

# 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**

Monday, May 24, 1971

Senate called to order by the President.

Prayer by the Rev. Canon Roger S. Smith of Augusta.

Reading of the Journal of yesterday.

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

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

In the House May 17, 1971, Passed to be Engrossed.

In the Senate May 20, 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. Berry of Cumberland, 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:

BERRY of Cumberland  
CLIFFORD

of Androscoggin  
SCHULTEN of Sagadahoc

**Non-concurrent Matter**

Bill, "An Act Relating to Voluntary Surgery at Public Expense for Qualifying Parents." (H. P. 928) (L. D. 1282)

In the House May 17, 1971, the Majority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed.

In the Senate May 20, 1971, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

On motion by Mrs. Carswell of Cumberland, the Senate voted to Adhere.

**Non-concurrent Matter**

Bill, "An Act Relating to Licenses and Fees under the Dog Laws." (H. P. 1321) (L. D. 1733)

In the House May 18, 1971, Passed to be Engrossed.

In the Senate May 20, 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. Hoffses of Knox, 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:

BERRY of Cumberland  
CONLEY of Cumberland  
HARDING of Aroostook

**Non-concurrent Matter**

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

In the House May 14, 1971, Passed to be Engrossed as Amended by House Amendment "B" (H-272).

In the Senate May 20, 1971, Passed to be Engrossed, in non-concurrence.

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

On motion by Mr. Berry of Cumberland, 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:

TANOUS of Penobscot  
LEVINE of Kennebec  
GRAHAM of Cumberland

**Non-concurrent Matter**

Bill, "An Act Creating Piscataquis County Commissioner Districts." (H. P. 1279) (L. D. 1679)

In the Senate April 23, 1971, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-318) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act Providing for a Declaration of Policy Concerning the State's Environment." (H. P. 1301) (L. D. 1706)

In the Senate May 7, 1971, Passed to be Engrossed, in non-concurrence.

In the House May 19, 1971, Recommended to the Committee on State Government, in non-concurrence.

In the Senate, May 20, 1971, the Senate Voted to Insist.

Comes from the House, that Body having Insisted.

On motion by Mr. Berry of Cumberland, 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:

WYMAN of Washington  
CLIFFORD  
of Androscoggin  
KATZ of Kennebec

**Joint Order**

WHEREAS, great concern has been expressed over the existing operation of the Fire Prevention Division of the State Insurance Department; and

WHEREAS, it has been suggested that the best interests of the public could be better served by creating an office of Fire Marshal; and

WHEREAS, this matter warrants a detailed study of a more effective system for the proper protection of the citizens of Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the feasibility of creating the office of State Fire Marshal and conferring upon it the duties of the current Fire Prevention Division of the State Insurance Department, including, but not limited to all arson investigations, in conjunction with the office of Attorney General. Such study may also include a review of the laws of other states and recommendations of the Maine State Fire Chiefs' Association; and be it further

ORDERED, that the Fire Prevention Division of the State In-

surance Department be directed to provide such technical information and other assistance as the Committee deems necessary or desirable to carry out the terms of this Order; and be it further

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

ORDERED, upon passage of the joint order that copies be transmitted forthwith to said department and division as notice of the study to be undertaken.

(H. P. 1356)

Comes from the House, Read and Passed.

Which was Read.

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

**Communications**

Maine Housing Authority  
State House  
Augusta, Maine 04330

May 19, 1971

To The Members of The 105th Legislature

Pursuant to a joint order of the 104th Legislature, after a consultation with the Legislative Research Committee, I submit herewith the findings of a select committee who agreed to research code related problems and report the results to the Maine State Housing Authority.

I should like to thank the committee for the work which was contributed on their own time and at their own expense and I submit the results to you with the recommendation that their proposals receive your serious consideration.

Sincerely yours,

(s) EBEN L. ELWELL,  
Director Maine State  
Housing Authority  
(S. P. 603)

Which was Read and with accompanying papers Ordered placed on File.

Sent down for concurrence.

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

May 21, 1971

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

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

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

Mrs. LINCOLN of Bethel  
Messrs. PRATT of Parsonsfield  
THERIAULT of Rumford

Bill "An Act Increasing Salaries of Justices of the Supreme Judicial Court and the Superior Court" (S. P. 392) (L. D. 1170)

Messrs. HENLEY of Norway  
PAGE of Fryeburg  
CARRIER of Westbrook  
Respectfully,  
(s) BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

### Orders

On motion by Mr. Berry of Cumberland,

WHEREAS, the impact of both public and private ownership from the acquisition of land by the State Highway Commission is significant; and

WHEREAS, hardship is often the case when citizens lose their property for little or no compensation in the process of eminent domain; and

WHEREAS, landowners are subjected to extreme pressure to transfer certain title or interest at less than fair value under municipal contracts required by the commission; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee be authorized and directed to study the methods and procedures employed by the State Highway Commission for acquisition of property and property rights for highway purposes; and be it further

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

ORDERED, upon final passage, that a copy of this Order be transmitted forthwith to the State Highway Commission as notice of the pending study.

(S. P. 602)

Which was Read.

On motion by Mr. Katz of Kennebec, tabled until later in today's session, pending Passage.

### Committee Reports

#### House Ought to Pass

The Committee on Judiciary on, Bill, "An Act Revising the Laws Relating to the Maine State Prison." (H. P. 458) (L. D. 613)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for Staffing and Operation of the Residential Facility for Mentally Retarded Children in Aroostook County." (H. P. 636) (L. D. 866)

Reported the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act Relating to Tax Sheltered Annuities." (H. P. 699) (L. D. 942)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act Revising the Provision of the Maine Meat Inspection Act Relating to Custom Slaughtering Operations." (H. P. 868) (L. D. 1189)

Reported that the same Ought to Pass.

