

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth  
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, May 19, 1971

Senate called to order by the President.

Prayer by Rev. David Dunn of Augusta.

Reading of the Journal of yesterday.

**Papers from the House****Non-concurrent Matter**

Bill, "An Act Relating to Contracts of Teachers with Municipalities." (S. P. 183) (L. D. 535)

In the Senate May 12, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed.

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

On motion by Mr. Clifford of Androscoggin, the Senate voted to Insist.

**Non-concurrent Matter**

Bill, "An Act Relating to Legislative Service under the State Retirement System." (H. P. 633) (L. D. 863)

In the House, May 13, 1971, the Majority Ought to Pass as Amended report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (H-259).

In the Senate May 17, 1971, Indefinitely Postponed, in non-concurrence.

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

On motion by Mr. Anderson of Hancock, the Senate voted to Insist and join in a Committee of Conference.

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

Senators:

ANDERSON of Hancock

CARSWELL

of Cumberland

BERNARD

of Androscoggin

**Non-concurrent Matter**

Bill, "An Act Permitting the Liquor Commission to Issue Liquor

Licenses to Public Golf Courses." (S. P. 450) (L. D. 1296)

In the Senate May 4, 1971, the Majority Ought Not to Pass report Read and Accepted.

Comes from the House, the Minority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "B" (H-235) and House Amendment "A" (H-227), in non-concurrence.

Mr. Shute of Franklin moved that the Senate adhere.

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

**Non-concurrent Matter**

Bill, "An Act to Authorize a Food Stamp Program for Piscataquis County." (H. P. 1143) (L. D. 1584)

In the Senate May 11, 1971, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendments "A" (H-269, "B" (H-278) "C" (H-285) and "D" (H-290) in non-concurrence.

On motion by Mr. Dunn of Oxford, tabled and specially assigned for May 21, 1971, pending Consideration.

**Communications**

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

May 18, 1971

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

Dear Mr. Starbranch:

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

All bills and resolves must be reported from all committees by 5:00 p.m. on May 26, 1971.

Respectfully,

Signed:

KENNETH P. MacLEOD  
President of the Senate  
(S. P. 592)

Which was Read and Ordered Placed on File.

Under suspension of the rules, sent down forthwith for concurrence.

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

May 18, 1971

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

Sir:

In accordance with Joint Order (S. P. 541) creating a Special Joint Select Committee of Study to Survey the Potential Utilization of an International Conference Center on Peaks Island, the Speaker today appointed the following members on the part of the House:

Messrs. CLEMENTE of Portland  
CURTIS of Orono  
Mrs. WHEELER of Portland  
Mrs. PAYSON of Falmouth  
Messrs. DRIGOTAS of Auburn  
SIMPSON of Standish  
STILLINGS of Berwick

Respectfully,

Signed:

BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

#### Committee Reports House

The following Ought Not to Pass 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 Land Surveying by Nonresidents." (H. P. 891) (L. D. 1211)

#### Leave to Withdraw

The Committee on Legal Affairs on, Resolve to Reimburse Mrs. Lawrence Eastman of Linneus for Well Damage by Highway Maintenance. (H. P. 1168) (L. D. 1622)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on, Resolve to Reimburse Clifford V. Tracy of Skowhegan for Well Damage by Highway Maintenance. (H. P. 914) (L. D. 1260)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### Ought to Pass

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to Provide Services for Handicapped Persons in Rehabilitation Centers." (H. P. 254) (L. D. 336)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Make Allocations from Bond Issue for Construction, Planning and Equipment of Pollution Abatement Facilities." (H. P. 287) (L. D. 387)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act Relating to Fees for Plates for Dealers in Motorcycles and Boat Trailers." (H. P. 1005) (L. D. 1367)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act to Revise Laws Relating to Aviation." (H. P. 620) (L. D. 802)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act Defining Home-made Farm Tractors under the Motor Vehicle Law." (H. P. 1106) (L. D. 1512)

Reported that the same Ought to Pass.

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

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

#### Ought to Pass — As Amended

The Committee on Natural Resources on, Bill, "An Act Relating to Enforcement Options under the Environmental Laws." (H. P. 821) (L. D. 1095)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-276).

The Committee on Transportation on, Bill, "An Act to Repeal Obsolete Laws and Correct Errors and Inconsistencies in the Motor Vehicle Laws." (H. P. 1064) (L. D. 1471)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-277).

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Hunting and Fishing Licenses and Fees Therefor." (H. P. 1148) (L. D. 1600)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-275).

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

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

#### Ought to Pass in New Draft

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Closed Season and Minimum Size of Coho Salmon." (H. P. 263) (L. D. 352)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1328) (L. D. 1742)

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

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

The Committee on Agriculture on, Bill, "An Act to Increase Penalties and Fees under Laws Relating to Dogs." (H. P. 662) (L. D. 892)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Licenses and Fees under the Dog Laws" (H. P. 1321) (L. D. 1733)

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

Which report was Read.

On motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

#### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Relating to Vacation and Sick Leave of Certain Employees of Highway Department." (H. P. 1063) (L. D. 1454)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo

KELLAM of Cumberland

Representatives:

CROSBY of Kennebunk

DUDLEY of Enfield

LEBEL of Van Buren

KEYTE of Dexter

FRASER of Mexico

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

Signed:

Senator:

JOHNSON of Somerset

Representatives:

WOOD of Brooks

HALL of Windham

LEE of Albion

BARNES of Alton

McNALLY of Ellsworth

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

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

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Relating to Testing of Private Water Supplies by Department of Health and Welfare." (H. P. 1264) (L. D. 1668)

Reported that the same Ought to Pass.

Signed:

Senators:

HICHENS of York

GREELEY of Waldo

MINKOWSKY

of Androscoggin

Representatives:

LEWIS of Bristol

DOYLE of Bangor

PAYSON of Falmouth

CUMMINGS of Newport

SANTORO of Portland

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

Signed:

Representatives:

LESSARD of Lisbon  
BERRY of Madison  
DYAR of Strong  
McCORMICK of Union  
CLEMENTE of Portland

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

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

#### Divided Report

The Majority of the Committee on State Government on,

RESOLUTION, Proposing a n Amendment to the Constitution Pledgng Credit of the State for Guaranteed Loans for Housing for Indians. (H. P. 402) (L. D. 515)

Reported that the same Ought to Pass.

