no farms there that are polluting it; it is just the campowners that are doing the polluting of the lake. If you drink the water in China Lake, one day it will taste good and the next day it won't taste good. That is a fact, I mean, nobody can deny it.

I suppose you all read in last Sunday's paper that the biggest polluters are the people who own motorboats, the small motorboats, the five-horsepower ones. About a third of the gasoline goes into the water. If you go to China Lake or any other lake around here on a Sunday and you will see 500 boats, and they are pouring in thousands of gallons of gasoline. They are the ones who are always kicking, to close the Scott Paper Company and to close any other company, and they are asking people to introduce bills to accomplish it. And I think it would be very bad for the state at this time, with the economic situation we are in now to pass that kind of legislation. Thank you.

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

Mr. SCHULTEN Of Sagadahoc: Mr. President and Members of the Senate: In arriving at the decision that the Natural Resources Committee arrived at, I felt that we were particularly well qualified to reach this decision because there is a member of our committee who is a trained forester, a graduate of the University of Maine, and currently making his living as a trained forester, and I would like to quote some of the remarks he

recently made on this subject so that we might all understand what a trained forester feels the problems are in connection with this bill. And I quote:

"L.D. 919 is a commendable effort to assure good forestry management in this state, however, the problem is much more complicated than this bill suggests. The bill states that the forestry personnel, under the direction of the Commissioner, shall file complaints whenever they find situations where the ecology and conservation of timber and watersheds are endangered by destructive cutting or hauling practices. It also states the Commissioner may restrict the cutting of timber and its removal and shall set and maintain standards to protect the ecology and conservation of watersheds, to include brooks, streams, rivers and ponds. It also states that the Commissioner may from time to time establish such rules and regulations as he deems necessary and desirable for the protection of forest lands and watersheds.

"The final aspect of the bill that I would like to bring out is that the Forestry Commissioner would have jurisdiction over all forests in the state. Legislation such as this should be carefully and thoroughly written because it is regulating the manner of management on private lands, of which there are approximately 17 million acres, and it is dealing with Maine's largest industry, an \$800 million industry. The details or guidelines of regulation should be carefully spelled out. L.D. 919 does not spell out any such details. There are only broad terms such as ecology, conservation of timber and watershed management. These are broad and complicated terms.

"A definition of ecology is assigned to the inter-relationship of organisms in and to their complete environment. Watershed management is a system of handling land resources within a drainage primarily to achieve usable run-off. A watershed may cover less than an acre or it may be a complex of many watersheds. Our entire land surface in this state is under a watershed. The term 'good forest management' is

not mentioned once in this legislation. Since cutting practices are forest management, I feel a definition should be given. Forest management is the application of business methods and technical forestry principles to the operation of a forest property. Consider this definition for a minute. When you consider it, it becomes quite evident that there is more involved than ecology and watershed management."

So, members of this body, I would ask that this report by a trained forester, who is paid to have knowledge of the practices and the impact of such items as this, plus the report from the Forestry Commissioner himself that the passage of such a bill as this would entail at least a quarter of a million dollar expense, I think that we have reached sufficient conclusions to feel that the Majority twelve to one Ought Not to Pass Report of the Committee was in the best interest of the State of Maine at this time, and I so move.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I read the report that was given to us on our desks yesterday by Mr. Wilkins, and there is no doubt but what enforcement of this law would cost some money, but I say it would be worth it, no matter if the cost were twice what Mr. Wilkins suggests.

However, I think this is a red herring thrown across the trail of those who would like to see this bill passed into law. The Forestry Department, I am convinced, can set up its own rules and regulations, its own qualifications, for those people who can go out and determine whether or not an area has been, and I will use the words used in the debate in the other body, "rape and pillage of the forest land", but I use it with some reluctance because not in every case has rape and pillage taken place in the forest, but in specific areas. And I believe that the Forestry Department working with its trained people, whether it is 10 percent, or whatever number of

people they have there, can identify these jobbers, these people, who have conducted bad forestry practices and they can nail these people down with force of law at their back.

We aren't concerned about the people who are following good forestry practices. We think their work is laudable. We are trying to get at the few, the very minority of the people who are not doing what they should be doing in following good forestry management practices. This is all this bill tries to do. It is just as simple as that. So we ask you, we urge you, to support the minority report on this bill.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise to support the position of the good Senator from Franklin, Senator Shutte. I have been around it for a while and I recognize the courage it took for the Senator to assume the position which he has in relation to this bill.

I also have been around here a long time, and I have heard every session that I have been here this old story about the paper companies, that they are having good forestry management, that they are instituting these good forestry practices and there is no need for this type of regulation. Anyone, however, who has been through the forests of this state, or who flies over the forests of this state, knows that this simply is not true. Our forests are being decimated. The roads that are being bulldozed through these forests as the hills are cut off become little rivers of torrents in the springtime. You see the soil washed into the streams and into the rivers, and truly our forests are being decimated.

I know, from a practical standpoint, what is going to happen in this legislature. This bill is not going to pass. I will be frank to say, if I thought this was going to be enacted, whether or not I would have reservations, but somewhere along the line we have to get the message across that this

legislature is going to take action unless something is done. This may just give these individuals notice that this is the last stop, that unless they do do something constructive, which they have promised to do for six years and never have done a thing, that this legislature will do what I am sure this legislature does not want to do, and that is to regulate the cutting practices throughout the state.

So I am going to join with Senator Shute, and I hope the rest of you will too, because we have got to get the message across if we value the great prize that is the State of Maine, and that is our forest land. So, again I commend the Senator from Franklin, Senator Shute.

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

Mr. SHUTE of Franklin: Mr. President, I consider this important enough to request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: This bill puts me in an awkward position. When this matter was discussed in the Natural Resources Committee at an executive meeting there was talk that the bill would be recommended for a legislative study, and that was what I favored and, therefore, I voted with the majority on Ought Not to Pass. I think a legislative study is what is in order.

I certainly agree with the spirit of the bill. I think it is an excellent bill in theory, admirable in purpose, but I feel that it would be a very difficult bill to enforce. Furthermore, we know now not only that it would cost a considerable amount of money, but the Forestry Commissioner at the hearing expressed what I could only describe as a reluctance to enforce this type of bill. Therefore, I favor a legislative study.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Frank-

lin, Senator Shute, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Relating to Forestry Cutting Practices for the Protection of Rivers, Streams and Lakes."

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

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I too favor the spirit of this bill and I am going to join with Senator Shute from Franklin in his bid here this morning on this piece of legislation. I realize that the majority report of the committee may well be overturned, but I feel it is an important landmark and we should in some way get the message to our landowners that we are concerned with the manner in which our forests are being operated. Thank you.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I want to rise, figuratively, in support of Senator Shute, I am somewhat familiar with woods operations, having done some myself.

In the old days they used to have a horse where you would go in and hook onto the logs and pull them out to a landing where it was loaded on larger vehicles to take out to the mill. Those days are gone. Now they go right into the woods with a big tractor to right where the tree is growing, cut it down, hook onto it and drag it out, maybe the full length or maybe not. But sometimes, if the operation isn't clean, there are stubbles on those logs which are two, three and four inches long, and a good heavy green log with those stubbles is the best plow you ever saw going through the woods,

tearing up the roots and the topsoil. Then when the rain comes it follows through those channels into the streams.

I believe that his motion should be supported in the best interest of the whole operation.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I feel that where there is a will there is a way. We certainly have heard plenty about the destruction of our environment.

