

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth  
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Tuesday, May 25, 1971

Senate called to order by the President.

Prayer by the Rev. Ondon P. Stairs of Augusta.

Reading of the Journal of yesterday.

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

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

In the Senate May 18, 1971, Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-332), in nonconcurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

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

In the House May 12, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by House Amendment "A" (H-262).

In the Senate May 18, 1971, the Majority 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.

Mr. Schulten of Sagadahoc then moved that the Senate Adhere.

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

Mr. BERRY of Cumberland: Mr. President, I would move that the Senate Insist and join in a committee of conference. I feel that while the bill may have problems and some people feel it too restrictive, and I would number myself in that group, I feel we have a problem here and that the legislature should make an honest effort to solve it.

The PRESIDENT: Is it now the pleasure of the Senate that the

Senate insist and join in a committee of conference?

The motion prevailed.

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

Senators:

SCHULTEN of Sagadahoc

WYMAN of Washington

VIOLETTE of Aroostook

**Non-concurrent Matter**

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

In the Senate May 6, 1971, Passed to be Engrossed as Amended by Senate Amendments "B" (S-96) and "C" (S-144), in non-concurrence

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-289), in non-concurrence.

On motion by Mr. Violette of Aroostook, tabled and Tomorrow Assigned, pending Consideration.

**Non-concurrent Matter**

Bill, "An Act Relating to Public Utilities Providing Gas Service and Valves on Their Distribution and Service Lines." (H. P. 946) (L. D. 1305)

In the House May 12, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by House Amendment "A" (H-255).

In the Senate May 19, 1971, the Majority 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 Mr. Moore of Cumberland, the Senate voted to Adhere.

**House Papers**

The Resolve today received from the House requiring Reference to Committee was acted upon in concurrence.

**Communications**

State of Maine

House of Representatives

Office of the Clerk

Augusta, Maine

May 24, 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 Suspension of Motor Vehicle Operator's License for Speeding Violation" (H. P. 1151) (L. D. 1602)

Messrs. HEWES of Cape Elizabeth  
 GAGNON of Scarborough  
 CALL of Lewiston

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

Messrs. FINEMORE

of Bridgewater

SHAW of Chelsea

DUDLEY of Enfield

Bill "An Act relating to Vacation and Sick Leave of Certain Employees of Highway Department" (H. P. 1063) (L. D. 1454)

Messrs. BARNES of Alton

McNALLY of Ellsworth

LEE of Albion

Respectfully,

(Signed)

BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered  
 Placed on File.

### Committee Reports

#### House

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

Bill, "An Act Appropriating Funds to Provide for Night Pay Differential for State Employees." (H. P. 1010) (L. D. 1389)

Bill, "An Act to Provide for Night Pay Differential for State Employees." (H. P. 518) (L. D. 681)

Bill, "An Act Establishing a Motor Vehicle Branch Office in the City of Ellsworth." (H. P. 405) (L. D. 518)

#### Leave to Withdraw

The Committee on Election Laws on, Bill, "An Act Relating to Form and Arrangement of Ballots in

General Election." (H. P. 588) (L. D. 783)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Establish the Traffic Court." (H. P. 1153) (L. D. 1603)

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 Taxation on, Bill, "An Act Providing for a Low Income Allowance." (H. P. 575) (L. D. 751)

Reported that the same Ought to Pass.

The Committee on Natural Resources on, Bill, "An Act Amending the Maine Sanitary District Enabling Act." (H. P. 683) (L. D. 924)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act Broadening the Sales and Use Tax Exemption on Water and Air Pollution Control Facilities." (H. P. 862) (L. D. 1186)

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.

The Committee on State Government on, Bill, "An Act Relating to Preserving Historical Materials by the State Museum." (H. P. 204) (L. D. 270)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-327).

Which report was Read and Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as

Amended, Tomorrow Assigned for Second Reading.

#### **Ought to Pass — As Amended**

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds for the Maine Law Enforcement Planning and Assistance Agency." (H. P. 834) (L. D. 1130)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-313).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds to Expand Homemaker Services in the Department of Health and Welfare." (H. P. 836) (L. D. 1132)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-314).

The Committee on Taxation on, Bill, "An Act Relating to Excise Tax on Motor Vehicles." (H. P. 1196) (L. D. 1647)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-315).