The Committee on Labor on, Bill, "An Act Relating to Late Filing of Answers to Petitions for Award under Workmen's Compensation Law." (H. P. 889) (L. D. 1210)

Reported that the same Ought to Pass.

The Committee on Labor on, Bill, "An Act to Extend Period When Incapacity Results under Occupational Disease Law." (H. P. 1030) (L. D. 1417)

Reported that the same Ought to Pass.

The Committee on Natural Resources on, Bill, "An Act Regulating the Application of Pesticides in Water." (H. P. 1126) (L. D. 1544)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act Relating to Compensation to Municipal Tree Wardens." (H. P. 1166) (L. D. 1620)

Reported that the same Ought to Pass.

The Committee on State Government on, Bill, "An Act Establishing the Maine Commission on Drug Abuse." (H. P. 1179) (L. D. 1629)

Reported that the same Ought to Pass.

The Committee on State Government on, Resolve, Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lots in Franklin County. (H. P. 1191) (L. D. 1641)

Reported that the same Ought to Pass.

The Committee on Education on, Bill, "An Act Increasing Indebtedness of Ellsworth School District." (H. P. 1316) (L. D. 1731)

Reported the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act to Create a Commission to Prepare a Revision of the Insurance Laws Relating to Delinquent Insurers." (H. P. 1228) (L. D. 1497)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act to Repeal a Restriction on Municipal Investments." (H. P. 1167) (L. D. 1621)

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 and Resolve Read Once and Tomorrow Assigned for Second Reading.

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

The Committee on State Government on, Bill, "An Act Permitting the Establishment of an Indian Island Penobscot School Committee." (H. P. 401) (L. D. 513)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-307)

The Committee on State Government on, Bill, "An Act Permitting the Establishment of a Pleasant Point Passamaquoddy School Committee." (H. P. 433) (L. D. 568)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-306)

The Committee on State Government on, Resolve, Authorizing Forest Commissioner to Convey Certain Land in Island Falls. (H. P. 611) (L. D. 822)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-305).

The Committee on Labor on, Bill, "An Act Increasing the Period for Benefits for Partial Incapacity under Workmen's Compensation Act." (H. P. 854) (L. D. 1167)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-302)

The Committee on State Government on, Bill, "An Act Relating to Prerequisites of Insurance of Mortgages by Industrial Building Authority, Recreation Authority and Municipal Securities Approval Board." (H. P. 895) (L. D. 1215)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-303)

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to Funeral Expenses of Recipients of Public Assistance." (H. P. 1012) (L. D. 1391)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-292)

The Committee on State Government on, Resolve, Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lots in Franklin County. (H. P. 1190) (L. D. 1640)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-304)

The Committee on Judiciary on, Bill, "An Act Revising the Uniform Reciprocal Enforcement of Support Act." (H. P. 1154) (L. D. 1611)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-293)

Come from the House, the reports Read and Accepted and the

Bills and Resolves Passed to be Engrossed as Amended by Committee Amendments "A".

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

#### Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on, Bill "An Act Relating to Cost of School Construction for State Aid." (H. P. 223) (L. D. 305)

Reported that the same Ought to Pass in New Draft Under Same Title. (H.P. 1340) (L. D. 1759)

(On motion by Mr. Dunn of Oxford, tabled and specially assigned for May 26, 1971, pending Acceptance of the Committee Report.)

The Committee on Transportation on, Bill "An Act Providing for Full-time Offices for Registration and Licenses for Operation of Motor Vehicles." (H. P. 280) (L. D. 369)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1346) (L. D. 1765)

The Committee on County Government on, Bill, "An Act Relating to Time of Sending County Estimates to Secretary of State and Municipalities." (H. P. 957) (L. D. 1318)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1343) (L. D. 1762)

The Committee on Agriculture on, Bill, "An Act Revising the Maine Potato Tax Law." (H. P. 1048) (L. D. 1436)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1335) (L. D. 1751)

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Authorize Bond Issue in the Amount of \$1,400,000 for Parking Garage Facility for the Capitol Complex at Augusta." (H. P. 1110) (L. D. 1515)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Appropriate the Amount of \$1,440,000 for Parking Garage Facility for the Capitol

Complex at Augusta." (H. P. 1341) (L. D. 1760)

The Committee on County Government on, Bill "An Act Increasing Salaries of County Officers of Cumberland County." (H. P. 1113) (L. D. 1532)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County." (H. P. 1344) (L. D. 1763)

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

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

The Committee on Judiciary on, Bill, "An Act Permitting Trials for Petty Offenses Without a Jury." (H. P. 227) (L. D. 309)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1305) (L. D. 1711)

Comes from the House, the report Read and Accepted and the Bill in New Draft Indefinitely Postponed.

Which report was Read.

On motion by Mr. Tanous of Penobscot, Indefinitely Postponed in concurrence.

#### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Providing for a Feasibility Study for High Speed Rail Service for Maine." (H. P. 1201) (L. D. 1652)

Reported that the same Ought Not to Pass.

Signed:

Senator:

GREELEY of Waldo

Representatives:

McNALLY of Ellsworth

BARNES of Alton

LEE of Albion

HALL of Windham

CROSBY of Kennebunk

WOOD of Brooks

DUDLEY of Enfield

KEYTE of Dexter

FRASER of Mexico

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-308).