Now, when the legislature passes laws it is up to the departments to make rules and regulations, especially where industries are involved. Let me take an example: The nursing home industry at one time was really in dire need of being changed and improved. Legislation was passed, and it is up to the Department of Health and Welfare to make rules and regulations to improve our nursing homes. Well, the same with Forestry on forestry management. If we pass this legislation then the department will get together with industry and the experts in forestry management and come up with something that will be workable. I do feel that this is a step in the right direction and I hope this legislation passes.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I have listened to this debate back and forth here today. There isn't any question but what the intent of the bill is good, but the enforcing of this type of legislation is impossible.

We have heard quite a lot said here this morning about a log-hauler or a tractor pulling out a log with limbs on it or with stubbles on it. Undoubtedly it does happen, but are you going to have a man from the Forestry Department standing behind every chopper and every tractor? And we certainly aren't going back to the days of the horses. It is absolutely impossible to enforce such legislation as this.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I got a little experience in lumbering. It cost me a few dollars, but I got a little experience. Years ago I cut hard wood on land of one of the big companies. It was in the winter and we tried to drag it. It was for war purposes and it was an emergency, so the government sent up some men and wanted us to get the wood out quick. We tried to hook on with tractors and pull the wood, but the people from Great Northern came and stopped us. They said they didn't want the rest of the timber to be spoiled. So when everybody stands up here and says that the big companies don't care, I think they do care.

For one thing, when you are dragging, as they call it, with a big tractor, if there are limbs on the tree, if it isn't ready to be dragged out, or put on the skids to be pulled out or something, then you spoil the small trees around there, and I don't think the big companies are that foolish or that stupid to go and spoil money. That is taking money and burning it. If I spoiled the small trees that are growing, I would be taking out of my pocket fifty or one hundred dollars and lighting a match to it to light a cigarette. I don't think the big companies are that foolish. Besides that, they know the problems we are having in this state, and they are trying to do all they can. I think they are doing a good job, and I don't think we should stop them.

There is one big company that is building now a nice recreational center in the state. I think it is running now in the northern part of the state. That is the Scott Paper Company. They are trying to help the state and they are trying to do everything that they can, and what we are trying to do is put through legislation that will hurt them. It isn't going to help any of the cutting. It will help some man that was mad at somebody and put in the bill, and that is all it will do. Thank you.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I would just like to say before we vote on this bill that I seem to catch the feeling that all of a sudden we are all concerned about the major paper companies in the state, what they have perhaps been doing to the state for many, many years, and this is the one opportunity where we are going to tell these fellows off and put them in their proper place.

Actually, I would point out to the members of this body, that I don't feel such is the case, because if the figures that the Forestry Commissioner sends are correct this action, if this bill should pass, will affect not just 16 big paper companies in the state, but it is going to affect 77,424 individual timberland owners within the state. So I say to you, each one of you, when you do vote, yes, I am just as emotional perhaps as the rest, but at the same time I have got to consider 77,000 timberland owners in the state, and this is the reason that I feel the bill is not valid at this time.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: From listening to the debate, I would conclude that the problem seems to be in the northern part of the state in the unorganized territories rather than in the organized territories of the state.

Now, I have in my district a man who is as conservation-minded as anyone that I know of. He is a tree farmer. Now, his particular farm that he has is only 600 feet wide but it runs back into the woods a great distance. He pointed out to me that he has a brook that runs down practically the whole length of this farm. Now, if this bill were to go through, it would mean that there would be 200 feet of his 600-foot wide farm that he could not harvest any of the timber on. This is what is disturbing this gentleman.

Now, if you have got problems in the northern part of the state,

and I am not going to deny that you have, I think perhaps you do, that the big timber processors have been doing a job on the timberlands of the state, and I believe that they should correct this.

I recall when I was in the Province of Ontario at a Fish and Wildlife conference the method which they are using in that province for reforestation. It put me to shame. They are doing a fantastic job of reforesting their lands and they are doing a systematic process of harvesting and replanting of the trees.

Now, if this bill is so important to the northern part of the state where this situation seems to be existing, let's amend this bill to apply to the unorganized territories and let's let the little tree farmer, and we have a lot of them in my area—and I know that there must be other tree farmers in other areas of the state—that have a small tract of land, and they are doing an excellent job of tree farming, let's not penalize those. If you must pass this legislation, let's have it apply to the unorganized territories.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: In response to the suggestions from the Senator from Sagadahoc, Senator Schulten, and the Senator from Knox, Senator Hoffses, that this applies to 77,000 landowners in the state, this is all well and good, and perhaps this document could be amended to specifically refer to the northern area, to the 16 landowners representing the paper companies and the large landholders in the state.

But I remind you, Senator Carswell and gentlemen, that the Forestry Commissioner now has the authority to regulate the cutting practices on behalf of the small landowners, the friends of Senator Hoffses. He has this authority now. What we are asking is that this be extended to the 16 large landholders who control two-thirds of the land area in the State of Maine. This is all we are asking.



Now, if this bill can be amended to clarify this, why this is what should be done. This is the point we are trying to make. This should apply to those people in the northern area of the state where unhappy practices can be carried out and are being carried out, not by the responsible landowners, but by the irresponsible jobbers and the irresponsible landowners. If you have been in the north country, as I have, you have seen the bad cutting practices in Franklin County, Aroostook County, Washington County, it doesn't make any difference where you go, but there are areas. And it would be a simple matter for the Commissioner to determine who these people are who are carrying on these bad cutting practices and let the full force of the law be applied. I hope you will support my motion.

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

Mr. **LEVINE** of Kennebec: Mr. President and Members of the Senate: I feel that if we do the right thing at this time, kill this legislation, and to prevent big landowners from wasting their property we should raise their taxes, and then we wouldn't need this kind of legislation. They will then definitely take care of their investment.

The **PRESIDENT**: The pending question before the Senate is the motion of the Senator from Franklin, Senator Shute, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Relating to Forestry Cutting Practices for the Protection of Rivers, Streams and Lakes." A "Yes" vote will be in favor of accepting the Minority Ought to Pass Report of the Committee: a "No" vote will be opposed.

The Secretary will call the roll.

#### **ROLL CALL**

**YEAS**: Senators Bernard, Carswell, Danton, Graham, Harding, Kellam, Martin, Quinn, Shute, Tanous and President MacLeod.

**NAYS**: Senators Anderson, Chick, Clifford, Dunn, Fortier, Greeley, Hichens, Hoffses, Johnson, Katz, Levine, Marcotte, Min-

kowsky, Moore, Peabody, Schulten, Sewall and Wyman.

**ABSENT**: Senators Berry, Conley and Violette.

A roll call was had. Eleven Senators having voted in the affirmative, and eighteen Senators having voted in the negative, with three being absent, 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.

#### **Divided Report**

The Majority of the Committee on Labor on, Bill, "An Act Relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees." (H. P. 601) (L. D. 803)

Reported that the same Ought to Pass.

Signed:

Senators:

**TANOUS** of Penobscot  
**MARCOTTE** of York

Representatives:

**McTEAGUE** of Brunswick  
**SIMPSON** of Millinocket  
**GENEST** of Waterville  
**BUSTIN** of Augusta  
**BEDARD** of Saco

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

Signed:

Representatives:

**KELLEY** of Machias  
**LEE** of Albion  
**ROLLINS** of Dixfield  
**LINCOLN** of Bethel  
**GOOD** of Westfield

Comes from the House, the Majority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "B" (H-272).

Which reports were Read.

The **PRESIDENT**: Mr. President and Members of the Senate: I move that we accept the Majority Ought to Pass Report of the Committee.

My name is not signed on either report, but I am for this legislation. I feel it will not hurt anybody. The only thing this legislation does—as of now, if anybody works

for somebody who employs less than four people, and if he gets laid off from his job through no fault of his own, he can't draw any unemployment, and this bill will correct this situation. It will put the man who works for somebody who employs less than four people in the same position as a man who works for somebody who employs more than four. It is just a good piece of legislation. Thank you.