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

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

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Northern Maine Vocational Technical Institute and the Maine Maritime Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Building at Peter Dana Point Reservation and Tribal Halls for Penobscot and Passamaquoddy Reservations." (H. P. 175) (L. D. 233)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-329).

Come from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-312) and House Amendment "A" (H-329).

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

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

The Committee on Legal Affairs on, Bill, "An Act Relating to Airport Commissions for County and Municipal Airports." (H. P. 681) (L. D. 918)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to an Airport Commission for Knox County." (H. P. 1351) (L. D. 1767)

(On motion by Mr. Hoffes of Knox, tabled and Tomorrow Assigned pending Acceptance of the Committee Report.)

The Committee on Natural Resources on, Bill, "An Act Relating to the Powers and Duties of the Environmental Improvement Commission." (H. P. 1124) (L. D. 1591)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1352) (L. D. 1768)

The Committee on Natural Resources on, Bill, "An Act Relating to the Conduct of Hearings Required by the State's Environmental Laws." (H. P. 359) (L. D. 467)

Reported that the same Ought to Pass in New Draft Same Title. (H. P. 1246) (L. D. 1555)

(On motion by Mr. Violette of Aroostook tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.)

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 matters, Accepted in concurrence, the Bills

in New Draft Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Provide Certain State Level Land Use Controls." (H. P. 1125) (L. D. 1543)

Reported that the same Ought to Pass.

Signed:

Senators:

SCHULTEN of Sagadahoc  
VIOLETTE of Aroostook  
GRAHAM of Cumberland

Representatives:

SMITH of Waterville  
KILROY of Portland  
CUMMINGS of Newport  
BROWN of York  
WHITSON of Portland

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

Signed:

Representatives:

HERRICK of Harmony  
CURRAN of Bangor  
HARDY of Hope  
AULT of Wayne  
MacLEOD of Bar Harbor

Comes from the House, the Majority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-334).

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

House 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 Judiciary on, Bill, "An Act Relating to Division of Real and Personal Property by the Court under a Decree of Divorce." (H. P. 811) (L. D. 1084)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1353) (L. D. 1769)

Signed:

Senators:

TANOUS of Penobscot

HARDING of Aroostook  
QUINN of Penobscot

Representatives:

WHEELER of Portland  
PAGE of Fryeburg  
WHITE of Guilford  
BAKER of Orrington  
ORESTIS of Lewiston  
LUND of Augusta  
HENLEY of Norway  
HEWES

of Cape Elizabeth

KELLEY of Caribou

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

Signed:

Representative:

CARRIER of Westbrook

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

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Habitual Offenders of Motor Vehicle Laws." (H. P. 1054) (L. D. 1448)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1355) (L. D. 1771).

Signed:

Senators:

TANOUS of Penobscot  
QUINN of Penobscot  
HARDING of Aroostook

Representatives:

LUND of Augusta  
BAKER of Orrington  
WHITE of Guilford  
PAGE of Fryeburg  
HENLEY of Norway  
KELLEY of Caribou  
WHEELER of Portland  
HEWES of Cape Elizabeth

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

Signed:

Representatives:

ORESTIS of Lewiston  
CARRIER of Westbrook

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.

### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Providing for Records of Sales of Used Merchandise." (H. P. 490) (L. D. 631) ask leave to report: that the House recede from passage to be engrossed; recede from adoption of House Amendment "A" and indefinitely postpone same; adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House:

On the Part of the House:

CARTER of Winslow  
LUND of Augusta  
HENLEY of Norway

On the Part of the Senate:

HICHENS of York  
KELLAM of Cumberland  
JOHNSON of Somerset

Comes from the House, the report Read and Accepted, and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-322) in non-concurrence.

Which report was Read and Accepted in concurrence.

(See action later in Today's Session.)

### Final Report

The Joint Standing Committee on Election Laws submitted its Final Report.

Which was Read and Accepted.  
Sent down for concurrence.

### Second Readers

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

### House

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

(On motion by Mr. Tanous of Penobscot, temporarily set aside.)