Signed:

Senators:

KELLAM of Cumberland  
JOHNSON of Somerset

Representative:

LEBEL of Van Buren

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

Which reports were Read.

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

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

Mr. KATZ of Kennebec: Mr. President, might I ask a question through the Chair? I notice there is a possible half million dollar appropriation with the authority to accept federal funding. Is federal funding for the implementation of this study presently available?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair which any Senator may answer if he desires.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, in answer to the question, this bill has been amended down to \$50,000, and it is the understanding that somewhere between here and Washington there is around \$380,000 sitting somewhere for exactly this study. Where it is, I don't know, but I would think perhaps we could amend this down to take the appropriation out, or to just make it a dollar so when this money comes through we will have this available to go through with the procedure.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Minority Ought to Pass as Amended Report of the Committee?

Thereupon, the Minority Ought to Pass as Amended Report of the

Committee was Accepted in concurrence and the Bill Read Once.

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

### Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Authorizing Savings Banks to Convert to Trust Companies to Issue Checking Accounts." (H. P. 1111) (L. D. 1516)

Reported that the same Ought to Pass in New Draft Under New Title" An Act Providing for a study of Whether Savings Banks Should Offer Checking Accounts." (H. P. 1347) (L. D. 1766)

Signed:

Senators:

SCHULTEN of Sagadahoc  
DANTON of York

Representatives:

SCOTT of Wilton  
McKINNON  
of South Portland  
LITTLEFIELD  
of North Berwick  
MADDOX of Vinalhaven  
PRATT of Parsonsfield  
SHELTRA of Biddeford  
TRASK of Milo  
ROCHELEAU of Auburn

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

Signed:

Representative:

O'BRIEN of Portland

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

Which reports were Read.

Mr. Clifford of Androscoggin moved that the Bill be tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Mr. Schulten of Sagadahoc requested a division on the tabling motion.

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

Mrs. CARSWELL of Cumberland: Mr. President, a point of information: It seems that perhaps I would have to vote one way or



another, and I would like to inform the President of the Senate and the Members of the Senate that I feel I have a conflict of interest and I ask to be excused from voting on this matter.

Thereupon, a division was had. Fourteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the tabling motion prevailed.

### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Include Imprisonment Among Those Penalties Provided for Violation of Environmental Protection Laws." (H. P. 960) (L. D. 1321)

Reported that the same Ought Not to Pass.

Signed:

Representatives:

HENLEY of Norway

WHEELER of Portland

HEWES

of Cape Elizabeth

PAGE of Fryeburg

BAKER of Orrington

CARRIER of Westbrook

ORESTIS of Lewiston

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-317).

Signed:

Senators:

TANOUS of Penobscot

HARDING of Aroostook

QUINN of Penobscot

Representatives:

LUND of Augusta

WHITE of Guilford

KELLEY of Caribou

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

Which reports were Read.

On motion by Mr. Harding of Aroostook, the Minority Ought to Pass as Amended Report of the Committee was Accepted in non-concurrence and the Bill Read Once.

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

### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Relating to Taxation of Buildings on Leased Land in Unorganized Territory." (H. P. 211) (L. D. 277)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1339) (L. D. 1755)

Signed:

Senator:

WYMAN of Washington

Representative:

FINEMORE

of Bridgewater

ROSS of Bath

COTTRELL of Portland

TRASK of Milo

MORRELL of Brunswick

COLLINS of Caribou

DAM of Skowhegan

CYR of Madawaska

DRIGOTAS of Auburn

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

Signed:

Senators:

HICHENS of York

FORTIER of Oxford

Representative:

McCLOSKEY of Bangor

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

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

### Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Establishing a Statewide Open Deer Season for the First Three Weeks of November." (H. P. 906) (L. D. 1250)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Open Season on Deer in Northern and Southern Zones for 1971 and 1972." (H. P. 1337) (L. D. 1753)

Signed:

Senators:

HOFFSES of Knox

ANDERSON of Hancock

**BERNARD**

of Androscoggin

Representatives:

CALL of Lewiston

LEWIN of Augusta

PARKS of Presque Isle

BOURGOIN of Fort Kent

LEWIS of Bristol

MANCHESTER

of Mechanic Falls

BUNKER of Gouldsboro

KELLEY of Southport

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

Signed:

Representatives:

PORTER of Lincoln

KELLEY of Machias

Comes from the House, the Majority Ought to Pass in New Draft report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-311)

Which reports were Read, and the Majority Ought to Pass in new Draft Report of the Committee Accepted in concurrence and the Bill in New Draft Read Once.

House Amendment "A" was Read and subsequently, on motion by Mr. Hoffses of Knox, Indefinitely Postponed in non-concurrence.

Thereupon, the Bill was Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Qualifications of Applicants for Examination for Admission to Practice Law." (H. P. 989) (L. D. 1351)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

QUINN of Penobscot

Representatives:

HEWES of Cape Elizabeth

PAGE of Fryeburg

KELLEY of Caribou

BAKER of Orrington

LUND of Augusta

WHITE of Guilford

WHEELER of Portland

The Minority of the same Committee on the same subject

matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-294)

Signed:

Senator:

HARDING of Aroostook

Representatives:

CARRIER of Westbrook

HENLEY of Norway

Comes from the House, the Minority Ought to Pass as Amended report Read and Accepted and the bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-294)

Which reports were Read.