The PRESIDENT: Is it the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee?

The Chair recognizes the Senator from York, Senator Hichens.

Thereupon, on motion by Mr. Hichens of York, a division was had. Fifteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the Majority 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.

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Relating to Riding in Trailers." (H. P. 471) (L. D. 599) ask leave to report: that the House recede from passage to be engrossed; recede from adoption of House Amendment "C" and indefinitely postpone same; adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede from acceptance of the Majority "Ought not to pass" report, accept the Minority "Ought to pass" Report, adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

On the part of the House:

SIMPSON of Millinocket  
LEE of Albion  
WOOD of Brooks

On the part of the Senate:

GREELEY of Waldo

KELLAM of Cumberland

JOHNSON of Somerset

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Committee "A" (H-274), in non-concurrence.

Which report was Read and Accepted in concurrence.

Thereupon, the Minority Ought to Pass Report was Accepted and the Bill subsequently Passed to be Engrossed as Amended by Conference Committee Amendment "A" in concurrence.

#### Senate

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

Bill, "An Act Relating to the Collection of the Real Estate Transfer Tax." (S. P. 201) (L. D. 586)

Sent to the House.

#### Leave to Withdraw-Covered by Other Legislation

Mr. Clifford of the Committee on Legal Affairs on, Bill, "An Act Relating to Voting on Charter Amendments Under Municipal Home Rule Law." (S. P. 208) (L. D. 641)

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

Which report was Read and Accepted.

Sent down for concurrence.

#### Ought to Pass - As Amended

Mr. Quinn for the Committee on Legal Affairs on, Bill, "An Act to License and Regulate Suppliers of Compressed Air Used in Self-contained Underwater Breathing Apparatus." (S. P. 482) (L. D. 1518)

Reported that the same Ought to Pass as Amended by Committee Amendment "A". (S-176).

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

### Second Readers

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

#### House

Bill, "An Act to Reimburse Town of Jonesboro for Expenses Incurred in Defending Shellfish Conservation Ordinances." (H. P. 145) (L. D. 200)

Resolve, Relating to an Environmental Study in Construction of High-level Bridge between Westport and Wiscasset. (H. P. 903) (L. D. 1241)

Bill, "An Act Revising the Law Relating to Grants and Loans for Preliminary Planning of Pollution Abatement Facilities." (H. P. 1095) (L. D. 1483)

Bill, "An Act Relating to Mass Gatherings." (H. P. 1319) (L. D. 1724)

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

Bill, "An Act to Eliminate the Use of Motor Vehicle Dealer Registration Plates for Wrecker Service." (H. P. 899) (L. D. 1219)

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

Sent down for concurrence.

Bill, "An Act to Improve Procedures in Post-conviction Cases." (H. P. 1155) (L. D. 1604)

Resolve, Appropriating Funds to the University of Maine for Use by the Research Institute of the Gulf of Maine. (H. P. 379) (L. D. 494)

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

#### Senate

Bill, "An Act to Conform Maine's Corporation Law to the Internal Revenue Code to Permit Tax Exempt Status under Federal Law for Certain Corporations." (S. P. 279) (L. D. 813)

Bill, "An Act to Conform Maine's Trust Law to the Internal Revenue Code to Permit Tax Exempt Status under Federal Law for Certain Trusts." (S. P. 280) (L. D. 814)

Bill, "An Act Relating to Certain Emergency Powers Concerning Radiation Hazards." (S. P. 570) (L. D. 1716)

Bill, "An Act Relating to Rate of Interest on Property Taxes." (S. P. 584) (L. D. 1737)

Bill, "An Act Relating to the Sale and Use of Lead Paint." (S. P. 585) (L. D. 1738)

(On motion by Mr. Anderson of Hancock, temporarily set aside.)

Bill, "An Act Relating to Operation of Pulpwood Trucks on Maine Highways." (S. P. 588) (L. D. 1740)

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

Sent down for concurrence.

The President laid before the Senate the matter set aside by Mr. Anderson of Hancock, Bill, "An Act Relating to the Sale and Use of Lead Paint." (S. P. 585) (L. D. 1738)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. ANDERSON: Mr. President and Members of the Senate: This is the most absurd piece of legislation that I have seen in my ten years as a legislator. It is so absurd that I hate to speak about it, and if all of you have read and thoroughly digested it you will see what I mean. I can't understand, and I say this facetiously, how any of us in this room ever escaped the menace of lead poisoning and how we ever grew to adulthood.

Mr. President, when the vote is taken, I move it be taken by a division.

The PRESIDENT: A division has been requested. The pending question before the Senate is the engrossment of Bill, "An Act Relating to the Sale and Use of Lead Paint."

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President and Members of the Senate: In defense of this bill, this is a redraft of one of three bills presented to the Health and Institutional Services Committee. The Attorney General, with the help of the Health and Welfare Department, came out with this redraft. We feel that it is a step in the right direction for the protection against lead paint on the sale of toys, the painting in the homes, especially in rented homes

of paint and plaster with lead paint. And the statement of fact, I think, brings out our purpose in opening the door to protect youngsters especially from lead poisoning.

We understand there are several cases, especially in Portland and some of the bigger cities through the housing areas, where youngsters have become ill from chewing on toys or chewing the furniture and even the woodwork of homes. This is a protection for the lessee and also for the lessor.

In the statement of fact it says "Lead poisoning presents a serious menace to the health of the public, especially our children. This legislation is designed to reasonably control the sale and use of lead base paint and require landlords to inform prospective tenants of the lead condition of dwellings so that such tenants may knowledgeably determine whether to rent the property. I do not feel that this is absurd legislation. I was asked by another member of this body to present this bill before our committee, and I think that it is a good bill.

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

Mrs. CARSWELL of Cumberland: Mr. President, I ask for a roll call, and I would like to speak on the matter too.

The PRESIDENT: A roll call has been requested.

The Senator has the floor.

Mrs. CARSWELL: Mr. President and Members of the Senate: This is a valuable piece of legislation. The Portland area has had many health problems relative to children's health, and it has been brought out that lead base paint has caused mental retardation and many other problems.

It seems that all we are asking is for the landlord to indicate whether or not the rent that a poor family or that another family may rent, whether or not this would be painted with lead base paint.

Let's say a child had already been injured or made ill because of a rent that the family was living in and the family decided to move, well, it would be quite a catas-

trophe if they moved right into another rent that had lead base paint in it. I do feel that this is valuable legislation and I hope that it will pass.

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

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I hope that some member of the committee would take this bill down to the Attorney General's office if it is passed here today, because there are some real problems with it.

I would call the committee's attention to Section 2402, Subsection 4. A landlord is asked to do that which he cannot know whether it is the truth or not. In other words, he is asked to tell the people if there is paint or plaster containing lead poison. But then it says that this is a condition which is considered to be a latent defect. Now, a latent defect is something which you cannot discover upon inspection. In other words, a person here can be fined for not telling someone something which he could not discover or could not know. I mean, this is one of the problems with this bill. It may be that it is a good bill, but I agree with the Senator from Hancock, Senator Anderson, that it does need some working over.

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

Mr. GREELEY of Waldo: Mr. President, could we have the Secretary read the signatures on the report, please?

The PRESIDENT: The Secretary will give the report.

The SECRETARY: The Majority Ought Not to Pass Report was signed by Senator Minkowsky, Senator Greeley, Representatives Dyar, McCormick, Doyle, Lessard and Cummings.