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)

Bill, "An Act Relating to Tax Sheltered Annuities." (H. P. 699) (L. D. 942)

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

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

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

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

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

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

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

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

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)

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

Bill, "An Act Relating to Taxation of Buildings on Leased Land in Unorganized Territory." (H. P. 1339) (L. D. 1755)

Bill, "An Act Relating to Home Rule Procedure." (H. P. 968) (L. D. 1328)

(On motion by Mr. Tanous of Penobscot, temporarily set aside.)

Bill, "An Act Providing for Full-time Offices for Registration and Licenses for Operation of Motor Vehicles." (H. P. 1346) (L. D. 1765)

Bill, "An Act Relating to Time of Sending County Estimates to Secretary of State and Municipalities." (H. P. 1343) (L. D. 1762)

Bill, "An Act Revising the Maine Potato Tax Law." (H. P. 1335) (L. D. 1751)

Bill, "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)

Bill, "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)

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

The President laid before the Senate the first matter set aside by Mr. Tanous of Penobscot: Bill, "An Act Revising the Laws Relating to the Maine State Prison." (H. P. 458) (L. D. 613)

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

Senate Amendment "A", Filing No. S-206, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: The Judiciary Committee voted on this bill in committee and sent it out to move it along. We knew that it would need some amendments on it because there was a case pending in court, which was decided last week, and in order to move it along we thought we would send it out of committee and then amend it on the floor to provide for the latest ruling of the court in relation to this matter. This is precisely what this amendment does: it clarifies some of the rulings of the court in a recent court decision regarding those people that are imprisoned in the Maine State Prison. Thank you.

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

The motion prevailed.

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

Sent down for concurrence.

The President laid before the Senate the second matter set aside by Mr. Tanous of Penobscot: Bill, "An Act Relating to Home Rule Procedure." (H. P. 968) (L. D. 1328)

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

Senate Amendment "B", Filing No. S-205, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: This amendment puts an emergency clause on this home rule procedure, principally because we have adopted other home rule procedures at this session, and we have included the emergency clause on it because it is the feeling of some attorneys that perhaps all of these ought to go into effect at the same time.

Also, if you will notice in the bill, the bill itself excluded the necessity for having thirty percent of the people vote on a change of a charter under the home rule provision. We had a lot of debate two years ago in the Legal Affairs Committee and on the floor as to what percentage we should have in order to change the amendment on a charter, and it was felt that to prevent apathy among voters that to put the percentage at thirty per cent the people would get out and vote on these municipal matters rather than just sit home and allow a change in the charter with just a one or two percent voting population attending the polls. So this particular bill removed the percentage from the home rule provisions and, after discussion on the matter with the Chairman of the Legal Affairs Committee, the other members of the Committee and the sponsor of the bill, they agreed that perhaps we ought to leave that thirty percent provision in there. So this



is what the amendment does as well. Thank you.

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

The motion prevailed.

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

Sent down for concurrence.

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

Which was Read a Second Time.

Mr. LEVINE of Kennebec then moved that the Bill and all accompanying papers be indefinitely Postponed.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I arise to oppose that motion, and when the vote is taken I would ask that it be taken by a division.

This gets down to the heart of the matter of whether we are really concerned about pollution or whether we are not. If you are on a lake or stream or river in this state of ours, and you drop some garbage from your boat, just a handful or a can, you may be fined up to \$100 or imprisoned for up to 90 days. However, if you were to pollute on a massive scale, that is, to dump truckloads or garbage into a lake, stream or river, in absolute violation of some order of court or ordinance of law, you could only be subjected to a fine. There were some members of the Judiciary Committee who thought that this was really hypocritical. It is a good deal like making petty larceny a crime, but grand larceny is not. So, if we were to be fair with the people of this state, we felt that we ought to impose the same kind of a penalty, which would be a jail sentence, for the massive, deliberate, willful polluter as we would for the petty polluter.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I think, according to the Senator from Aroostook, Senator Harding, that the law he just mentioned would apply to any polluter. The main reason why I object to this bill is that I think we have got laws enough now on the books protecting the environment.

I don't like to trigger jail sentences because I don't want to have to go and build too many jails, and I don't think we need this legislation. This legislation is already covered by other legislation, as the good Senator from Aroostook just mentioned, and that is why I moved that this bill be indefinitely postponed.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I rise to concur with my friend, Senator Harding from Aroostook, on this bill. It seems to me that if we are going to penalize and have laws on the books that will provide for jail sentences for those that would throw out cans from their car or a bottle or that are littering in any way that in this most serious instance they ought to be at least comparable in that a jail sentence should be provided for in the law.