On motion by Mr. Tanous of Penobscot, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

**Divided Report**

The Majority of the Committee on Legal Affairs on, Bill, "An Act Relating to Formation of Multi-community Transit Districts." (H. P. 1164) (L. D. 1609)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-295).

Signed:

Senators:

KELLAM of Cumberland

CLIFFORD

of Androscoggin

Representatives:

COTE of Lewiston

SMITH of Dover-Foxcroft

BRAWN of Oakland

FECTEAU of Biddeford

NORRIS of Brewer

SILVERMAN of Calais

CURTIS of Bowdoinham

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

Signed:

Senator:

QUINN of Penobscot

Representatives:

EMERY of Rockland

GAUTHIER of Sanford

CROSBY of Kennebunk

Comes from the House, the Majority Ought to Pass as Amended report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read and the Majority Ought to Pass as Amend-

ed Report of the Committee Accepted in concurrence and the Bill Read Once.

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

### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Granting Snow Plowing and Removal Equipment the Right of Way." (H. P. 789) (L. D. 1065)

Reported that the same Ought to Pass.

Signed:

Senator:

KELLAM of Cumberland

Representatives:

DUDLEY of Enfield

KEYTE of Dexter

FRASER of Mexico

WOOD of Brooks

CROSBY of Kennebunk

HALL of Windham

BARNES of Alton

McNALLY of Ellsworth

LEE of Albion

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

Signed:

Sensors:

GREELEY of Waldo

JOHNSON of Somerset

Representative:

LEBEL of Van Buren

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

Which reports were Read.

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

### Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Relating to Complaints Against Public Utilities." (H. P. 1175) (L. D. 1633)

Reported that the same Ought Not to Pass.

Signed:

Senator:

MOORE of Cumberland

Representatives:

BARTLETT

of South Berwick

MARSH of Hampden

CONLEY

of South Portland

BERUBE of Lewiston

MOSHER of Gorham

SHUTE

of Stockton Springs

WILLIAMS of Hodgdon

RAND of Yarmouth

TYNDALE

of Kennebunkport

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

Signed:

Sensors:

VIOLETTE

of Aroostook

MARCOTTE of York

Representative:

EMERY of Auburn

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

Which reports were Read.

Mr. Moore of Cumberland moved that the Majority Ought Not to Pass Report of the Committee be Accepted.

On motion by Mr. Harding of Aroostook, tabled and Tomorrow Assigned pending the motion by Mr. Moore of Cumberland to Accept the Majority Ought Not to Pass Report of the Committee.

### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Providing Professional Immunity to Certain Persons In Emergency Cases." (H. P. 149) (L. D. 204) ask leave to report; that the Senate recede and concur with the House in accepting the Minority "Ought to pass" Report, adopt House Amendment "B" and pass the Bill to be engrossed as amended by House Amendment "B" in concurrence.

On the Part of the House:

HASKELL of Houlton

PAGE of Fryeburg

McTEAGUE of Brunswick

On the Part of the Senate:

TANOUS of Penobscot

HARDING of Aroostook

CONLEY of Cumberland

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur.

### Senate

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:

Bill, "An Act to Authorize Bond Issue in the Amount of \$27,680,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (S. P. 303) (L. D. 928)

Bill, "An Act Providing Funds for Additional Branch Offices for the Motor Vehicle Division of the Office of Secretary of State." (S. P. 322) (L. D. 936)

Sent to the House.

### Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Relating to Form of Ballots in General Elections." (I. B. 2) (L. D. 1707)

Recommends that no action be taken by the Legislature with reference to passing the accompanying bill and that no competing measure be submitted; that the Initiative Bill be submitted to the electors of this State in accordance with the Constitution; that a certified copy of this report be transmitted to the Governor.

Signed:

Senators:

SHUTE of Franklin

MOORE of Cumberland

Representatives:

MARSTALLER

of Freeport

ROSS of Bath

BROWN of York

BUNKER of Gouldsboro

HANSON of Kennebec

WOOD of Castine

The Minority of the same Committee on the same subject matter recommends that this Initiated bill be submitted to the House and Senate for debate so that the citizens of this State will be made fully aware of the merits and demerits of this proposed legislation.

Signed:

Senator:

MARTIN of Piscataquis

Representatives:

BINNETTE of Old Town

BOUDREAU of Portland

HANCOCK of Casco

VINCENT of Portland

Which reports were Read.

On motion by Mr. Violette of Aroostook, 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 Pari-mutuel Pools in Harness and Running Horse Racing." (H. P. 1332) (L. D. 1746)

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

Sent down for concurrence.

#### Senate

Bill, "An Act to Regulate Revolving Credit Accounts." (S. P. 470) (L. D. 1528)

Which was Read a Second Time.

Mr. Tanous of Penobscot then moved that the Bill be Indefinitely Postponed.

Thereupon, on motion by Mr. Kellam of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Tanous of Penobscot that the Bill be Indefinitely Postponed.

Bill, "An Act Relating to the Name of Maine Juvenile Justice Association, Inc." (S. P. 558) (L. D. 1698)

Which was Read a Second Time and Passed to be Engrossed, Sent down for concurrence.

### Senate-As Amended

Bill, "An Act to Clarify the Exemption of Pollution Control Facilities from the Real Estate and Personal Property Tax." (S. P. 160) (L. D. 429)

Resolve to Provide Funds for a Feasibility Study for New Marine Facilities for the Port of Portland. (S. P. 386) (L. D. 1141)

Bill, "An Act Establishing a Comprehensive Child Care Pro-

gram of Maine." (S. P. 432) (L. D. 1247)

Bill, "An Act Relating to Probation of Juveniles in Cumberland County." (S. P. 525) (L. D. 1565)

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

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

Sent down for concurrence.