The Minority Ought to Pass Report was signed by Senator Hichens, Representatives, Payson, Lewis, Clemente, Berry and Santoro.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Thereupon, on motion by Mr. Minkowsky, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

#### Senate - As Amended

Bill, "An Act to Revise Certain Motor Vehicle Laws." (S. P. 301) (L. D. 858)

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 Acceptance of Gifts and Purchases of State Lands. (H. P. 1313) (L. D. 1721)

An Act Relating to Maine Department, The American Legion. (S. P. 536) (L. D. 1616)

An Act Relating to Definition of Resident Trainee, Licensing and Compensation of Board under Laws Relating to Funeral Directors and Embalmers. (H. P. 528) (L. D. 690)

An Act Revising Licensing of Hearing Aid Dealers and Fitters. (H. P. 593) (L. D. 788)

An Act Relating to Salary and Duties of Executive Director and Assistant Director to the State Board of Nursing. (H. P. 594) (L. D. 789)

(On motion by Mr. Dunn of Oxford, tabled and Tomorrow Assigned, pending Enactment.)

An Act Appropriating Funds to Continue Housing Services for Older People. (H. P. 675) (L. D. 912)

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

An Act to Improve the Efficiency and Fairness of the Local Welfare System. (H. P. 741) (L. D. 1003)

(On motion by Mr. Dunn of Oxford, Temporarily Set Aside.)

An Act Relating to Election of Officers of Hospital Administrative District No. 3 in Aroostook and Penobscot Counties. (H. P. 970) (L. D. 1330)

An Act Relating to Weight Tolerances of Vehicles Loaded with Refrigerated Products. (H. P. 976) (L. D. 1338)

An Act to Improve the Procedure for Correcting Vital Statistics. (H. P. 1311) (L. D. 1719)

An Act to Improve the Enforcement of the Marriage Blood Test Requirement. (H. P. 1312) (L. D. 1720)

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.

On the matter previously set aside at the request of Mr. Dunn of Oxford, An Act to Improve the Efficiency and Fairness of the Local Welfare System, (H. P. 741) (L. D. 1003), the same Senator then moved, under suspension of the rules, that the Senate reconsider its former action whereby the Bill was Passed to be Engrossed.

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

Mr. HARDING of Aroostook: Mr. President, may I inquire from the good Senator the purpose of the reconsideration motion?

The PRESIDENT: The Senator from Aroostook has posed a question through the Chair which the Senator from Oxford, Senator Dunn, may answer if he desires.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President, I wish to offer an amendment. It is under S-178.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: If this is the purpose of reconsideration, I would ask for a division. As I read the amendment, this would effectively emasculate the bill. We have had trouble with these communities that have been sued, brought into court in rela-

tion to the welfare, about the grants, the denials, and the termination. This is an attempt to set up some rules so that the municipal officials will know what they are doing. As it is, they don't now, they don't have any rules to go by, and it places them in a very difficult position. With the Pine Tree Legal Assistance, and what have you, they have been subjected to some suits and a great deal of expense.

Now there is no reason in the law why you should not have these rules both for the grant, denial, and the termination. This would strike out the grant and the denial cases where these rules would not apply, as I understand the amendment. So, on that basis I think that this would, in effect, destroy the bill. I would ask for a division on that motion of reconsideration and hope that you would vote against reconsideration.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I would like to explain the purpose of the amendment. The town where I live is very small, about four hundred people, and there are a lot of small towns that have no real welfare set up. Anyone that has a problem, they come in and it may be a temporary thing for a week or two weeks, or something like that, and they get a little aid from the towns. It seems a little more of a nuisance thing here if they have to go through and do all this in writing, either granting or denying, and it seems a reasonable thing so they would not have to go through this. This is aimed to make it a little bit easier for the officials in the small towns rather than in towns where they have welfare organizations.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: The original bill called for the state to set up these particular guidelines and so forth, and the good Senator from Oxford, Senator

Dunn, placed an amendment on this which brought it back to the towns, which actually gave them a little more home rule. So, I can't see why now he wants to change it a little further when the job has been done adequately.

The PRESIDENT: The pending question is whether the Senate should suspend the rules for the purpose of reconsidering its action whereby Bill, An Act to Improve the Efficiency and Fairness of the Local Welfare System, was passed to be engrossed.

A division has been requested. As many Senators as are in favor of suspending the rules will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Eleven Senators having voted in the affirmative, and eighteen Senators having voted in the negative, eleven being less than two-thirds of those Senators present and voting, the rules were not suspended.

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

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### Emergency

An Act Relating to Relocation Assistance and Land Acquisition in State Highway Projects. (S. P. 573) (L. D. 1717)

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.

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### Emergency

An Act to Validate Certain Proceedings Authorizing Ambulance Service for Town of Skowhegan. (H. P. 998) (L. D. 1360)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

### Orders of the Day

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

**HOUSE REPORTS** — from the Committee on Public Utilities on Bill, "An Act Relating to Public Utilities Providing Gas Service and Valves on Their Distribution and Service Lines." (H. P. 946) (L. D. 1305) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — May 14, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Moore of Cumberland, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

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

**SENATE REPORTS** — from the Committee on Judiciary on Bill, "An Act to Provide for the Interception of Wire and Oral Communications." (S. P. 390) (L. D. 1145) Majority Report, Ought to Pass as Amended by Committee Amendment "A" Filing S-167; Minority Report, Ought Not to Pass.

Tabled — May 14, 1971 by Senator Harding of Aroostook.

Pending — Motion by Senator Tanous of Penobscot to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" Filing S-167.

Mr. Harding of Aroostook moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I ask for a division on that motion and I would like to speak on it. L. D. 1145 is the first legislation in Maine to address the whole problem area in electronic surveillance.

The key provision in this bill is that it outlaws all electronic surveillance, from the simplest bugging device through to wiretapping telephones. Moreover, it provides both criminal and civil penalties

for anyone who invades a Maine citizen's privacy by the use of such electronic devices. At the present time unlimited wiretapping and electronic surveillance can proceed without regulation.

The criminal penalties under this L. D. is the creation of a new cause of action in tort for invasion of privacy with any electronic device. All actual damages are recoverable by the victim but no less than fifty dollars a day will be recovered by the victim, plus attorney's fees, and plus all other costs.

Even mere possession of "bugging devices" will also be illegal under the proposed law. L. D. 1145 also provides for state prison and heavy fines for the mere possession of these kinds of dangerous equipment.

Both civil and criminal penalties apply to all law enforcement officers as well as to all private citizens.

L. D. 1145 makes one exception to the outlawing of all electronic surveillance. It allows the limited use of electronic surveillance, when carefully supervised, by law enforcement officials for certain types of investigation.

It has been the experience of the federal government and practically every state government in the United States that so-called secret crimes such as extortion, solicitation of bribery, gambling, conspiracy and organized crime activities require special investigative methods to gather evidence. The tool of most of these crimes is conversation. The evidence needed to convict people of these crimes are words that they have uttered in the commission of these crimes. These crimes are either planned or partially planned in conversation over telephones or in back rooms or in other secret areas.

It is therefore necessary that in these certain secret areas where conversation itself is the better part of the crime that law enforcement people be allowed to use the modern electronic equipment available today to investigate these crimes. Only, however, under strict supervision of the court.

In short, this exception of the bill allows law enforcement officers

modern available technology to be used against the criminal element in certain specified, difficult to investigate crimes where the criminal himself is usually using a modern device, such as the telephone, to engage in his crime. It puts the law enforcement officer in the same posture, with the same advantages, of the modern, sophisticated, criminal.

Recent cases involving breaks in supermarkets and other commercial establishments in Maine reveal that the participants were equipped with walkie-talkies to carry out their illegal purposes, the man doing the taking from the store, the lookout man outside, and the man in the get-away car, were all equipped with these modern technological devices.