I don't think it is an unusual request to make, and the courts can act accordingly on this particular bill. It just, in my opinion, makes it somewhat equitable in comparison to other laws of a similar nature. I think certainly that this ought to be adopted. Thank you.

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

Mr. LEVINE of Kennebec: Mr. President, I would like to ask a question through the Chair to either one of the members of the Committee. According to our laws now, can these same people be fined or not that are included in this bill here?

The PRESIDENT: The Senator from Kennebec, Senator Levine, has posed a question through the

Chair to any Senator who may answer if he desires.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: In answer to the question posed, under the laws today the massive polluter can be fined only. The petty polluter who would throw the can or the chicken bone, or what have you, into the lake can be both fined and jailed.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I was a member of the Judiciary Committee that passed this law out and I felt that we should put some teeth in the law so that a judge in listening to a case can properly give the proper sentence under the circumstances of the case, and he would be able to give a prison sentence if he thought it was deserving. It merely puts teeth in the law for the court to use.

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

Mr. LEVINE of Kennebec: According to this amendment the teeth have been taken out of this law, so I don't think we need this law.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would oppose the motion also. The bill is a very practical bill and it fills a void which we have had in our laws where some corporation, be it municipal or private, can refuse to go ahead and they are not going to get in trouble. This law says very plainly that if it is willful, and I think that is the key to the whole thing. As the Senator from Penobscot, Senator Quinn, points out, the judge may impose a prison sentence. So I think this has been amply debated here, it is a very good bill, and I would ask for a division, hoping that you will vote against the motion.

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

bec, Senator Levine, that Bill, "An Act to Include Imprisonment Among Those Penalties Provided for Violation of Environmental Protection Laws," be indefinitely postponed.

A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone this bill will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

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

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

Sent down for concurrence.

#### House — As Amended

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

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

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

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

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)

Bill, "An Act Relating to Funeral Expenses of Recipients of Public Assistance." (H. P. 1012) (L. D. 1391)

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

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

Bill, "An Act to Provide Loans to Encourage the Practice of Family Medicine to Assist in Main-

taining the Health of Maine Residents." (H. P. 577) (L. D. 772)

Bill, "An Act Relating to Formation of Multi-community Transit Districts." (H. P. 1164) (L. D. 1609)

Bill, "An Act Providing for a Feasibility Study for High Speed Rail Service for Maine." (H. P. 1201) (L. D. 1652)

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

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

#### Reconsidered Matter

On motion by Mr. Harding of Aroostook, the Senate voted to reconsider its action of earlier in today's session whereby it adopted the Committee of Conference Report on Bill, "An Act Providing for Records of Sales of Used Merchandise." (H. P. 490) (L. D. 631)

The same Senator then moved that the Senate Reject the Committee of Conference Report.

The PRESIDENT: The Senator has the floor.

Mr. HARDING: Mr. President and Members of the Senate: This bill was considered by the Judiciary Committee, and there were very serious problems involved in its enforcement.

Now all the members of the committee were of a feeling that we would like to have a bill whereby we could keep track of this used merchandise and sufficient records would be kept, however, we were not able to come up with a bill which was meaningful and enforceable.

With the conference committee report which you have here you will notice that there are many items exempt from it, in other words, coins, stamps, scrap materials, motor vehicles or bulk purchases from estates are all exempt. In addition to that, any item with a gross sales price of \$25 is exempt, all sales between dealers are exempt, and all sales on consignment. So this leaves a hole so big that you could drive several trucks through it insofar

as the bill is concerned. This troubled the committee in that you are passing a law by which people could be put in jail and could be fined and, as a practical matter, it is almost totally unenforceable. It was on that basis that we could not favor the report on the bill. I think it is an unenforceable bill, and for that reason we rejected it.

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

Mr. HICHENS of York: Mr. President, I request a division on the motion.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I think the points made by my good friend, Senator Harding, are well taken, however, we do have a rather serious problem in the State of Maine relative to merchandise that is not the proper property of the person doing the selling, who sells to dealers and the dealers make no inquiry or attempt to ascertain whether this person is the proper owner of the property.