Mr. Schulten of Sagadahoc was granted unanimous consent to address the Senate.

Mr. SCHULTEN: Mr. President and Members of the Senate: We recently voted on a bill that I think needs a little clarification as to motive, and with your indulgence I would like to try to clarify some of those thoughts at this point.

As I look outside I see that we have the sun shining. As I drove up the birds were singing and I noticed the bees were pollinating, but I also know that once inside we occasionally arrive at a moment of decision and we have to take our position to bite the bullet, so-called. Now, what I am referring to is L. D. 1516 and the redraft of 1766 which would permit a legislative study and a moratorium on a banking bill.

Now, I too am a very sensitive person. I feel very deeply that anyone who violates to the slightest degree the code of conflict of interest is most reprehensible, and so I do feel that, lest there be some misunderstanding, that perhaps a little bit of reasoning as to why I am in the position that I am today would be clarified.

Actually the tentative decision to run for the Senate occurred during the special session of the 104th Legislature when the then Senate member from District 18, Bud Reed, was a member. I had heard by the grapevine that he was not going to run again, and so after several weeks I finally caught up with him and asked him for certain. He was not certain for a long time. Once he did decide that he was not going to run then I became interested, and I can assure you

that I was not panting to get this opportunity, but it worked out that way.

So, knowing that I was employed by a banking institution and that some of my motives might be suspect, I immediately, and the organization I work for, immediately contacted a number of lawyers in the state as to whether or not there might be any possible conflict of interest. And really as a surprise to no one at all, we found that the attorneys did not agree on the subject at all. Some felt that maybe possibly there might be some conflict, while others felt that there couldn't possibly be any conflict. So the next step was for me to get in touch with the Attorney General's office, which I did. And I would like to read to you a letter that I received that was written on February 12, 1970. It says: "Dear Tarpy: Enclosed please find copy of George West's memorandum to me on the conflict of interest question which you asked me. Obviously, we see no problem." Signed, Personal regards, Attorney General.

The memorandum the Attorney General referred to was from his own department, by one of the Assistant Attorney General's, and I will quote that: "You have asked on behalf of T. Tarpy Schulten if there is a conflict of interest between being a member of the State Senate and Vice President and a director of the Canal National Bank. I can find no opinion in our files which discusses the matter. The only possible reason for a conflict of interest would be in the language of Article 4, Part 3, Section 11 of the Constitution. This section provides in part, 'No member of Congress nor person holding any office under the United States (post officers excepted) shall have a seat in either house during his continuing in such office.'

"National banks have been almost unanimously held to be instrumentalities of the United States, however, I feel it would be stretching the language of the Maine Constitution to say that an officer of a national bank is 'a person holding any office under the

United States.' I would feel that there is no conflict of interest." This was dated February 12, 1970.

After we received this opinion from the Attorney General, the Board of Directors of the bank that I represent voted that should I be fortunate or unfortunate enough to be elected to the Senate that they, the bank, would grant me an official leave of absence, and which they did.

Now, I would be very foolish, and not true to myself, if I stood up here and told you that I wasn't proud of my affiliation with the company which pays a lot of my income in life. I am very proud of that, and I make no bones to hide my affiliation. And I would say of the some 7,000 voters who voted for me in District 18, which comprises Sagadahoc County and part of Lincoln County, I would hazard a guess that probably better than half of them knew that I worked for a commercial bank, that I enjoyed working for them, and I don't remember a single soul out of all these voters who was concerned about a possible conflict of interest. And they, after all, did elect me.

Now, the very first order of business that the Business Legislation Committee, which had this bill which will be before us tomorrow, the very first order of business that we had in executive session, which was before any public hearing, as Chairman of that Committee I brought up the question of the possible conflict of interest. As you know, there has been another person here who felt there was a conflict, so we had a very thorough discussion, and the matter was debated. And the consensus of the final opinion was that there was no conflict of interest in individual members of the Business Legislation Committee voting on the bills that appeared before it. It was the consensus of opinion of those present that we were elected by the people of our district to do the best possible job we could for the district and for the people of the State of Maine, and that we would be objective enough to know what was best for the State of Maine, and that if there ever

arose a period where we were in doubt we would naturally do the gentlemanly thing. So on the basis of that, and the complete spirit of objectivity, I voted today on the motion that was before us.

The only reason for my remarks at this point is that I want the people here to know exactly how I feel about this matter. If there are any lingering doubts in anyone's mind as to the validity of my position, they have between now and tomorrow to communicate with me and we will take under consideration their views. I must say that I have thought about this a great deal. I have the backing of my committee to support me on this, and so in my own mind I feel that there is absolutely no conflict of interest to vote on any bill that appears before us that relates to the Business Legislation Committee, and I just want to go on record that when these various bills do appear in the Senate, unless there is action by the Senate to the contrary, I will do my best to project the views that I honestly believe are best for the State of Maine. Thank you very much, Mr. President.

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Mrs. Carswell of Cumberland was granted unanimous consent to address the Senate.