Another incident recently prosecuted by the attorney general's office showed a very lucrative bookmaking operation involving hundreds of thousands of dollars being bet on horseracing, numbers games, baseball and football games. The operation was thriving mainly on the business which it received over the telephone—another common, but very highly sophisticated technological device used by the criminal with complete protection (at the present time) from scrutiny by investigative officials.

L. D. 1145 federal law, and United States Constitution: Proposed bill was carefully scrutinized in light of the recent U.S. Supreme Court Decisions regarding electronic eavesdropping, referring to *Berger vs. New York*; *Katz vs. United States*.

This bill was also carefully drafted after the federal wiretap and eavesdropping act under title 18 of the United States code and conforms with the January 1971 recommendations by the Committee on Standards for the Administration of Criminal Justice of the American Bar Association. It should be noted that this bill substantially conforms to the federal law with, of course, exceptions where the federal law applies to the United States and the State law applies to Maine. The Maine law differs from the federal law in one important aspect. With Sen-

ate Amendment S-167, electronic surveillance can be used only upon court order and the emergency authorization without court order in the original draft of L. D. 1145 has been deleted under this amendment by the Judiciary Committee.

State legislatures throughout the country are enacting bills similar to the one proposed here. Massachusetts was the last of the New England states in their last session to enact a similar electronic eavesdropping bill.

In conclusion, Mr. President and Members of the Senate, this Bill has been supported by municipal, county and state law enforcement officials with the safeguards provided by the elaborate probable cause hearing and specific limited court order. This bill outlaws the unrestricted and indiscriminate invasions of privacy that may now occur through electronic surveillance by anyone in our state.

The law creates civil and criminal penalties for invasion of the rights of privacy of citizens in Maine.

The one exception provides tremendous safeguards against law enforcement abuse, and provides a necessary investigative tool.

In short, the bill is designed to protect the citizen first and gives law enforcement an equal footing with the criminal. Its effect: Not to force law enforcement to use "Horse and Buggy Methods" against 20th Century criminals.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I made the motion to indefinitely postpone this bill, and in all deference to my good friend, the Senator from York, Senator Hichens, I would have to label this bill the most despicable bill introduced at this session. When I say that, I include the so-called permissive legislation in relation to abortion, sterilization, drugs, contraceptives, and it is for these reasons that this is a despicable piece of legislation.

For example, suppose some people wanted to have a card game in their home. Now, under this bill it provides that gambling is one



of those things, and I suppose you might play with chips, or you might play with pennies, but they say a court has to grant these things and you have a probable cause hearing. Well, the court has very little discretion under this bill. If the facts are there they have to grant the permission to bug your home. And so for gambling, which might be very minor, it might be for pennies, your home could be bugged for this purpose under this bill. I know what is going to come: "Oh No, we never intend to use the bill for that purpose. This bill is just for the big-time criminals." Well I have heard that argument before and this is just the same argument we have heard for years on the witness immunity bill, to grant witnesses immunity so that they could testify against a fellow conspirator, so-called. And this was to be used for the big, big-time criminals; not for the little petty criminals. Well, let me tell you of a couple of examples under the witness immunity bill of how it has been used.

Two people were charged with adultery. One was given immunity to testify against the other one and which one do you suppose was given the immunity? The man! He was given immunity so he could testify against the woman and the poor woman served fifteen days in jail. Where I ask you is the age of chivalry? And this is under this bill, so-called, that came before us that this is to be for the Mafia. Number two, a case where the witness immunity bill has been used, and it is just like this, being the same false pretense as this bill comes in. It is that this was for the big-time gambler, but they had this thief who was a ring leader and had some kids working for him to break into places and steal. This fellow who was the ringleader was given immunity to testify against these underlings which were with him. So, what was the evil in that? The fellow that should have gone to prison, who was the leader, gained immunity and the underlings were convicted. Now, this is the evil which you see in this kind of thing.

Now, at this committee hearing there was no need shown for this

particular bill, absolutely none. Under the federal law now you can bug, under the federal statutes, for gambling, and this is primarily what this bugging law is used for, on the interstate gambling. But let's look at this thing just for fun and see how this bugging law has worked, and I quote from the Attorney General of the United States in the U.S. News and World Report: and with this bugging law, with the thousands of people that they have had working on it, in setting up these bugs to invade your privacy and so on, they have gotten one hundred convictions in two years. That is one hundred convictions throughout this whole United States in two years. Suppose instead of having these people sitting around listening on this tape to people flushing their toilets, going to bed, family arguments, all of this indecent invasion of people's private lives, suppose they had these fellows out walking the beat gathering evidence in a way in which it ought to be gathered, how many convictions would they have if they had those same people doing that kind of work? So, this is a great waste of manpower.

Now, I have heard here about the so-called criminal penalties. It is ironic the people that can be put in jail. If the fellow from the telephone company relates any of this information which has gone out, the employee from the telephone company can be put in jail. However, there is no jail penalty here for the police officer. In fact, if he has a good faith reliance, he has total immunity. If he says, "Well, I just rely upon this piece of paper," then he has total immunity both civilly and criminally.

Now, as far as giving certain rights which we now have, we all have the common law right of suing for invasion of privacy, and this civil right now, this civil remedy keeps this intolerable invasion upon people's rights at a very minimum. So, there was no need for this legislation whatsoever that was shown before this committee.

I would say this in closing: that the greatest crimes that have ever been committed against mankind have been committed in the name

of law and order. When Adolf Hitler was elected as Chancellor of Germany, this is what he went in on, the law and order theme. And all he wanted was more power, more authority and this kind of a weapon. Well, they gave him the law and order, and his Chief Heinrich Himmler, who was responsible for the execution of ten million people, had another twenty million behind barbed wire, another eighty million in terror, his complaint, if you read Albert Spear's book on the Third Reich, was "I was not given enough authority, enough power." This was his complaint. So, this little thing right here is the weapon of the dictatorship of the despot, and I don't care how many other states have adopted it, the State of Maine can show its courage of its convictions. It can stand for what is right and what is decent. And it doesn't need to have this disease spread here. We can keep a man's home his castle. We can keep it so you don't have to fear that "big brother" is either listening or watching everything you do. So I hope that you vote with me for the indefinite postponement of this despicable piece of legislation.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: When I came down to breakfast in my motel this morning one of my friends asked me how I felt. I said "I feel great, I had a good nights sleep, plenty of fresh air, I feel just like a tiger." He said "That is wonderful." And I said, "No, it isn't because usually when I come down in the morning feeling like this I have to act like a tiger and fight back." I have had two bills of mine here this morning: one was termed ridiculous and absurd, and the other has been termed ludicrous and despicable. So, I feel like a tiger fighting back. Mr. President, I ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM of Cumberland: Mr. President and Members of the

Senate: In the guise of controlling wiretapping and snooping, this bill really opens the door to more wiretapping and more snooping. This is creeping statism at its worst. It involves further loss of our privacy. We are increasing that most sinister bureaucracy of all, the bureaucracy of spies, snoopers, busybodies, wiretappers, secret agents and so forth, who pry into our private lives under the excuse of law and order. Repression is not the answer to crime. The answer to crime is changing the conditions which create crime.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: When one of the members of the bar labels a bill despicable and all of the allegations which the good Senator from Aroostook, Senator Harding, has attached to this bill, my sensitive layman's antennae becomes attuned. I would like to know more about this, so I wonder if we could have the committee report and have some more information on this.

The PRESIDENT: The Secretary will read the Committee Report.

The SECRETARY: The Majority Ought to Pass as Amended by Committee Amendment "A" Report was signed by Senator Tanous, Representatives White, Henley, Baker, Page, Hewes, Lund, and Senator Quinn. The Minority Ought Not to Pass Report was signed by Senator Harding, representatives Wheeler, Kelley, Carrier, and Orestis.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: When the vote is taken, I request a roll call. I would like to speak briefly on this bill. I enjoyed the remarks from my good friend, Senator Harding from Aroostook, and also the remarks from Senator Graham from Cumberland. I wish that both individuals who spoke against this bill might have been a little bit more direct and gone right to the heart

of the bill or the legislation which is before us.