Signed:

Senators:

JOHNSON of Somerset  
WYMAN of Washington  
CLIFFORD  
of Androscoggin

Representatives:

STILLINGS of Berwick  
CURTIS of Orono  
STARBIRD  
of Kingman Township  
GOODWIN of Bath  
FARRINGTON  
of Old Orchard Beach  
COONEY of Webster

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

Signed:

Representatives:

DONAGHY of Lubec  
MARSTALLER  
of Freeport  
HODGDON of Kittery

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

Which reports were Read and the Majority Ought to Pass Report of

the Committee Accepted in Concurrence, the Resolution Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Relating to Pari-mutuel Pools in Horse Racing." (H. P. 864) (L. D. 1187)

Reported in Report "A" that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Pari-mutuel Pools in Harness and Running Horse-Racing." (H. P. 1331) (L. D. 1745)

Signed:

Senators:

WYMAN of Washington  
HICHENS of York  
FORTIER of Oxford

Representatives:

FINEMORE  
of Bridgewater  
ROSS of Bath  
CYR of Madawaska

The Same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Pari-mutuel Pools in Harness and Running Horse Racing" (H. P. 1332) (L. D. 1746)

Signed:

Representatives:

COLLINS of Caribou  
MORRELL of Brunswick  
COTTRELL of Portland  
DRIGOTAS of Auburn  
TRASK of Milo

The same Committee on the same subject matter reported in Report "C" that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Pari-mutuel Pools in Harness and Running Horse Racing" (H. P. 1333) (L. D. 1747)

Which reports were Read.

Signed:

Representatives:

McCLOSKEY of Bangor  
DAM of Skowhegan

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

Which reports were Read.

Mr. Fortier of Oxford moved that the Senate Accept the Ought to Pass in New Draft, Report "B" of the Committee.

Thereupon, on further motion by the same Senator, tabled and specially assigned for May 21, 1971, pending the motion by that same Senator to Accept the Ought to Pass in New Draft Report "B" of the Committee.

### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Relating to the Operation of Motor Vehicles." (H. P. 828) (L. D. 1119)

Reported that the same Ought to Pass.

Signed:

Senator:

GREELEY of Waldo

Representatives:

McNALLY of Ellsworth

WOOD of Brooks

CROSBY of Kennebunk

HALL of Windham

BARNES of Alton

LEE of Albion

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

Signed:

Sensors:

JOHNSON of Somerset

KELLAM of Cumberland

Representatives:

KEYTE of Dexter

DUDLEY of Enfield

FRASER of Mexico

LEBEL of Van Buren

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

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

### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Relating to Voluntary Surgery at Public Expense for Qualifying Parents." (H. P. 928) (L. D. 1282)

Reported that the same Ought to Pass.

Signed:

Representatives:

PAYSON of Falmouth

DYAR of Strong

McCORMICK of Union  
CLEMENTE of Portland  
DOYLE of Bangor  
CUMMINGS of Newport  
SANTORO of Portland

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

Signed:

Sensors:

HICHENS of York

GREELEY of Waldo

MINKOWSKY

of Androscoggin

Representatives:

LESSARD of Lisbon

BERRY of Madison

LEWIS of Bristol

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

Which reports were Read.

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

### 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 to Provide Assistance to Maine's Certified Home Health Agencies." (S. P. 458) (L. D. 1376)

Bill, "An Act Regulating the Location, Operation and Maintenance of Major Utility Generation and Transmission Facilities." (S. P. 347) (L. D. 989)

Sent to the House.

### Leave to Withdraw

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Trespass on Private Roads." (S. P. 221) (L. D. 667)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

### Refer to 106th Legislature

Mr. Schulten for the Committee on Natural Resources on Bill "An Act Providing a Moratorium on the Construction of Certain Industries." (S. P. 336) (L. D. 988)

Reported that the same be referred to the 106th Legislature.

Which report was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This is the bill which was introduced to express the concern of the Legislature on the subject of possibly polluting industries being constructed on the coast of Maine. As we know, there was a long hearing held at Searsport on the application of a company to build a refinery there. The Commission has not rendered its opinion on the matter and it has been widely reported in the press that if an adverse decision is rendered by the commission that the matter will be appealed to the courts.

It seems very much in order not to prejudice the case by the legislature taking a definite position in the matter. So important it is, it seems that the best thing for us to do would be to defer any further consideration of this matter. I would hope that by the Special Session we would be in a position to further give this a lot of thought. Accordingly, I would support the committee's position.

The PRESIDENT: Is it now the pleasure of the Senate to accept the report of the committee whereby this Bill be referred to the 106th Legislature?

The motion prevailed.

#### **Ought to Pass**

Mr. Schulten for the Committee on Business Legislation on, Bill, "An Act Clarifying the Laws Relating to Corporations With Capital Stock." (S. P. 327) (L. D. 986)

Reported that the same Ought to Pass.

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

#### **Ought to Pass - As Amended**

Mr. Dunn for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for Drug Rehabili-

tation in York County." (S. P. 206) (L. D. 639)

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

Mr. Harding for the Committee on Judiciary on, Bill, "An Act Creating a New Business Corporation Act." (S. P. 293) (L. D., 1093)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-181).

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

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

Mr. Anderson for the Committee on Fisheries and Wildlife on, Bill, "An Act to Correct Certain Errors in Inconsistencies in the Fish and Game Laws." (S. P. 445) (L. D. 1280)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 591) (L. D. 1749)

Mr. Graham for the Committee on Natural Resources on, Bill, "An Act Prohibiting the Discharge of Mercury into Waters of the State." (S. P. 487) (L. D. 1457)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relative to the Discharge of Mercury into Waters of the State." (S. P. 593) (L. D. 1750)

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

#### **Divided Report**

The Majority of the Committee on Legal Affairs on, Bill, "An Act Relating to Ambulance Service for Injured or Ill Persons." (S. P. 359) (L. D. 1055)

Reported that the same Ought Not to Pass.

Signed:  
Senators:

QUINN of Penobscot  
CLIFFORD

of Androscoggin  
KELLAM of Cumberland

Representatives:

SMITH

of Dover-Foxcroft  
COTE of Lewiston



CROSBY of Kennebunk  
 BRAUN of Oakland  
 FECTEAU of Biddeford  
 NORRIS of Brewer  
 GAUTHIER of Sanford  
 CURTIS of Bowdoinham

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

Signed:

Representative:

SILVERMAN of Calais

Which reports were Read.

On motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

### Second Readers

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

#### House

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

Bill, "An Act Appropriating Moneys to Maine Port Authority for Liability Insurance Premiums." (H. P. 578) (L. D. 773)

Bill, "An Act Providing Funds to Preserve the Machias Valley Airport." (H. P. 833) (L. D. 1129)

Bill, "An Act Clarifying the Statute Relating to Realty Subdivisions." (H. P. 1034) (L. D. 1425)

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

Bill, "An Act Relating to Membership on Board of Registration for Professional Engineers." (H. P. 1322) (L. D. 1734)

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

Bill, "An Act Relating to Distribution of Certain Taxes to Municipalities." (H. P. 1323) (L. D. 1735)

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

Bill, "An Act to Increase Compensation for Members of the Legislature." (H. P. 1302) (L. D. 1709)

Which was Read a Second Time.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: For reasons I stated yesterday, I would now move that this bill and all of its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Bill be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I request a division, and I will vote against the motion although I suspect it is really a losing cause. The fact is that the bill is right and the motion is wrong. The fact is that the compensation of this legislature is scandalously low, one of the lowest in the country. One reason that I have heard around here the last couple of days is because the legislature is too big and there are those of you who would vote for higher compensation for a smaller legislature, and I agree with you. But by the defeat of this motion, I think, you are pretty effectively saying that legislative service should be reserved for a particular kind of legislator, with a particular kind of financial ability to make the sacrifice that is necessary to be here. I felt that somebody should say these words rather than let this motion go under the hammer too.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that Bill, "An Act to Increase Compensation for Members of the Legislature", be indefinitely postponed.

As many Senators as are in favor of the motion to indefinitely postpone this bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had, twenty-three Senators having voted in the affirmative, and seven Senators having voted in the negative, the

bill was Indefinitely Postponed in concurrence.

#### House - As Amended

Bill, "An Act Relating to Parking on Paved or Improved Portions of Ways and Removal of Vehicles." (H. P. 572) (L. D. 748)

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

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

Bill, "An Act Relating to the Annual Division of the Interest Arising Fund of Turner, Maine." (H. P. 716) (L. D. 961)

Bill, "An Act Restricting Use of Certain Campsites." (H. P. 996) (L. D. 1358)

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

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

#### Senate

Bill, "An Act Relating to Legislative Counsel or Agents." (S. P. 13) (L. D. 41)

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

Sent down for concurrence.

#### Senate - As Amended

Bill, "An Act to Provide for the Interception of Wire and Oral Communications." (S. P. 390) (L. D. 1145)

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

Sent down for concurrence.

Bill, "An Act to License and Regulate Suppliers of Compressed Air Used in Self-contained Underwater Breathing Apparatus". (S. P. 482) (L. D. 1518)

On motion by Mr. Bernard of Androscoggin, the Senate voted to reconsider its action whereby Committee Amendment "A" was Adopted.

The same Senator then presented Senate Amendment "A" to Com-

mittee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-183, to Committee Amendment "A" was Read and Adopted, and subsequently Committee Amendment "A", as Amended by Senate Amendment "A" thereto, was Adopted, and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

#### Enactors

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

An Act Relating to Annual fee for Town Forest Fire Wardens. (H. P. 178) (L. D. 236)

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

An Act Reclassifying The Waters of Lake Auburn and Little Wilson Pond, Androscoggin County. (H. P. 606) (L. D. 808)

An Act Relating to Permits by Sheriffs to Tow Unregistered Motor Vehicles. (H. P. 830) (L. D. 1121)

An Act Repealing the Prohibition Against Public Dancing on Sunday. (H. P. 855) (L. D. 1180)

An Act to Clarify the Law Regulating the Alteration of Coastal Wetlands. (H. P. 944) (L. D. 1303)

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

An Act Relating to the Regulation of Private Detectives. (S. P. 344) (L. D. 984)

Mr. Moore of Cumberland moved that the Senate, under suspension of the rules, reconsider its action whereby the Bill was Passed to be Engrossed.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I would hope that you would vote against reconsideration of this bill, or against suspension of the rules. I assume the purpose which Senator Moore wants to reconsider the action is to add an amendment, which I am very much opposed

to. The Committee on Legal Affairs considered this possibility and they felt that to put the matter in the Secretary of State's office would take it out of politics and, therefore, I would oppose Senator Moore's motion to reconsider and hope that you would join me in voting against his motion. I would like a division on the motion.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Violette:

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I haven't had much time to look at the amendment but I think it does something which ought to be done and that is to leave the appointment of these detectives with the Governor, with the advice and consent of the council. I think this is where it ought to be. Nobody is going to say that you are going to make it non-political by giving this power to the Secretary of State. I think that if you want to save the bill, in my judgment, the amendment ought to be allowed to be introduced. I think we should vote for reconsideration in order that the amendment be allowed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I don't know if I read into the words of my compatriot, Senator Violette from Aroostook, the threat of a gubernatorial veto, however, if that is what we are headed for let's have it. I would hope that we would vote against the suspension of the rules. I think that Senator Clifford from Androscoggin has very properly put the matter in its right perspective, and I think the amendment should not go on and the rules should not be suspended.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Moore, that the rules be suspended for the purpose of reconsideration whereby An Act Relating to the Regulation of Private Detectives was Passed to be Engrossed.

As many Senators as are in favor of the motion to suspend the rules will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

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

An Act Relating to Retirement of Penal and Correctional Institution Personnel. (S. P. 352) (L. D. 1018)

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

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This was a bill that I introduced for the benefit of the guards and other personnel of the prison. It was expanded to include all of our penal and correctional institutions, including the Boys Training Center in South Portland and the Stevens School.

The reason that I introduced this piece of legislation was because of the problem which we are having at the State's Prison to retain personnel there in the prison. The pay is not as attractive as it is in private industry. It is only through some other incentive that we can hope to keep those personnel there in that institution. I realize that it had a sizeable price tag on it, and I felt quite certain that with the present financial conditions in the State that it would not get beyond the Appropriations Table, but I did feel that it was a good bill and that sometime we are going to have to face up to the problem of paying substantially more for the guards and other personnel in our correctional institutions, or we are going to have to attract them by some other method such as an earlier retirement.

So, it is with a great deal of reluctance that I have seen this

bill progress to this stage and then be indefinitely postponed. I realize the futility of trying to keep it alive and I would, therefore, move that this bill and all of its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that An Act Relating to Retirement of Penal and Correctional Institutional Personnel be indefinitely postponed in concurrence. Is this the pleasure of the Senate?

The motion prevailed.

An Act Relating to Voters Resigning or Removed from the Voting List. (S. P. 561) (L. D. 1701)

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

Thereupon, the Bill was Passed to be Enacted in non-concurrence. Sent down for concurrence.

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

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

On motion by Mr. Quinn of Penobscot, tabled and Tomorrow Assigned, pending Enactment.