Mrs. CARSWELL: Mr. President and Members of the Senate: I am sure I feel much the same as the good Senator from Sagadahoc, Senator Schulten, does. However, one has to make up his own mind and cannot be guided by the votes of others. We see this happening many times when a committee will come out with a bill, twelve ought to pass, and one ought not to pass, and that one sometimes prevails. So, in good conscience, where my husband is lobbying up here every day for savings banks, in good conscience I felt that I could not vote for savings bank legislation or legislation that I felt was in private interest over public interest. And I feel that if I am voting on savings bank legislation and upholding the savings bank side of this, which probably could happen, when you can't make up your mind what do you do? So, let's say to minimize

the possibilities, I have been in the legislature since 1957, and from time to time I have had to do this.

I did not intend to make an issue of it. When a matter came up the other day which I did not vote on, there was no division necessary so I made no issue of it. However, today I stick to my guns, and I still ask the Senate, when it comes to a point where I ask to be excused, I would hope that the Senate would do so, because it is my personal conscience that I am fighting with and not any other Senator here. Thank you.

### Enactors

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

An Act Phasing out Log Driving in the Inland Waters of the State. (S. P. 451) (L. D. 1297)

An Act to Amend the Snowmobile Law. (S. P. 484) (L. D. 1592)

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

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

An Act Providing Funds to preserve the Machias Valley Airport. (H. P. 833) (L. D. 1129)

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

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

(On motion by Mr. Dunn of Oxford tabled and specially assigned for May 26, 1971, pending Enactment.)

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

An Act Relating to Appropriation and Allocations to the Governor's Committee on Employment of the Handicapped. (S. P. 214) (L. D. 660)

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

An Act Relating to Disability Retirement and Retirement Allow-

ances under State Retirement System (S. P. 243) (L. D. 704)

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

An Act Relating to Powers of Liquor Inspectors Concerning Disorderly Conduct. (S. P. 378) (L. D. 1114)

An Act Relating to notice of Suspension of Motor Vehicle Driving Privileges. (S. P. 396) (L. D. 1174)

An Act Adopting Air Quality Regions. (S. P. 409) (L. D. 1224)

An Act to Incorporate the Town of Carrabassett Valley. (S. P. 448) (L. D. 1294)

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

An Act to Provide Hospital Administrators under the Department of Mental Health and Corrections. (S. P. 578) (L. D. 1726)

An Act Relating to Authority of Trustees. (S. P. 579) (L. D. 1727)

An Act Relating to Imposition of Sentence to the State Prison. (S. P. 580) (L. D. 1728)

An Act to Amend the Aborigin Law. (S. P. 581) (L. D. 1729)

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

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

An Act Relating to Riding in Trailers. (H. P. 471) (L. D. 599)

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

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

An Act Revising the Laws Relating to Logs and Lumber. (H. P. 1314) (L. D. 1722)

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.

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)

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

#### **Emergency**

An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies, Furnishings, Studies, Histories and Amendments for the Fiscal Years Ending June 30, 1972 and June 30, 1973. (S. P. 582) (L. D. 1730)

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.

#### **Emergency**

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

(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:

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 19, 1971 by Senator Katz of Kennebec.

Pending — Acceptance of Report.

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

Committee Amendment "A" was Read and Adopted in concurrence 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 Natural Resources on Bill, "An Act to Provide for Protection of the Air, Water and Other Natural Resources." (H. P. 720) (L. D. 965) Majority Report, Ought To Pass in New Draft under New Title on Bill, "An Act to Provide for Protection of the Environment." (H. P. 1315) (L. D. 1723); Minority Report, Ought Not to Pass.

Tabled — May 20, 1971 by Senator Hoffses of Knox.

Pending — Motion by Senator Schulten of Sagadahoc to Accept the Majority Ought to Pass in New Draft Report.

On motion by Mr. Schulten of Sagadahoc, retabled and Tomorrow Assigned, pending the motion by that same Senator to Accept the Majority Ought to Pass in New Draft Report of the Committee.

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

Bill, "An Act Relating to Public Utility Transmission Lines." (H. P. 918) (L. D. 1264)

Tabled — May 21, 1971 by Senator Violette of Aroostook.

Pending — Motion by Senator Moore of Cumberland to Join in a Committee of Conference.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned pending the motion by Mr. Moore of Cumberland to Join in a Committee of Conference.

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

SENATE REPORTS — from the Committee on Taxation on Bill, "An Act Repealing the Poll Tax." (S. P. 14) (L. D. 42) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — May 21, 1971 by Senator Wyman of Washington.

Pending — Motion by Senator Wyman of Washington to Accept Minority Ought Not to Pass Report.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This bill was filed in



December and it was within the committee for so long that I had a feeling it was in there that long because they loved it so. It came out finally with a seven to six Majority Ought to Pass Report.

It is a very simple bill. It repeals the poll tax. It says, in effect, that the poll tax is probably as unpopular a tax that there is in the state, and this was borne out of the hearing very clearly, where municipal officers who one would expect to want to hold on to every dollar of revenue came and pointed out that it was a very, very expensive tax to collect, and they wished that they could put their time to better advantage.

Also, I believe, and I suspect that many of you share my belief, that the poll tax is illegal. It is, I would think, very probably in violation of federal civil rights acts which say that you cannot discriminate for reasons of sex, and this is a discrimination of the worst miserable kind. I would expect certainly, in a sense of equity, that our one lady Senator would support the passage of this bill because the girls have had a free ride for so darn long and this is the time to do it.

But very seriously the tax generates so little money statewide, annoys and aggravates so many people who have been confused with the procedures for so many years, we are flowing so much money from the state now to the towns and cities, not enough, but such a fantastically increased amount over and above what we sent just a few years ago, here is the time to take this old, old miserable unfair tax off the people. I request a roll call on the motion to accept the Minority Report. I hope that you vote against this and then let's kill this tax once and for all.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I completely understand what the Senator from Kennebec is saying, and I will go along with him.