Now, Senator Graham from Cumberland mentioned that this protects the invasion of privacy and hits right at the heart of the freedom that we have. Well, Madam Senator and fellow Senators, it is interesting to note that in the State of Maine we don't have any laws prohibiting wiretapping, but I can bug your motel room tonight and there is nothing you can do about it. You may sue me perhaps for invasion of privacy if you can prove that I did it. But any of our phones, any of our bedrooms, any of our most private domains can be bugged, your telephone can be wiretapped. All these things can be done presently in the State of Maine and there is not a darn thing you can do about it, except sue the individual in the civil court for invasion of privacy and get what you may from a jury who may think you have been deprived of your privacy.

Now look at the heart of the bill, what have we got here? What is before us? First of all, the bill is a little lengthy, and perhaps many of you haven't taken the opportunity to read it. I realize that you have got a lot of work to do, but I can assure you that I have read the bill. There were parts in the bill which I objected to, such as the one as the Attorney General having the authority to order wiretapping in an emergency situation, which we omitted from the bill because we felt it wasn't necessary.

Now, first of all, the first two or three pages in the bill merely gives you descriptions that are used in the law. They are descriptive sentences and phrases. Then you get into the meat of the bill, and it tells you that wiretapping or bugging, or the carrying of any equipment, is outlawed under the provisions of this bill. So that people can no longer bug your phone, bug your room, or wiretap, with a few exceptions which have been necessary to place in the bill for the Public Utilities Commission for reasons of your telephone operators and instances like that.

Now, the bill goes on to say, after you have outlawed this wiretapping, it goes on to say under what conditions our law enforcement officials may use this. And they may use it in instances involving secret crimes such as extortion, solicitation or bribery, gambling, conspiracy, and organized crime activities requiring special investigation in this manner. Those are the conditions under which they may be permitted. A police officer, if he suspects any activity or any crime in this area, must under oath, under oath, submit his complaint to the Attorney General's Office, and then a formal procedure is taken up in our courts, and it will necessitate the actions of our Superior or Supreme Court before an order will issue. Believe me, I have practiced law in this State for seventeen years, and I have the utmost regard for our Superior and Supreme Court Judges. I can assure you that they would not issue an order unwarranted unless there was some very definite proof of criminal activity as has been described in this bill. And it sets out that the judge would in his order set out the method in which this is going to be carried out. And they must report to the court within thirty days and tell what they have discovered, if anything, and then the order can be stopped if the judge feels that it should not be carried any further. This is the only area in which anyone will be able to use this device, after it has been sworn under oath by a police officer that there is some criminal activity, reviewed by the Attorney General, and then formally presented to one of our courts in this State for a judge to give an order for this procedure to be used, and limited, believe me. It is not going to be used indiscriminately. The courts, I am sure, will discriminate in the areas that this will be used.

And then it goes on to say that the people who wiretap without proper authority can be punished by a fine or a jail sentence. There are provisions in the law making this a crime to wire tap. This is something that the opponents of the bill for some reason forgot to

tell us, that it will become a crime if you wiretap. Also an individual may then sue the other party, if he has wire tapped or bugged your place illegally, you may sue him and recover up to fifty dollars per day for the criminal activity that the individual has been involved in. Now, is this a bad bill? I don't know how immunity got into it, or how the woman who was convicted of adultery got into this. She wasn't too smart unless — excuse me for that remark. But, Madam Senator and fellow Senators, I ask you to join me in this bill today. I think it is an important piece of legislation which we should have.

Incidentally, after I was told how despicable this legislation was, and I have heard these words before, incidentally, up in Judiciary, and I took it upon myself to find out about other states that have similar legislation. I find our mother state, the Commonwealth of Massachusetts, has a bill almost identical to ours, which has been enacted, and was enacted in 1968, and also New Hampshire has a bill almost similar to ours, and I understand that almost some forty states have legislation in this area, including the federal government. Incidentally, our bill is better than the others because I think that we have placed on stricter controls in order to get an order from a court to wiretap than other states did. I think it is better in that area. Also this particular piece of legislation that is proposed has been tested in the Law Court, in the United States Supreme Court in *Berger vs. New York* and also *Katz vs. United States*. I don't assume that that was our Senator Katz — and, this bill has been proved to be constitutional in every respect. It is, in my opinion, a good bill and I urge that you will give it your support. Thank you.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: The adultery thing got into this for the very purpose which I mentioned. The good Senator from Penobscot, Senator Tanous, went over all these elaborate provisions which you would have to

go through before a bug could be obtained. The same elaborate provisions had to be gone through on this witness immunity thing for the adultery conviction which I mentioned. So when you set these things up on the statutes the judge really has very little discretion in that regard.

My father used to tell me you always should be wary when somebody wants to give you something. Now, all at once we are concerned about wiretap and we want to make it illegal. We have had no problem with illegal wiretaps here in the State of Maine because of the civil penalty which is now available for invasion of somebody's privacy, and that takes care of it. So, what has happened is that they come in under the guise of giving you something, but they are taking away something very, very precious. A man's home is his castle. It is a sacred thing.

There is one thing under the law, however, where that if a crime is being committed they can have a search warrant to come into your homes. Well, they come in your presence and you know it, but under this bill not even a crime would have to be committed. If a person they knew frequented your home, and he was suspected, even though he just came to visit you, they could bug your home for that purpose and you would never know it. They invade your privacy, the castle of your home, when not even a crime may be being committed there, under the terms of this bill.

So, I would hope that at least we would stand our ground here in Maine. I think that only three or four states in the nation have a lower crime rate than we, because we respect each other, we treat people with respect and decency, and it has worked out very well. I hope that we will keep it that way. We have got along without this despicable piece of legislation for one hundred and fifty years, and I hope that we will go another hundred and fifty before we enact something like this. Thank you.

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

Mr. KATZ of Kennebec: Mr. President, a man's home may be his castle but, as I recall it, the Governor's office was bugged within the last several years. There was enough concern, trusting my memory, that the Governor's office is regularly inspected, as I recall it, to make sure that it is free of electronic devices. So it is a problem in the State of Maine.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Aroostook, Senator Harding, that Bill, "An Act to Provide for the Interception of Wire and Oral Communications", be indefinitely postponed.

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

The pending question before the Senate is the motion of the Senator from Aroostook, Senator Harding, that Bill, "An Act to Provide for the Interception of Wire and Oral Communications", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Anderson, Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Kellam, Levine, Marcotte, Martin, Minkowsky, and Schulten.

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

ABSENT: Senators Berry and Violette.

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

The PRESIDENT: Is it now the pleasure of the Senate to ac-

cept the Majority Ought to Pass as Amended Report of the Committee?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, I would ask for a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of accepting the Majority Ought to Pass as Amended 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. Fifteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion to Accept the Majority Ought to Pass as Amended Report of the Committee prevailed, and the Bill was Read Once.

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

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

Bill, "An Act Providing for Double Compensation for Injuries to Minors under Workmen's Compensation Law if Employment in Violation of Law." (S. P. 334) (L. D. 980)

Tabled — May 14, 1971, by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This seven line bill would, if enacted into law, change the entire concept upon which workmen's compensation is based. Under the present law, and as it has been ever since workmen's compensation first became part of our laws, no questions are asked of the employee or the employer as to whom is at fault when the employee is injured. The employee may have been negligent or the employer may have been negligent; it makes no difference. The employee receives compensation

for his injury and lost time. L. D. 980 would bring a change to all that.