Resolve, Providing Moneys for Cerebral Palsy Centers. (S. P. 188) (L. D. 549)

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

Resolve, Providing Funds for Improvement of West Quoddy Head State Park Access Road. (H. P. 410) (L. D. 537)

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

#### Orders of the Day

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

SENATE REPORT — Ought to Pass as Amended by Committee Amendment "A" Filing S-174 from the Committee on Taxation on Bill, "An Act Relating to Amount of Annual Excise Tax on Railroads." (S. P. 369) (L. D. 1108)

Tabled — May 17, 1971 by Senator Harding of Aroostook.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once.

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

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

HOUSE REPORTS — from the Committee on Health and Institutional Services on Bill, "An Act to Abolish Claim by State Against Estates of Deceased Recipients of Aid to the Aged, Blind or Disabled." (H. P. 455) (L. D. 610) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — May 17, 1971 by Senator Conley of Cumberland.

Pending — Motion by Senator Moore of Cumberland to Accept the Minority Ought Not to Pass Report.

Mr. Moore of Cumberland was granted leave to withdraw his motion.

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

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

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

Tabled — May 18, 1971 by Senator Hoffses of Knox.

Pending—Consideration.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This is the bill which will allow persons one conviction per year only for driving more than ten miles per hour over the posted limit, and upon the second conviction he loses his license for thirty days. To me that is too strong, and I favor a much milder measure and, Mr. President, I

would move that this matter be tabled until later in today's session, pending further Consideration.

(See action later in today's session.)

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

**HOUSE REPORTS** — from the Committee on Natural Resources on Bill, "An Act Imposing Effluent Charges to Abate Water Pollution." (H. P. 1059) (L. D. 1450) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — May 18, 1971 by Senator Hoffses of Knox.

Pending — Motion by Senator Graham of Cumberland to Accept Minority Ought to Pass Report.

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

Mr. **BERRY** of Cumberland: Mr. President and Members of the Senate: I would hope that we would not let this important matter progress much farther without a full scale debate on the matter. I would hope that Senator Graham would give us the advantage of his thinking on the subject.

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

Mr. **GRAHAM** of Cumberland: Mr. President and Members of the Senate: I spoke at some length on this yesterday during the absence of the Senator from Cumberland, Senator Berry, so I will not repeat my remarks except to say that the issue here is a very simple one. The effluent charge is a charge, you might say, on the garbage and refuse that is dumped on the public ways, that is in the public waterways, and I think it is a simpler way of putting the brakes on pollution and eventually stopping pollution of our public water-ways altogether. It may be a somewhat new concept and it requires some imagination and thought, but I think it is the fairest system to administer, the easiest to administer, and in the long run it will be the most successful in ending pollution of our waterways.

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

Mr. **BERRY** of Cumberland: Mr. President and Members of the Senate: The concept of an effluent charge has in the past attracted a certain amount of interest and an enthusiastic following. It was then picked up as the possible solution to our pollution abatement problems. However, considered thinking has followed this initial enthusiasm and the concept has now fallen in disrepute. It has done this because the proposal for licensing pollution appears to be and is against our objective, and that is cleaning up pollution.

It seems it is wrong to say that as long as you pay why you can keep on polluting. So, our present laws have through the years been strengthened and improved in their application and, in a sense, we have what Senator Graham is trying to accomplish, and of course his purpose is extremely laudable. We are by the construction of pollution abatement facilities, in treatment plants, and the charges for operating them being levied against the customers of these plants, we are really charging customers for the use of pollution facilities. So, we are gradually and successfully accomplishing paying for the cost of cleaning up our State.

Now, the mandatory imposition of an effluent charge is going to hamper this effort because it is going to say to polluters, "You don't have to really think about cleaning up; as long as you pay why you are legally within the law." Well, we don't want this. We want to continue to make the progress we have and, while I agree wholeheartedly with the principle involved here, I must point out to you the practical problems. The program of clean-up in the state is making commendable progress and I would hate to think that we would be licensing some of the few remaining — and I grant serious — polluters in the state to continue what they are doing. They will not be able to do it. By 1976 we are going to see a vast improvement in the situation.

I will repeat again, I think that the purpose of Senator Graham in the bill is laudable, that he has

had in the past considerable support, even nationwide, for the concept, but it has gradually fallen into disrepute, as I say, because of the fact that we are getting there and that the concept of licensing polluters really is not a sound one. I would hope that we could vote down the acceptance of the Minority Ought to Pass Report and then accept the Majority Ought Not to Pass Report. I would ask for a division.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: I can't resist pointing out one fact, namely: that it has been said that the effluent charge is a license to pollute. That is like saying that a brake is a license to speed. On the contrary, the pollution charge, the effluent charge, is a way of slowing down and eventually stopping pollution altogether.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Graham, that the Senate Accept the Minority Ought to Pass Report of the Committee on bill, "An Act Imposing Effluent Charges to Abate Water Pollution".

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

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

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

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

HOUSE REPORTS — from the Committee on Public Utilities on Bill, "An Act Relating to Public Utility Transmission Lines." (H. P.

918) (L. D. 1264) Majority Report, Ought to Pass; Minority Report Ought Not to Pass.

Tabled — May 18, 1971 by Senator Harding of Aroostook.

Pending — Motion by Senator Moore of Cumberland to Accept the Majority Ought to Pass Report.

Mr. Violette of Aroostook then moved that the Bill be Indefinitely Postponed.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am quite astonished at the motion that the good Senator from Aroostook, Senator Violette, has made.

At the public hearing on this bill that we had it was unopposed by anyone, and twelve members of the committee thought it should pass. Senator Violette was the one who didn't feel that it should. I believe there is a bill in Natural Resources that is quite comparable to this one, and I believe that his wishes are that it should be placed under the E.I.C. But the way we felt in committee, and the way I feel, is that we have a man, whether he hires out with the E.I.C. or whether he hires out with the P.U.C., he is the same individual, he is undoubtedly an engineer, and I think his same expertise would serve in either department.

As we all know, the transmission lines which this refers to are controlled by the Public Utilities Commission now. If we don't allow the Public Utilities Commission to control this, it just creates another bureau for them to go to, with added expense, and I can't believe it would benefit anyone, because this is not water pollution or air pollution, it pertains to just sight, that is all, so-called sight pollution. And I am sure that an engineer working for the P.U.C. would have the capabilities of determining what is good or what isn't good as far as sight is concerned. I hope the motion before the Senate is defeated, and I would ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: My reasons for moving for the indefinite postponement of this bill are this: The matter of environment and major electrical facilities are becoming more and more important, and I oppose this bill, not because I think at various times I have been at odds with segments of the electrical utility field with regard to concepts of generating or transmission, and I have supported the concept of inserting into the production of electricity the public concept, my reason for opposing this bill has nothing to do with this at all, but we are going to have to face major decisions in the next several years as to the environmental impact of generating facilities and transmission facilities. And the reason I oppose this is because I do not believe that the Public Utilities Commission is a proper body to make the environmental decisions with regard to transmission facilities.