This is designed to protect people who have property which is stolen and, although there are a number of exemptions in the bill, it nowhere exempts any thieves, as I see it. It does exempt the normal transactions which run between people in the trade, so to speak, but what the bill is designed to do is to help keep a record of merchandise purchased by someone who wanders in off the street and where the dealer should have some awareness that maybe the property does have a rather shady background. So, for that purpose, I hope that the motion will be defeated.

I think that if the Judiciary Committee would like to place its great knowledge behind a problem such as this that they could come up with something. We do have some of the cities, like the City of Portland, that do require records to be kept but, unfortunately, people will take

property across town lines or somewhere else. I think there are meritorious aspects to the bill, and I am sure that if there was any real defect that they could find that they could do something to it, if they really tried.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: We really had difficulty with this bill in the Judiciary Committee. We hashed this around for weeks before we voted on the bill.

The public hearing was well attended. We had all kinds of coin collectors, stamp collectors, motor vehicle salesmen, they were all present at the hearing. In its original form all of these people were included in the bill to maintain records as to whom they buy from.

At the public hearing it was shown that there were almost no thefts, in fact, I don't think there were any thefts at the public hearing regarding coins and stamps or motor vehicles, in the sense that we understand it, or other valuable items that are sold to secondhand or junk dealers, so to speak. So this only left your poor little junk dealer to maintain a record, and this is why we felt that this guy, who hasn't got too much education and perhaps knows very little about keeping records and keeping books, that here we were going to exclude all those people from the original bill it was intended to cover, and just penalize that poor little junk dealer on the corner who is trying to buy a scrap of junk for two or three dollars and he is going to have to keep a record on every one of these people.

So we just felt that there was no need, first of all, to include your coin collectors, your stamp collectors and so forth, because no evidence was presented in this hearing that showed a need for a bill of this type. So the only area it boiled down to, as I mentioned, was that poor little fellow, that scrap collector, and we just couldn't see penalizing him in this manner so we voted the bill out,

as you see from the committee report, the majority was Ought Not to Pass.

I haven't changed my opinion on it. I still feel that this would be a real burden on the poor junk dealer and there is no real necessity for such legislation, especially in view of the fact that there is also a limitation on this bill. You are excluding from the bill the items where all you have got to do is set a price on them under the \$25 figure and you get around the law. So I don't think that we should penalize the junk dealer. Incidentally, we did receive a letter from the Attorney General's office and this letter, which I tried to find this morning, seriously questioned the validity of this particular bill as to its enforcement, the ability to enforce it, and who shall enforce it in the sense of who will check the records when they are supposed to. There is really a whole can of worms involved. This bill just wasn't in the form that it should have been. We worked on it and tried to get it together but we couldn't, and certainly I don't think that we should pass it at this time. Thank you.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I have heard of the poor little junk dealer and, as near as I can figure out, the poor little junk dealer is mostly in the urban areas. Most of the cities in Maine, I know two or three in our area here, require that junk dealers record who they purchase the junk from, the amount, the quantity, the name of the person and the time of day. And the police in the town go and check the report over the first thing every morning practically to see what they have taken in the day before. If there is something missing somewhere else then they can probably tie it in.

The poor little junk dealers, I think they make more than a great many other people. But this is one way, I think, regardless of what the feeling is on enforcement, that if these antique dealers and so forth would record these items, and

there are many areas today in the state where homes are being broke into, things are taken, and it might not be that the larger dealers have any problems, but in the smaller areas it would seem to me logical that we could do this job and find out where some of this stuff is going. We have reduced the penalties in the previous bill there so they are not too bad at the present time.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I was not at the hearing on this L.D.; I became interested in it later on. But this L. D. 631, I believe, is a two-barreled approach to fight a serious problem of the increasing rate of burglaries of summer homes and camps.

It will serve as a deterrent. The sales of used property would have to be recorded, along with the identity of the seller, and he would be fined for giving false identity. It will dry up the market, and the thief might also think twice before theft or sale.

It will serve as a tool for law enforcement officers. At the present officers locate stolen goods but they can't trace the seller. Many times the buyer or the fence looks the other way on questionable offers to sell.