L. D. 980 would provide that if an employee is a minor, and is injured while employed in violation of some of the revised statutes, he shall be paid double compensation to penalize the employer. The minor may have been at fault, he may have brought about his own injury, and this makes no difference; he would still be paid double compensation. There is no relationship between the injuries sustained and the fact that he was hired in violation of the law. It may have been that the employer was not as diligent as he might have been in finding out that the employee was a minor. When the minor has misrepresented his age the minor would still, under this proposal, get double compensation. This would seem to make absolutely no sense and, therefore, I move that this bill and all accompanying papers be indefinitely postponed. When the vote is taken I ask that it be taken by a division.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: This bill before you, which Senator Wyman has mentioned, has the opposition of a lot of people. Frankly I don't know why. When a youngster who is illegally employed when he is too young to accept employment, and he is in fact employed by someone in the state contrary to our laws and becomes injured, or loses an arm or leg, and we do have these instances that do come up, it is my feeling, and incidentally this is my bill, it is my feeling that this youngster at the prime age of fifteen or sixteen years old who might lose an arm or leg, who has been illegally employed or employed in a very dangerous area contrary to our law, and Miss Martin from the Labor Department has seen this before and she has heard many complaints in this area where our young people have lost an arm or leg, it is my feeling that when a youngster at the age of fifteen or sixteen years old loses an arm or a leg that for

some reason or other this law is greater to him than it would be for a person who was sixty or sixty-five years old. He is in the prime of life. He hasn't even yet begun to earn anything in his career and his life. And if we are going to deprive him early, and contrary to law, mind you, of one of the members of his body, and if we are going to deprive him of this early in life, I think the least we can do is to give him double compensation as opposed to a single compensation case. This is all that this bill asks. This is all that it does. It says "involving a minor," and incidentally if you will read the committee amendment, the employer using reasonable diligence in arriving or trying to find out the age of the individual is excused from this, and this will only apply to those employers who indiscriminately employ young people contrary to law who ought not to be employed in that particular field of employment.

You know, I enjoy researching these bills, especially when I anticipate that I might have some problems with the bill, and I have before me a report from the fifty states in our country. I note that somewhere in the area of thirty states have adopted similar legislation, including Alabama, California, Florida, Illinois, Indiana, Maryland and our own Massachusetts next to us, Michigan has it, Mississippi, Missouri, New Hampshire, Nevada, New Jersey, New York, Oregon has twenty-five percent, Pennsylvania, Puerto Rico, Rhode Island, Utah, Virginia, and Wisconsin, all of these. In fact, Wisconsin has triple the award in case of illegally hiring a minor who suffers an industrial accident. So that many, many states have this. This is not new. Believe me, this is not new.

I have also gone further to check into the insurance rate, how that this would affect an employer, and it would be nil because the difference would have to be paid by the employer rather than an insurance carrier so that if the employer fails in his responsibility to use due care and caution in employing a youngster he shall suffer the con-

sequences, and not his insurance carrier. Thank you.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I signed this piece of legislation but since I signed it, I will use the same words as the Senator from Penobscot, Senator Tanous, I have done a little research. I found out that a lot of youngsters now-a-days have identification cards. Nobody in his right mind will go and hire a youngster that he thinks is too young. I don't see why anybody should be punished, why any small businessman should be put out of business, because the way the good Senator Tanous said, the insurance company is only going to pay their share and the other half will have to come from the man that hired the person. If some youngster comes in with the wrong identification card and you hire him, and he gets hurt and he goes home, he is not going to tell his father that he lied, that he gave the wrong identification card. He will be scared and say right off and swear right up and down, "I didn't do anything wrong; they just hired me and I got hurt."

There are laws in the state and we should try to observe the laws. A young man should not try to lie or try to get a job where he is not supposed to work. If the law could be changed so that the insurance company should be paying the full amount, I could go along with it, but if it doesn't it will not hurt the big companies but it is going to hurt the small companies.

I am not afraid of this law. We don't hire youngsters. If somebody works in the woods and a good rugged young boy comes in looking for a job, sure, the man doesn't have anybody to check and he is going to ask him how old he is. He is going to say "nineteen" and he is going to hire him. If the boy gets hurt he is definitely not going to say afterwards that he lied. And that is where the problem will be, and I don't think we need that kind of legislation in the state.

Another thing is I don't think it will apply to any of the attorneys that we have here in the Senate. I

think they are all honorable people. But it is going to give a chance for what they call slippery attorneys to sue people, to put words in the youngsters' mind. I had a case a while ago. We have a few people that work for me that are always getting into trouble about paying their bills, and there is an attorney in Waterville, and I will mention his name, it was Attorney Rancourt, he sued the people and got the judgment against them and everything, and then attached their wages. I called him in and he said, "oh, no, we weren't called to court", and I said, "You sure?" He said, "A hundred percent." So, I called up the judge in our town, Judge Poulin, and he said, "Yes, Aaron, they didn't appear before the court, and I had to issue a judgment against them." So then I called back the attorney and said, "How come? You know they are working for us and we always take care of the bills, we always make arrangements, so how come you sued them and it cost them twenty-five or thirty dollars more?" He said, "You know what I did it for? I want people to know I attached one." He said "My livelihood depends on collections, and I want everybody to know I have attached one, and I don't care if they pay twenty or thirty dollars more, it gives me more business." This bill here will help those kind of attorneys. Thank you.

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

Mr. DANTON of York: Mr. President and Members of the Senate: I wasn't going to speak on this bill, and I was going to support Senator Wyman. A small businessman can get into trouble very easily by hiring minors. This is how it has been brought to my attention. And I have done it many, many times, thinking that a boy or girl was sixteen years old. They will go down to the superintendent of schools and they will get a work permit. This work permit they are supposed to take and give to the employer. Well, they very rarely do. And then an inspector will come in from the Labor Department and they will ask for John Doe, and they

want to see his work permit, and you will say, "Well I don't have anyone under sixteen working here, why should I have his work permit?" He says, "Well, they already applied and we got his application up at the Labor Department." Then you will call John Doe over, and where he was supposed to give you this work permit, he has it in his wallet. So it is very easy for an employer to take and hire a minor. So, I certainly hope that we would support Senator Wyman and indefinitely postpone this bill. I thank you.

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

Mr. BERNARD of Androscoggin: Mr. President, I would like to pose a question through the Chair to somebody. If I recall, when a minor applies for a job he has to sign a W-2 form, and I was under the impression that when he signed that he makes a statement that the facts contained therein are true. And doesn't that form include his date of birth?

The PRESIDENT: The Senator has asked a question through the Chair, which any Senator may answer if he desires.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: The problem arises with the small business people, the people doing lumbering, that it is hard to get people to work in the woods now, and they have to get a lot of Canadian people to do our lumbering in the State of Maine. Like I mentioned before, if a big, rugged young man comes up he might be seventeen, but he looks eighteen, and asks for a job. The person who is going to hire him to work in the woods does not have any W-2 forms right with him. He is not going to ask him to sign anything: he is going to put him to work and take the man at his word, and by doing so he will be violating the law.

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

Mr. DANTON of York: Mr. President, to answer Senator Ber-

nard's question, on the W-2 form the only date that is put down is the date that it is made out; no date of birth.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: As I mentioned, we amended this bill and all that an employer has to do is use reasonable care and diligence in employing a minor. This is all that we are asking. I also want to thank my very good friend, Senator Levine from Kennebec, on my Labor Committee, who signed Ought to Pass with me. I really don't mind if a fellow changes his mind, but when they lead the opposition against you afterwards it is sort of driving the knife in a little deep. Thank you.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I signed this bill, definitely I did, but after doing a little research I found out I made a mistake on that piece of legislation. I think it is nice if a man is honest with his conscious and admits it. Thank you.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that Bill, "An Act Providing for Double Compensation for Injuries to Minors under Workmen's Compensation Law if Employment in Violation of Law," be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, I ask for a roll call vote please.