This has become a nationwide problem, and in opposing this bill I don't propose at all to oppose the construction of transmission facilities, but I do oppose the idea of placing with the Public Utilities Commission the environmental determinations of major transmission lines, because as the years develop these major transmission lines are going to become more and more of an environmental factor among our people. The Public Utilities Commission has nobody, it has no expertise in the area of making environmental decisions. It is a regulatory agency which was set up to regulate utilities with regard to the services they render to people and with regard to the rates that they charge people. In my judgment, the decisions on environmental determinations by a regulatory agency such as the P.U.C. are incompatible.

The Public Utilities Commission produced a bill which went to the Natural Resources Committee and where, incidentally, in my judgment, this bill should also have probably gone, but I am not critical of anybody for that. I sit on

the Reference of Bills Committee myself and this one went by me. But they had a bill, which is L. D. 989, and on which the Senate accepted an Ought Not to Pass this morning, where the Public Utilities Commission would have set up an act regulating the location, the operation and maintenance of major utility generating and transmission facilities. And when the bill came up for hearing the bill was withdrawn and a new draft proposed which, in fact, leaves the determination of generating facility locations with the E.I.C. and allows the Public Utilities Commission to make the other determination factors with regard to the matter of public convenience and necessity, as to whether or not they are needed and the economic factors involved. That is fine. I am not totally decided on the full impact of that new draft yet. But there is no question that the environmental factors of generating facilities ought to be left with the E.I.C. and I think that the transmission facilities also ought to be with the E.I.C.

Now, the P.U.C. has no staff to make determinations on environmental factors. We have our staff in the E.I.C. in administering the Site Location Law, and this is where it ought to be. There is no basic reason for saying that large generating facilities and their locations are going to be determined by the E.I.C. under the Site Location Law and to say that the resulting transmission facilities are not going to be passed on under the same environmental factors by the E.I.C., but that they are going to be determined by the Public Utilities Commission. I think this is a major mistake and I think, in my judgment, this is kind of a sleeper and the utility people in some way were hedging their bets and hoping that if the one before the Natural Resources Committee did not survive that this one at least would get by and they would get half a pie. If you look at the bill, the picture is made that the commission would decide these basic environmental factors.

I submit to you that the bill we have before us with regard to the P.U.C. making the environmental

determination with regard to transmission lines is on a far narrower basis than the determinations which would be made under the Site Location Law. I read the last paragraph in this:

"The Commission may approve or disapprove all or a portion of such proposed transmission lines and shall make such orders regarding the location, character, size, width installation, maintenance and appearance as will lessen its impact on the environment, having regard for any increased costs thereby caused."

This is the jumper right here, "having regard for any increased costs thereby caused." Now, our E.I.C., under the Site Location Law, are making determinations every day, every week of the year with regard to site location, of industries and site locations of all developments, industrial developments, sewerage developments, and all types of developments, and certainly costs have to be a factor, because they have been regulating and have required housing developments, municipal sewage treatment plants, industrial treatment plants, location of industrial facilities, and have approved those very often with major changes in plans caused by consideration of environmental impact, and certainly cost is a basic element which must be determined. This is how we are going to resolve all of our pollution laws and all of our environmental laws. Nobody can expect that you aren't going to legislate on these and that eventually, some way or other, that the public is not going to bear the costs. We are going to tax ourselves, all of us, as citizens of this country to pay for environmental decisions for clearing up our waters, for clearing up our land, for clearing up our highways. We are going to tax ourselves, and nobody can kid themselves and say this is going to be done for nothing, but we are making these decisions because we say, in the final analysis, that this is the way it has to go, and that is proper.

The argument can be made for allowing the D.E.D. to make the environmental determination in the

location of industrial plants. You can go down the line and allow any other body to make the site determinations with regard to the areas with which they are concerned. This is the reason I oppose this bill. I think it would be a major mistake.

Now, let us not forget, and I would not oppose the fact, but within ten, fifteen or twenty years from now we are going to see a number of major nuclear energy generating plants located along our coast. This is going to come as a matter of necessity. I don't know what policy the state is eventually going to decide on as to how many they will allow, but if we are going to continue to use electricity we are going to need them. Their location is a matter of prime interest to the people of Maine, as to their location, how they are going to be located and where, for the preservation of our environment, and we have wisely allowed that to be determined by the Environmental Improvement Commission under the Site Location Law. The attending transmission facilities that are going to result from that are going to have as much impact on the environment as the location of the generating plants themselves and they are equally as important with regard to environmental considerations.

For these reasons, I would move the indefinite postponement of this bill. We have two bills before the Natural Resources Committee, and we can amend the new draft of the matter of consideration of the generating facilities and allow transmission facilities to be included in that as well. And allow the Environmental Improvement Commission under the Site Location Law to make those determinations, as the Public Utilities Committee has removed their original draft and come up with a new draft, to allow those considerations to be made for generating plants. We can amend that, if it is necessary, and insert transmission facilities as well. Or we have another bill, which was a recommendation of the Environmental Improvement Commission, that transmission facilities be brought within the



scope of the Site Location Law. It was excluded two years ago or when the law was originally passed. I think we have vehicles to accomplish what ought to be done here, and I hope that you will support my motion for the indefinite postponement of this bill in the best interest of this bill. I would ask for a division, if one has not already been requested.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I feel that we have gone quite far afield here on the location of transmission lines. We have got into plant location, and I am sure no one objects to the E.I.C. as far as the location of any generating plants or any other plants. At the present time the E.I.C., as the Senator from Aroostook, Senator Violette, has stated, can do this very easily. But I have known of several applications that have been in for approval on just a few acres of land, and they have been sitting there for months and months, but they can't seem to get a decision out because they are overloaded and overtaxed. Now we are talking about miles of transmission lines, and I can just imagine what it would take to get an approval out. I am sure that we would have a brown-out or a black-out by the time the E.I.C. would get around to work on it.

This is entirely just site location. We are not talking about any pollution by DDT, or thermal pollution, or whatever; all we are talking about is where the lines are going to run. And no one can sit here and tell me that one man, whether he is working for one department or another is any better qualified to tell where it would be the least obnoxious for anyone to see on where these lines run.

There is one interesting thing about this: The Natural Resource Council was in complete agreement with this bill. They spoke for this. And I think that we are going too far afield when we are trying to throw anything like this, which is an additional burden, onto the

E.I.C., and I hope that the motion is defeated.