I understand the bill had a good hearing, and that has been confirmed by the Senator from Penobscot, Senator Tanous. It was supported by the Criminal Division of the Attorney General's office, and the only opposition was from the coin and stamp collectors. This was covered by an amendment which exempts same along with estate purchases, scrap dealers, motor vehicle sales, sales between dealers or sales on consignment.

House Amendment "A" was drawn up by the Consumers Division of the Attorney General's Office, and I can't quite understand now why this would be called a "can of worms" by that office.

The items of value of less than \$25 are also exempted, which should minimize the inconvenience in recording. Any good law inconveniences someone, but in this

case the advantages gained far outweigh the inconveniences of a few. Good honest citizens will be glad to comply to help put a damper on the increasing burglaries in this state. So, again I request a division.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: One of the toughest things to do is for a lawyer to point out the problems of enforcement on a particular bill once it becomes a law. But suppose that this became the law, and your police chief came in to check the merchandise and said "Where is your book?" And so he said, "What happened to this particular thing here?" And he says, "Well, I got this from a dealer and I don't have to report it." "What about this?" "I got this on consignment, and I don't have to report it." "What about this item here?" "Well, this is less than \$25 and I don't have to report it." So as a matter of fact the law becomes totally meaningless and unenforceable.

Now the members of the Judiciary Committee try not to put laws on the books which draw the contempt of the citizenry, and this is the kind of a law that draws the contempt of the citizenry because it is unenforceable. That is why we don't like it and that is why we voted against it.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: The only one that this law would hurt would be the petty thief who likes to break into somebody else's cottage and go and see what he gets to an antique dealer. If he knows that it can be found out where he sells this stuff, nine times out of ten he will not go out and steal. If a man doesn't have a place to sell it then he will not just steal it. If we pass this legislation it will stop him from selling by checking on them. So I think it will stop a lot of the breaking into camps. Thank you.

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

took, Senator Harding, that the report of the Committee of Conference be rejected on Bill, "An Act Providing for Records of Sales of Used Merchandise."

A division has been requested. As many Senators as are in favor of the motion to reject the report of the Committee of Conference will please rise and remain standing until counted. All 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, the motion did not prevail.

Thereupon, the Report of the Committee of Conference was Accepted in concurrence and, subsequently, the Senate voted to Recede and Concur.

Bill, "An Act Relating to Open Season on Deer in Northern and Southern Zones for 1971 and 1972." (H. P. 1337) (L. D. 1753)

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

#### Senate

Bill, "An Act Repealing the Poll Tax." (S. P. 14) (L. D. 42)

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

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act Amending the Minimum Wage Law." (S. P. 233) (L. D. 695)

Which was Read a Second Time.

Mr. Berry of Cumberland then moved that the Bill be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: I was intimately connected with this bill when it was introduced into the legislature, and I was accused by a member of the committee yesterday of turning upon my own bill. However, like way blade at the door, I disclaim any possible connection with the monstrosity I see before me. It has been emasculated, pedicured, manicured and everything else, and what is left bears no resemblance to what the parent tried to conceive.

I don't want to get into a long harangue on the value of summer camp life, both to the children involved and the State of Maine, because I know there are many members in this Senate that have experience in both areas.

While I may have a few friends who say they are sorry it happened, my introduction to the real heart of Maine was when I, as a resident of greater Boston, at a tender age was put upon a steam train at North Station and we chugged up to Maine, and I felt that I was really going into the wilderness. That started a love that I never lost. I can even remember when the train took the ferry to cross the river at Bath, which is really going back in ancient history.

Anyway, our summer camps are important to us. They are important, I think, primarily to the younger people who go to them. Now, this bill in its present form before you, will kill only the proposal that young people working at camp be put under the minimum wage. I don't need to call your attention to the fact that we have on the calendar a tabled item that is going to, I am sure, raise the minimum wage. What we are going to do is take out of the summer camps the element of amateurism or what I have always observed as a very, very sincere feeling between the older people and the younger people and we are going to make our summer camps strictly a commercial operation. I don't think we want this.

I could bore you with statistics of how many people are affected and so forth, but I know you all know this better than I do, so I would hope you would support my motion, and I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I too rise in opposition to the bill that is now before us. Employment in summer camps for youngsters can be a very rewarding experience. While they

may not be able to attend summer camp as campers, they have the use of most of the camp's facilities and they are in a wholesome, outdoor environment geared for people of their own ages. It is more than just a job; it is an experience in life.