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

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: I am totally in accordance with my good friend Senator Katz from Kennebec, but from a slightly different viewpoint. He speaks to you as an aggrieved taxpayer standing in front of the tax collector's desk. I would like to speak to you representing the opposite, the aggrieved tax collector who stands behind the desk and must collect this tax. Now, I know that I already see a grin on the faces of a few Senators here because it comes as a surprise, no doubt, that tax collectors can be aggrieved and that they do have a heart somewhat like the rest of the people.

As Senator Katz told you, this tax to a lot of people is a pain in the neck, and in my experience as a former tax collector I would like to relate just a few of these experiences which happened to show how ridiculous this tax is. For example, I have had the painful duty of sending a man from Rumford, Maine to Madawaska, a round trip of approximately six hundred miles, because a new collector in Madawaska would not authorize me in Rumford to collect a tax for him, and this individual had to drive six hundred miles. You may think that this is an odd situation. It is only exceptional in the sense that it was six hundred miles, but I could name you hundreds of other cases of people who drove anywhere from two to four and five hundred miles for the same thing. I have had thousands of cases where the getting of their licenses was delayed two, three, four days or a week at a time because they had to search for a receipt, and had to go back a great distance to get this receipt. This is one of the ridiculous angles.

I have also had a number of very prominent people, professionals, industrialists, business people who have an escrow account in the banks, for example, to take care of their other taxes. Now, I understand there is a state law which prohibits a bank from handling an item like the poll tax

unless they collect a fee for it, so consequently banks do not make a practice of collecting poll taxes. I have had dozens of these people, professional people, well-to-do people, who have been published in a delinquent list for a three dollar tax while in reality they were probably paying thousands of dollars of taxes. I have seen hundreds of elderly people, to whom it is probably the only tax that they had to pay, but inadvertently the fact that they had never been delinquent in their lives it was simply forgotten. You cannot blame the tax collector for not having notified them because generally the last few days of the year, just prior to this publication, it is a real hotbed in every tax collector's office.

As Senator Katz also referred to the amount of tax derived from this is almost ridiculous for the amount of headaches that it gives not only to town officials, tax collectors, tax assessors, but the public in general. The receipts throughout this state are less than one-third of one percent of our municipal commitment. One city in particular that I can cite, the City of Auburn, has a very, very competent group of Professional appraisers. They tell me that in one year in particular for which they made a research this would have cost a property owner who owns a \$15,000 home one dollar and thirty-two cents more, so that the average property owner, his taxes would not be raised as much as the three dollar exemption which we are asking here in all decency. So, I do hope that you will defeat the motion before the Senate so that we can proceed to the Majority Report of the Committee.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I have learned of a lot of troubles here today with the poll tax that I didn't realize existed. At the hearing we did have a few city managers and maybe a few city officials who objected to the nuisance of collecting the poll tax. Admittedly it does make more work for them, but on the other

side of the picture the rural areas, the ones in my district, haven't seen the flow of money which Senator Katz has told us is coming that way. Until that big flow of money into the rural areas comes, I hope that we will keep this, because even a few hundred dollars means a lot in these rural areas where the taxes are advancing, evaluations are increasing, and the state money thus far seems to be going west. I hope you will support the motion to accept the Minority Ought Not to Pass Report of the Committee.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: You have heard from the small towns. Now I would like to give you a point of view from the larger cities, at least from the City of Lewiston. When I knew that this was coming up on Friday I put in a phone call to the tax collector in the City of Lewiston, and he told me that they collect \$25,000 net from the poll tax. They have taken this up at the city council meeting and they voted to keep the poll tax on, or at least notify their representatives here in Augusta to vote to keep the poll tax on. I think that this is a time when the property taxes in all the municipalities are overburdened, as it is now, and why put on more of a burden when we have this tax which has been in effect.

It isn't killing anybody to go down to the tax collector and pay three dollars. I have never heard that there was such an overwhelming feeling to get rid of this tax. I would hope that you would go along with Senator Wyman. I believe that the Senator has made a motion to accept the Minority Ought Not to Pass Report of the Taxation Committee.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: In all honesty, I did not ask the City Hall in Augusta how they expect me to vote on this because

I have a feeling that any bureaucrat would say that we have got this money coming in to us and let's keep it coming; we don't care if it is \$10,000 or \$20,000 or what. But honestly, since I sponsored this bill there have been more people who have stopped me whom this tax infuriates. I couldn't possibly tell you as well as Senator Fortier did as to the direct comments that he hears over the counter, but it is a bad, bad tax. It raises nickels and dimes statewide. It irritates people. It inconveniences people. For heaven's sake, let's get rid of it.

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

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: Just one more thought before the vote is taken on this, seeing that we have started talking money. It might be of interest to the Senate here to know that I have contacted a number of tax collectors or tax assessors throughout the state in regards to the cost of the poll tax. I find that the figures given to me were from anywhere from six cents to a dollar and seventy-five cents per tax. Now, the six cents apparently, of course, is ridiculous because now at least it costs eight cents since last Sunday, if they only figured for the stamp and they forgot to figure the cost of the bill. The dollar and seventy-five cents probably surprised me a bit, but I think any city that really would take pains to analyze their real cost would find that it cost them very close to half the amount that they collect to get this three-dollar tax.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Repealing the Poll Tax."

A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators

in favor of ordering a roll call please rise and remain standing until counted. Obviously more than one-fifth having arisen a roll call is ordered.