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

Mr. VIOLETTE of Aroostook: Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: As I listen to Senator Moore of Cumberland and Senator Violette of Aroostook County, I find myself in complete agreement with both their positions. However, I think there has been one particular point overlooked here.

First, let me say that I do feel that transmission lines should be regulated by E.I.C. in the ultimate decision. No one can say that a transmission line running across Cadillac Mountain or Mount Katahdin is not sight pollution; we know it is. And I think that E.I.C. is the better of the two bodies to determine the environmental impact, and that they should have the final decision.

I think the point that has been overlooked in the debate is that the Public Utilities Commission, along the road to the E.I.C., should have some say in what is being done. Amazingly enough, under our present law they don't. It would seem to me that the proper handling of this problem would be that before a transmission line is constructed it receive the prior approval of the P.U.C. along the road, and then it goes to the E.I.C. for either approval or disapproval. I think this is the right way to handle the problem, because if we don't do this we may have the E.I.C. being cast in the role of making technical decisions which, I think we must agree, they are not qualified to do nor should they be forced to do it. Their decisions should be based upon environmental impact alone.

I would suggest that if we have the legislative vehicle available to do this, other than this bill, I would certainly agree to kill the bill. There have been several statements made as to how many bills there are around. We accepted the

17-A report on 989, which could have been a vehicle, as it isn't important. But I would strongly suggest that if there is another vehicle, fine, let's kill this one. But I think in the interest of everybody, the environmentalists, the utilities who, as Senator Violette so properly puts it, will have their bills paid by us, that the matter be sifted through the P.U.C. for technical approval and then go the E.I.C. for final approval or disapproval.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: In answer to the Senator from Cumberland, Senator Berry, the new draft which is a substitute for 989 does just what the Senator from Cumberland suggests, that the utility determinations with regards to the feasibility of generating facilities be decided by the Public Utilities Commission. They make those decisions which concern them as a public utility regulatory body, in that proposed new draft, then ask the E.I.C. to make the environmental determination. That proposed new draft does just that and, in my judgment, that is where it ought to be and that is how it ought to be handled. We do have that vehicle in Natural Resources and I think that is the way it ought to be handled.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Aroostook, Senator Violette, that Bill, "An Act Relating to Public Utilities Transmission Lines", be indefinitely postponed. 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 pending question before the Senate is the motion of the Senator from Aroostook, Senator Violette, that Bill, "An Act Relating to Public Utility Transmission Lines", 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 Bernard, Berry, Carswell, Chick, Clifford, Conley, Danton, Fortier, Graham, Greeley, Harding, Hoffses, Kellam, Levine, Martin, Minkowsky, Quinn, Schulden, Sewall, Shute, Violette, Wyman and President MacLeod.

NAYS: Senators Anderson, Dunn, Hichens, Johnson, Katz, Marcotte, Moore and Peabody.

ABSENT: Senator Tanous.

A roll call was had. Twenty-three Senators having voted in the affirmative, and eight Senators having voted in the negative, with one Senator absent, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — May 18, 1971 by Senator Minkowsky of Androscoggin.

Pending — Passage to be Engrossed.

Mr. Berry of Cumberland then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-187, was Read.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: The lead paint bill is a result of hearings held around the state in connection with problems which arose of several different types in connection with low rental housing and substandard housing. One of the points that was brought out was that lead poisoning has been found to occur in young children who live in this type of housing. And it has not been confined to the State of Maine; it has been a national problem.

The simplest way that lead poisoning occurs is the chewing of the window-sill by a young child, and he gets lead paint into his system this way. It seems rather an odd situation. On the other hand, it is a documented fact. It was serious enough to receive the

attention of many people at the hearing, and at the legislative hearing Dr. Hallett, the head of the Pediatric Division in the Maine Medical Center, took time out to come up and explain to the committee his serious concern on the problem.

The opposition to the proposal of controlling the use of lead paint in housing seems to come, of course, from everybody else but those involved in the substandard housing problem. And in an effort to make the matter be only applied to the area of concern, I propose Senate Amendment "A" to limit this legislation to communities of 10,000 people or more. The acknowledged problem is in the big cities in this state and this was, as I say, very carefully and thoroughly brought out at the hearing. I would hope that we could adopt Senate Amendment "A" and make the bill a workable and practical bill.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: This bill is still very repulsive to me, and I don't see why we should clutter up our statutes with legislation of this type.

It seems to me that we have had more bills in here taking a swipe at the landlords this session than any I have ever seen. I am not a landlord, but I certainly am in sympathy with them. And I would remind this honorable body that little businesses, landlords and so forth, make this country the powerful nation that it is through free enterprise. Now, there seems to be stupid regulations from various departments that close the doors on most little businesses, and now it seems that they want to shut the landlord off.

Under this bill, if a tenant complained about the paint in the house, the landlord would have to come in and redo the whole house on the interior. What would be the alternative to paint? It would undoubtedly be latex, and latex is loaded with mercury. Now, which is the greater, or I might say the lesser of two evils, lead or mercury? You all know that the health

authorities in Washington have shut off swordfish. You can't sell them now, and they can't serve them in restaurants because of the mercury content. That is all I care to say about the thing, but I move indefinite postponement of this bill and all accompanying papers.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that Bill, "An Act Relating to the Sale and Use of Lead Paint", be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I think that the good Senator from Cumberland, Senator Berry, did explain the need and the reasons for this bill that is before us. Although I am not in agreement with the amendment that he is submitting here now, I feel that a child up in Plantation 5 gets the same lead poisoning he gets in the City of Portland or any other municipality. But there is a strong need for such type of legislation.

About a year and a half ago, under the auspices of Dr. Hallett, who Senator Berry has mentioned, they took a test of the Model Cities neighborhood in the City of Portland. I am not sure of the statistics that were turned in by Dr. Hallett and his group who took the survey, but it was found that a very, very high number of youngsters were actually above the danger line regarding lead poisoning.

I don't question the fact of the sincerity of the good Senator from Hancock, Senator Anderson, when he talks about there being a tremendous amount of legislation in here aimed at the landlords because of tenants and such in this session, but the reason they are here is because it has been proved that there is strong need for such legislation. And although sometimes I think it is six of one kind and half a dozen of another, I point no arrow directly at either group, but we do have, in the larger cities particularly, the so-called absentee landlord who picked up his monthly check and cares very little really as to what happens to his property. And it is not just the tenant who lets it run down in many cases; it is the landlord himself.

I think primarily what we are concerned here with is really the health of these youngsters. I have talked with my good seatmate here on my right side, and I am generally his spiritual advisor as well as his legal advisor, but he has called to my attention this morning that the bill we are considering does have some very serious problems with it as far as the drafting is concerned.