I feel that we are over-protecting our young folks, and as a result too many of them don't have enough to do and they get in trouble. I think that boys and girls that can go to summer camp as counselors and helpers are very fortunate, and I would support the motion for indefinite postponement of this bill.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I appreciated the comments of my good friend, Senator Berry from Cumberland. You know, he referred to a certain Senator as having been given this bill to put in, and then he stands up in opposition to it. I don't claim that he gave this bill to me to put in. It is my bill that I sponsored and it is a Department of Labor bill.

I always enjoy listening to debates on bills of this nature. You know, you get up and look at a bill, and if you don't like the title you are going to oppose it. Or if the title looks good you are going to vote for it. I think when you get up to debate a bill that an individual ought to get to the meat of the bill and the substance of it. This is important so that you know the issues and how the whole picture is concerned when you are talking about a bill, as to whether you are trying to defeat this bill merely because there is a bunch of lobbyists opposed to it or whether the bill has merit, because there are some inequities in our salaries and minimum wage in our camps in the state.

Now, I have removed Section 3 out of that bill, which pertained to waitresses, because I felt that in this area they are provided for under our present law. But those employees who are employed in summer camps aren't employed

under our present law, and I think that we should do something for these people. Now, I will get right to the meat of the campers that we are talking about now, the people employed in camps, because this is very deceiving when you are talking about campers, the people employed in camps.

First of all, I would like to put across some philosophy to you. We have a minimum wage here in the State of Maine. It is \$1.60 an hour and there are considerations of raising it to \$1.80. But the trouble is that with this minimum wage we have so many exemptions contained in this law that it is in fact a fictitious minimum wage. Now it is wonderful, you can pass a minimum wage of \$2 or \$2.50 an hour, and you can add the exemptions and pile them on, and then you end up with a fictitious minimum wage; you have nothing. This is one area of inequity that I hope we can correct. At least it is a start in this area.

If you dig out your labor laws and look at the exemptions under our minimum wage law, it is almost unbelievable. Now, anybody employing four or less employees is exempt. All of your agricultural employees are exempt. All of your fish canneries and fishing industries are exempt. There are so many exemptions — and talking about exemptions, Madam and my fellow Senators, this bill, if you have got your book open on L. D. 695, you will notice that it does not exclude from the minimum wage those employees who are counselors or junior counselors at summer camp. It does not remove their exemption. This Section 2 would only remove from the present exemption students under 19 years of age who are employed at children's camps. Such students employed in other types of businesses, such as hotels, adult recreation camps, restaurants, stores, they are all subject to 75 per cent of the adult minimum; this means \$1.20 an hour at the present time.

The Department of Labor goes on to say that the industry can see no reason to penalize a student for working in a children's camp,

and we are penalizing them. Now, it should be borne in mind that we are not talking about the counselors or junior counselors who are completely exempt from the law. We are talking about the dishwashers, the cooks' helpers and the groundsmen, and those are the only three areas which we are talking about: the dishwashers, the cooks' helpers and the groundsmen.

Now the counselors who you have at camp are often campers who come back because they love it or because it is experience for a teaching career, but the dishwashers are something else. Now some camps allow some of your dishwashers, you know, to use the camp facilities, but don't you forget, if you have ever been at a summer camp, they are not allowed to intermingle with the regular campers. These people are somewhat second-class citizens in this area because they don't enjoy these benefits along with the campers; they use the facilities when the regular campers aren't there.

Over and above this, in considering removing the exemption for your dishwashers, your assistant cooks, so to speak, and your grounds people, they still have the benefit of the room and board attributed toward the minimum wage. They still can credit the room and board of these individuals, which is usually, as mentioned at the hearing, up to \$20 or \$25 per week that they were given credit for, that the owner of a camp can charge as salary against their wage, up to \$25 a week. Further, it was shown that most of your dishwashers and these people who are employed in this capacity, what do they get a week? Fifteen or twenty lousy dollars a week is what they are earning at these summer camps. I am not saying that is slave labor because they are not forced to do this, but at least we should be equitable. If they look to us for protection under the law, to be treated equally with others, then they depend on us here today to vote in their favor. These people who are so employed don't have the lobbyists to come over here

like the owners of the camps who make thousands and thousands of dollars and yet refuse to pay our equitable salaries to their employees.