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



The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: It has been called to my attention that the good Senator from Kennebec, Senator Levine, mentioned something in debate about slippery lawyers, and someone thought that I should be the one to rise and explain this particular thing.

However I may be classified, I will tell the good Senator this: that under workmen's compensation there is no suit as such. A petition is filed, a very simple petition. Lawyers are not paid on the basis of the recovery; they are paid by the commission itself, and not by the insurance company. And the pay is based upon the time put in. This is not the area where slippery lawyers benefit. So this is just a straight workmen's compensation arrangement. I had to explain that to the good Senator.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I agree with the good Senator from Aroostook, but according to this bill somebody will have to prove who is wrong and who is right. So that wouldn't be up to the commission. It will be up to the individual, or it will be up to the parent to go and hire a lawyer to prove that his son didn't lie. That is why the bill isn't good, because it will be controversial.

The PRESIDENT: The pending question before the Senate in the motion of the Senator from Washington, Senator Wyman, that Bill, "An Act Providing for Double Compensation for Injuries to Minors under Workmen's Compensation Law if Employment in Violation of Law", 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, Chick, Clifford, Danton, Dunn, For-

tier, Hichens, Hoffses, Johnson, Katz, Levine, Martin, Minkowsky, Moore, Quinn, Schulten, Sewall, Shute, Wyman, and President MacLeod.

NAYS — Senators Bernard, Carswell, Conley, Graham, Harding, Kellam, Marcotte, Peabody, and Tanous.

ABSENT: Senators Berry, Greeley, and Violette.

A roll call was had. Twenty Senators having voted in the affirmative, and nine Senators having voted in the negative, with three Senators absent, the motion to Indefinitely Postpone prevailed. Sent down for concurrence.

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

Bill, An Act Providing for Prescription of Generic Drugs Rather than Brand Names." (H. P. 879) (L. D. 1200)

Tabled—May 14, 1971 by Senator Berry of Cumberland.

Pending—Enactment.

On motion by Mr. Hoffses of Knox, retabled and Tomorrow Assigned, pending Enactment.

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

HOUSE REPORTS — from the Committee on State Government on Bill, "An Act to Increase Housing and Meal Allowances for Members of the Legislature." (H. P. 544) (L. D. 716) Majority Report, Ought to pass in New Draft under New Title on Bill, "An Act to Increase Compensation for Members of the Legislature." (H. P. 1302) (L. D. 1709) Minority Report, Ought Not to Pass.

Tabled—May 17, 1971 by Senator Levine of Kennebec.

Pending — Acceptance of Either Report.

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

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

SENATE REPORTS—from the Committee on State Government on Bill, "An Act Relating to Legislative Counsel or Agents." (S. P. 13) (L. D. 41) Report "A" Ought to Pass in New Draft (S. P. 586) (L. D. 1739) Report "B" Ought Not to Pass; Report "C" Ought to Pass.

Tabled—May 17, 1971 by Senator Hoffses of Knox.

Pending — Motion by Senator Katz of Kennebec to Accept Report "C" Ought to Pass.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This was before us earlier in the session. The Senate accepted the bill, passed it along and, because of a difference of opinion with the other House, it was returned to committee.

Report "C", and that is the motion that I made to accept, restores the bill to its original position, the position which the Senate adopted previously this session. The majority of the committee reported out a revised bill which very effectively destroys the entire guts of the bill. The majority report said, in effect, that we will take a look at the expense money of the legislative counsel, and ignores the question of the major compensation of the counsel. I think this is a sham. I think it very clearly destroys that which the proponents of this measure want, and that is the basic right to know the financing of legislative counsel during the session.

I asked for a roll call the other day because I think it is basic. There is no money attached to this bill. There are no implications regarding Republican or Democrat. There are no implications regarding liberal or conservative. I think it is basically a question as to the right of the public to know what goes on here on the third floor of the legislature. To a very real degree I think that your vote "yes" is a vote for the public's right to know, and a vote "no" on this bill very clearly on your part, I think, reflects a desire to keep this business of legislative counsel, the third house, in a separate protect-

ed category, protected from the very information that we make available to our public, protect it also from the publishing of the bureaucracy's salaries which you approved earlier this session. This is a protected facet of the legislative process, and I think we should remove this protection, and that the public indeed has a right to know.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate accept the Ought to Pass Report "C" of the Committee on Bill, "An Act Relating to Legislative Counsel or Agents".

A roll call has been requested.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, would you be good enough to have the Secretary read the committee report.

The PRESIDENT: The Secretary will give the report of the committee.

The SECRETARY: Report "A," Ought to Pass in New Draft, was signed by Representatives Cooney, Stillings, Curtis, Marsteller, Goodwin, and Farrington. Report "B," which was the Ought Not to Pass Report, was signed by Senator Clifford, Representative Hodgdon, Senator Wyman, Representatives Donaghy and Starbird. The Report "C," the Ought to Pass Report, was signed by Senator Johnson.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, 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.

The pending question is the motion of the Senator from Kennebec, Senator Katz, that the Senate accept Report "C," Ought to Pass, on Bill, "An Act Relating to Legislative Counsel or Agents." A "Yes vote will be in favor of accepting Report "C"; a "No" vote will be opposed.

The Secretary will call the roll.

**ROLL CALL**

**YEAS:** Senators Anderson, Carswell, Chick, Conley, Danton, Fortier, Graham, Harding, Hichens, Hoffses, Johnson, Katz, Kellam, Levine, Marcotte, Martin, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, and President MacLeod.

**NAYS:** Senators Clifford, Dunn, Moore, and Wyman.

**ABSENT:** Senators Bernard, Berry, Greeley, Minkowsky, and Violette.

A roll call was had. Twenty-three Senators having voted in the affirmative, and four Senators having voted in the negative, with five Senators absent, the Ought to Pass Report "C" of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

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

Resolve, Providing Retirement Benefit for Clyde Walker of Hallowell. (H. P. 319) (L. D. 419).

Tabled — May 17, 1971 by Senator Hoffses of Knox.

Pending — Final Passage.

On motion by Mr. Hoffses of Knox, retabled and Tomorrow Assigned, pending Final Passage.

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

Bill, "An Act To Provide Loans to Encourage the Practice of Family Medicine to Assist in Maintaining the Health of Maine Residents". (H. P. 577) (L. D. 772)

Pending — Acceptance of the Committee Report.

On motion by Mr. Katz of Kennebec, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

**Reconsidered Matter**

On motion by Mr. Shute of Franklin, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act To Eliminate the Use of Motor Vehicle Dealer Registration Plates for Wrecker Service." (H. P. 899) (L. D. 1219), was Passed to be Engrossed.

Thereupon, on further motion by the same Senator, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

**Reconsidered Matter**

Mr. Hichens of York moved that the Senate reconsider its action of yesterday whereby Bill, "An Act to Increase Amount of Real Estate Tax Exemption for Paraplegic Veterans", was Passed to be Engrossed.

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

Mr. MARCOTTE of York: Mr. President, I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President and Members of the Senate: My reason for asking for reconsideration is that when this bill came out and was passed, and went on to be engrossed, we found that the committee amendment had not been presented along with the bill. This committee amendment has been prepared and will be presented tomorrow if we will reconsider our action whereby the bill was passed to be engrossed. So, I would ask that you pass this reconsideration motion, and then that someone would table the bill until tomorrow.

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

Mr. MARCOTTE of York: Mr. President, I will withdraw my motion for a division.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate reconsider its action whereby this bill was passed to be engrossed?

The motion prevailed.

Thereupon, on motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.