I would hate to see the bill indefinitely postponed, and it would be my hope that if there is a possibility that we could straighten it out by amending the bill to be acceptable that we would take that course rather than following the course that the Senator from Hancock, Senator Anderson, has proposed. I hope we would vote against the indefinite postponement.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: As I spoke yesterday on this bill and two others, the three bills that were originally presented to the Health and Institutional Services Committee, there were many proponents of all three bills combined into one.

These bills as one junket were very severe. In fact, they practically forced the landlord to tear down his building and rebuild in order to rent it to the tenants. We only had one landlord and his wife who were there in opposition to these bills. I think that that couple made more of an impact upon the committee than all of the proponents, because in these bills, especially 1000 and 1004, they said if there was any lead paint accessible that this would have to be covered by wallboard or would have to be scraped down to the bare wood and repainted with a non-lead paint substance, and the landlord explained to us that this would be impossible with these older houses with the filigree and so forth around the houses.

The redraft that came out just opens the door and protects the landlord. And I will remind you again it says in the statement of fact that it requires the landlords

to inform the prospective tenants of the lead condition of the dwelling, and it is their choice of whether they want to rent the property or whether they don't.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I want to make my position clear on this. I do not oppose the concept which this bill tries to deal with, however, as I mentioned the other day, there are serious problems in the draftsmanship, in my judgment, which renders the bill almost totally meaningless.

For example, on the prohibition, it says that no person shall knowingly sell to any buyer any paint or plaster containing lead for use in the interior of any dwelling. Now, you see, that really doesn't accomplish very much because with the supermarkets that you have now you have very little control. It seems to me it would be appropriate to require that these warnings be placed upon the labels so that when people buy this they will know the dangers which are presented.

Then in Section 3 it says: "No person shall apply paint or plaster containing lead to any area." Now, this is so broad that it could cover a barn, a garage or something which was totally unrelated to the condition which we wish to address ourselves to.

Then under Section 4 here this just confounds me. The problem which we want to prevent is this lead poisoning, and this is what Section 4 asks somebody to do: "To discover a condition and inform the tenant about it, even though he may know it himself." Secondly, I don't see the purpose in this bill of just informing the tenant that the danger is there. I would think that we would try to prohibit the danger if that is what we are seeking to do. And remember, what we are talking about here is criminal penalties, and if these people don't do these things we make it a crime.

Now, I suggested these things the other day in this nature, that we might have it tabled and worked over, but if we have to vote on

it today then I would join my good friend from Hancock, Senator Anderson, because of these very grave problems which are presented in the bill.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson that Bill, "An Act Relating to the Sale and Use of Lead Paint", be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion to indefinitely postpone the bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Sixteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the Bill was Indefinitely Postponed.

Sent down for concurrence.

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

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

Tabled — May 18, 1971 by Senator Dunn of Oxford.

Pending— Enactment.

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

The President laid before the Senate the eighth 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 18, 1971 by Senator Moore of Cumberland.

Pending — Acceptance of Either Report.

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

Sent down for concurrence.

The President laid before the Senate the ninth 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 18, 1971 by Senator Hoffses of Knox.

Pending — Enactment.

On motion by Mr. Hichens of York, and under suspension of the rules, the Senate voted to reconsider its previous action whereby this Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-184, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — May 18, 1971 by Senator Hoffses of Knox.

Pending — Final Passage.

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

Mr. HOFFSES of Knox: Mr. President, I yield to the distinguished Senator from Cumberland, Senator Carswell.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: Clyde Walker is a victim of the State. He worked as a loyal State Highway employee for twenty years and six months. He began in 1926.

During the period of his employment he had a very serious brain injury. While passing bags of lime he was standing on a platform and the platform broke. He had numerous hospitalization periods along with very expensive surgery. The family was drained of their resources financially and physically. Just last week Clyde Walker passed away. The bill had

reached the Appropriations Table and it was taken off the table because Clyde had passed away.

I do not know the family but I have done a little research on this matter, and have received quite a bit of information from the State Highway Department. And the State Highway Department indicated very strongly that they would like to do something for this family. They would like to do something for the widow. They do feel morally responsible, or I should say morally obligated. I do have an amendment now which would take care of Clyde Walker's widow. I would like to propose this amendment, but I would like to explain that the widow is not covered because at the time Clyde took employment there was no provision whereby he could plan for his widow in the event of death, so this amendment would take care of that.

Thereupon, on motion by Mrs. Carswell of Cumberland, and under suspension of the rules, the Senate voted to reconsider its previous action whereby the Resolve was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-182, was Read and Adopted, and the Resolve, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" Filing H-265 from 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)

Tabled — May 18, 1971 by Senator Katz of Kennebec.

Pending — Acceptance of Report.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for May 24, 1971, pending

Acceptance of the Committee Report.

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

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

Tabled — May 18, 1971 by Senator Shute of Franklin.

Pending — Passage to be Engrossed.

Thereupon, on motion by Mr. Shute of Franklin, the Bill was Indefinitely Postponed in concurrence.

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

Bill, "An Act to Increase Amount of Real Estate Tax Exemption for Paraplegic Veterans." (S. P. 368) (L. D. 1107)

Tabled — May 18, 1971 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

Mr. Hichens of York then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-180, was Read and Adopted.

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

Mrs. CARSWELL of Cumberland: Mr. President, I was writing another speech, I am very sorry. I move that we reconsider our action whereby we just adopted this amendment.

The PRESIDENT: The Senator from Cumberland, Senator Carswell, moves that the Senate reconsider its action whereby it adopted Senate Amendment "A". Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President, I ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I just received a note from the Disabled American Veterans. I tried to reach them

this morning, and just received a note from them. It says, "I am very sorry that I missed you when you called my office this morning. It is my opinion that we should leave it at \$20,000 rather than to compromise for \$15,000. The basic intention of 1107 is exactly as it was printed. This is since the federal government gives \$20,000 in the form of disability compensation to veterans to build this home that they would in fact only be receiving \$12,500 in real estate tax exemptions. I base this thinking on the fact that no form of disability compensation is taxable, so why discriminate against paraplegics? For all practical purposes the federal government has bought the entire paraplegic families for \$12,500. The paraplegic himself is not capable of caring for himself so his children and his wife must dedicate their lives to carry on for him. It is my honest opinion that 1107 should remain as it was presented to the Taxation Committee, that being an increase in real estate tax exemption from \$10,000 to \$20,000. I do hope that you will agree with me rather than go through with the whole thing again the following year. Thank you. John McPherson, Disabled American Veterans Representative."