The Chair will state the question once again. The pending question before the Senate is the motion of the Senator from Washington Senator Wyman, that the Senate Accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Repealing The Poll Tax." A "Yes" vote will be in favor of accepting the Ought Not to Pass Report: a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Berry, Chick, Clifford, Dunn, Greeley, Harding, Hichens, Hoffses, Levine, Sewall, Tanous, Violette, and Wyman.

NAYS: Senators Anderson, Bernard, Carswell, Conley, Danton, Fortier, Graham, Johnson, Katz, Kellam, Marcotte, Minkowsky, Moore, Peabody, Quinn, Schulten, Shute, and President MacLeod.

ABSENT: Senator Martin.

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

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

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

SENATE REPORTS — from the Committee on Labor on Bill, "An Act Amending the Minimum Wage Law." (S. P. 233) (L. D. 695) Majority Report, Ought to Pass as Amended by Committee Amendment "A" Filing S-201; Minority Report, Ought Not to Pass.

Tabled — May 21, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

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

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

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

Bill, "An Act Establishing the Lewiston-Auburn Airport Authority." (S. P. 481) (L. D. 1593)

Tabled — May 21, 1971 by Senator Bernard of Androscoggin.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

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

Bill, "An Act to Regulate the Harvesting of Fiddleheads on Penobscot Reservation Lands." (S. P. 363) (L. D. 1102)

Tabled — May 21, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Harding of Aroostook, retabled and specially assigned for May 26, 1971, pending Passage to be Engrossed.

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

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

Tabled — May 21, 1971 by Senator Berry of Cumberland.

Pending — Consideration.

On motion by Mr. Dunn of Oxford, retabled and specially assigned for May 26, 1971, pending Further Consideration.

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

HOUSE REPORT — Ought to Pass from the Committee on Legal Affairs on Bill, "An Act Relating to Home Rule Procedure." (H. P. 968) (L. D. 1328)

Tabled — May 21, 1971 by Senator Clifford of Androscoggin.

Pending — Acceptance of Report.

Thereupon, on motion by Mr. Clifford of Androscoggin, the 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 tenth tabled and specially assigned matter:

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

Tabled — May 21, 1971 by Senator Berry of Cumberland.

Pending — Motion by Senator Moore of Cumberland to Reconsider Action whereby Bill was Indefinitely Postponed.

Thereupon, the Senate voted to reconsider its action whereby the Bill was Indefinitely Postponed.

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

Senate Amendment "A", Filing No. S-182, was Read.

On motion by Mr. Harding of Aroostook, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

The President laid before the Senate the Joint Order, Senate Paper 602, which was tabled earlier in today's session by Mr. Katz of Kennebec.

Pending — Passage.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like to express my concern about this order for two reasons. In the first place, in the second whereas, it seems to come to a conclusion that presumably it should be deferred for a study. It gives a very, very, real impression that land is taken away from people, property is taken away from people, without protection of their rights. I know that the Highway Commission is a very aggressive group that attempts to keep the cost of land acquisition down, but this seems to come to the very conclusion that presumably a study should come to after hearing the evidence.

Second, I am concerned about the question of land taking in general. The Parks Department, the Aeronautics Department, the University of Maine, any number of

people or groups in the state now at state level are taking land, and perhaps the real thrust of a study should be whether or not we should have one uniform procedure for taking of land by eminent domain in the State of Maine. I would hope that we could delay this so that the study, if we are going to have one, could be broadened to the overall picture rather than zooming in only on the State Highway Commission.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This order was very carefully prepared, and it was intended to focus in on the eminent domain procedures of the State Highway Commission. And hardship is often the case when citizens lose their land for little or no compensation. Maybe technically a dollar is no compensation, but it sure is little compensation. I think a favorite way to kill something as needy as this is to broaden it to include eminent domain procedures of all state departments.

The problem that is focused on here is the hardship involved on landowners when the Highway Commission takes land. In particular, there is included in here the so-called town agreement that the Commission uses when they go into a town and require the municipal officials to obtain the land and the easements necessary for the highway, and this results in frequently the selectmen visiting one of the local—his friend or neighbor, of course, and explaining that unless the property owner is willing to practically donate his land that the road construction work cannot be done. I think this is a very reprehensible policy.

My work takes me around the state quite a bit and it amazes me, the lack of cohesion, amongst the property owners and the municipalities in this program. I have often thought that the Maine Muni-

cipal Association might dig its teeth in here and really do some good for the communities that they represent.

It is no witch hunt at all. No conclusion has been reached. The problem exists. I hope that we could pass this and put it on the Legislative Research Table today.

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

Thereupon, on motion by Mr Katz of Kennebec, tabled and Tomorrow Assigned, pending Passage.

#### **Recalled From Files**

Bill, "An Act Revising the Laws Relating to Savings and Loan Associations" (H. P. 1015) (L. D. 1394), having been recalled from the Legislative Files to the Senate pursuant to Joint Order, on motion by Mr. Schulten of Sagadahoc, the Bill was then substituted for the Ought Not to Pass Report of the Committee.

Thereupon, on further motion by the same Senator, the Bill was Re-committed to the Committee on Business Legislation.

Sent down for concurrence.

Out of order and under suspension of the rules, the Senate voted to take up the following:

#### **Papers From the House Joint Order**

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act to Improve the Procedure for Correcting Vital Statistics." (H. P. 808) (L. D. 1081)

(H. P. 1360)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### **(Off Record Remarks)**

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.