Mr. President and Members of the Senate, I request a roll call.

The PRESIDENT: A roll call has been requested. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Carswell, that the Senate reconsider its action whereby it adopted Senate Amendment "A" to Bill, "An Act to Increase Amount of Real Estate Tax Exemption for Paraplegic Veterans".

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President, a point of information. Will the roll call be on indefinite postponement of the amendment or reconsideration?

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland that the Senate reconsider its action whereby it Adopted Senate Amendment "A". In order for

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

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I don't feel strongly on this at all. It came out of Taxation and it just seemed that we are granting so many exemptions that we have gone as far as we could. I went along with the \$15,000 exemption. It may be wrong. I have sympathy for the paraplegic. I think that those people deserve a great deal of sympathy but I do want to explain why the committee took the \$15,000 figure instead of \$20,000, they just figured that the municipalities are getting hurt enough with exemptions on taxes and, therefore, that is all they could do at this time.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Carswell, that the Senate reconsider its action whereby it adopted Senate Amendment "A". A "Yes" vote will be in favor of the motion to reconsider adoption of Senate Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Bernard, Carswell, Clifford, Conley, Danton, Graham, Harding, Hoffses, Johnson, Katz, Kellam, Levine, Marcotte, Martin, Minkowsky, Moore, Peabody, Quinn, Schulten, Shute, Tanous, and Violette.

NAYS: Senators Berry, Chick, Dunn, Fortier, Greeley, Hichens, Sewall, Wyman and President MacLeod.

A roll call was had. Twenty-three Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion to reconsider Adoption of Senate Amendment "A" prevailed.

Mrs. Carswell of Cumberland then moved that Senate Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I am very grateful to the Committee for coming out with an Ought to Pass on this. I don't mean to appear as an ingrate on this, but I did get this letter and this is the way the veterans feel. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "A" be indefinitely postponed?

Thereupon, Senate Amendment "A" was Indefinitely Postponed, and the Bill Passed to be Engrossed.

Sent down for concurrence.

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

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

Pending — Further Consideration.

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

Mr. Katz of Kennebec then moved that the Senate Recede and Concur.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: The brief debate before that indicated that you only could get pinched and convicted once under this bill, and that was overly strict, was one way of looking at it.

Another way to look at it would be to accept the fact that we are not talking about the actual casual driver; we are talking about the person who has been arrested and convicted twice within the same year on a speeding violation. This to me would indicate an attitude and a pattern. We acknowledged before that all of us identify because all of us either have been caught speeding or we have exceeded the speed limit and gotten away with it. Here is a little gathering of some people who didn't get away with it. None of

these people got away with it, they are all dead. These are the fatality reports. Again and again you come across speeding as involved in a fatal accident.

The other day during a very brief and excellent debate the Senator from Aroostook, Senator Harding, pointed out to us, and reading over the horseblanket I was impressed with reading the debate even more than listening to it, it pointed out that the fatalities in the state have decreased this year, and that is true. But the accidents have increased enormously and the number of injuries have increased. We don't have the situation under control. We don't have it under control at all. This bill before us, which says that if you exceed the speed limit twice in the same year and get pinched, which means that you haven't been speeding twice, it means that you have got pinched twice and got convicted twice, so that must mean that on the law of averages you have had an attitude towards driving where you violated the speed limit or exceeded it many times.

This bill says that your license can be suspended for thirty days. Is this too strenuous, is this too harsh a penalty for jeopardizing your life or the life of innocent people? Is it too harsh a penalty when you see the folly of our callous attitude and indifference towards driving? I don't think so. In making my motion, Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I will be very brief because we have debated this matter before. I do hope that you will support the position of the Senator from Washington, Senator Wyman, and that you will vote against the motion which the Senator from Kennebec, Senator Katz, has made.

I would mention to you, very briefly, that we have coming down the pike another bill yet on the habitual offender whereby somebody's license may be taken away without a hearing, and this will



make the fellow a felon. He may be in prison for up to two years. We already have on the books, now this has been signed, Senator Katz's law, in which you may lose your license without a hearing under several circumstances. We are now piling layer upon layer of opportunities for you to lose your license without a hearing.

The only thing we suggest by this is that we let the Secretary of State have the options which are now available so that we do not punish people unfairly for speeding violations. This is why I am opposed to this particular type of concept.

As far as someone here standing up and talking about highway safety, there is no one in this Senate who feels any more strongly about highway safety than do I. I know what it means to lose a loved one in a highway accident. But I also know what is the fakery in this thing of highway safety and what is the meaningful thing. And this bill that we are talking about here is not meaningful. It ought not to be passed, so, I hope that you vote against the motion which the Senator from Kennebec has made.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I must respond to the word "fakery" because I am sure that the sponsor of this legislation, who is in the other House, is about as sincere as any man in the legislature. I recall to your attention that the sponsor is a former state trooper, and the reason for the sponsorship of this bill is very simple. For years he has been subjected to blood and maiming on the highways, and he is identified as has the national safety council, and everybody else involved, he has identified speeding as one of the major contributors to the fact that we have such a ghastly record on our highways. There is nothing spurious about the bill, and I am confident it will have a real impact if it is enacted.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I was absent earlier today and I would inquire of the Chair what did the House do with this bill?

The PRESIDENT: In the Senate it was Passed to be Engrossed as Amended by House Amendment "A" in concurrence on May 6. In the House of Representatives, House Amendment "C", Filing No. H-280, was Adopted in non-concurrence and it was sent to the Senate for concurrence. A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, is requires the affirmative votes 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 Kennebec, Senator Katz, that the Senate recede and concur with the House on Bill, "An Act Relating to Suspension of Motor Vehicle Operator's License for Speeding Violation". A "Yes" vote will be in favor of the motion to recede and concur; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Carswell, Danton, Dunn, Greeley, Hichens, Katz, Moore, Sewall, Shute, and President MacLeod.

NAYS: Senators Anderson, Bernard, Berry, Chick, Clifford, Conley, Fortier, Graham, Harding, Hoffses, Johnson, Kellam, Levine, Marcotte, Martin, Minkowsky, Peabody, Quinn, Schulten, Tanous, Violette, and Wyman.

A roll call was had. Ten Senators having voted in the affirmative, and twenty-two Senators having voted in the negative, the motion to Recede and Concur did not prevail.

Thereupon, on motion by Mr. Wyman of Washington, the Senate voted to Insist and Ask for a Committee of Conference.

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

WYMAN of Washington  
JOHNSON of Somerset  
KELLAM of Cumberland

On motion by Mr. Hoffses of Knox,  
Adjourned until 9:30 tomorrow morning.