I am not exaggerating when I say they are earning thousands and thousands of dollars, because I have a letter in my possession about two individuals who own a camp not far from here. If you want to see this letter, I will be glad to show it to you after we are done this morning. Two individuals own a camp, and they run this camp for ten weeks in the summertime. Do you know what they netted last summer for ten weeks? These two guys in partnership netted \$35,000; that is \$17,500 apiece for ten weeks. Yet they paid the dishwashers \$15 a week. Big deal. Well, really we are not exploiting labor in this area, of course not. These kids love to come to this camp, and we are not exploiting them. So, I ask you, I ask you in the name of every summer camper, every dishwasher, every cook's helper and every groundsman, to stand up and vote in favor of the bill and oppose the motion for indefinite postponement. Thank you.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I too share Senator Tanous's desire to debate the bill on its merits. He brought up some interesting points.

I recall the camp I referred to many, many years ago was run by one individual, and the \$17,000 that he presumably earned that Senator Tanous mentioned, which of course is not the same instance, was his yearly salary. He might have worked for ten weeks, and I know they work 24 hours a day for ten weeks, but of course this is his annual salary. This is the situation with summer camps. The other ten months of the year the summer camp directors are touring the country selling their camp to campers to come. So let's dispose of that situation.

I have been here ten years and interested myself in labor legislation. I have proposed some mea-



sures that have succeeded, so I will take no back seat to anybody, but never in my experience as a legislator, until this year, have I heard an employer castigated as an employer of slave labor. I don't think we have such a thing.

Now, the dishwashers, the grounds keepers and the assistants in camps are young people. If not, they are going to be covered anyway by our other laws. But the young people are what we are talking about. These are people who have gradually grown older and have been coming back to the camp for year after year. And from my own experience, and I know many in this room too, you gradually go up the so-called ladder. You are a camper, you are a worker, then you are a junior counselor, you are a counselor and you are a nature study leader, and so forth. In the process of getting into this progression, which is life itself, when you come right down to it, you start off at what we would say is a small salary for a small boy. There doesn't seem to be anything too wrong with this in my opinion. I think we have got a microcosm of American life that we are talking about. I think that would indicate, I hope, to the members of the Senate that they would support my motion for indefinite postponement.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: The good Senator from Cumberland, Senator Berry, just mentioned that the boys go to camp at first and then they come back to camp again. But the boys who he just mentioned that come back to the camp come back as counselors. The boys who do the dishes and work on the grounds are mostly young people who want to further their education, who want to get a college education, and that is where their income comes from.

I don't think that this bill will put any hardships on the camp owners because they are charging now as high as eight and nine hundred dollars a season, so they are doing well financially. The only

thing we are going to do with this bill here is help some young kids who want to further their education and are trying to work hard. Most kids like to play in the summer, but they don't play. When you wash dishes there, it is usually hot in the kitchens, and when they mow the grounds they are really working hard, and they are saving their money to try to further their education, so I think they deserve it.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I come from an area where there are ten camps within a five mile radius of my home, and I have been associated with these camps for many years.

It is true that they don't pay these high school kids too much money. Usually those camps around home pay them \$30 a week. These are high school kids, and they employ about half the kids available from our high schools around there. These are the jobs they look for to earn some money. They get their meals, and if they want to they can stay there and live right at the camp, or they can go back and forth.

I think that a boy or girl of that age who is in high school is a lot better off if they are working for twenty-five or thirty dollars a week, because they go in in the morning, they go in at noon and they go in at suppertime. Then the rest of the time they have off. I think they are much better off if they have got a job.

If we pass this, I am afraid what will happen is that they will hire adults, pay them the minimum wage, and do away with the youngsters that we want to have employed. You all know that when you hire a bunch of kids there is quite a lot of horse play that goes along there, and they are not the same as an adult working. But it does give them an opportunity to earn some money and some respectability, and I think we would be making a mistake if we accept this bill. I would be in favor of the indefinite postponement.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I think that of the volume of mail I have received up until now that a very large percentage of it was on this minimum wage bill, to the effect that we don't need it.

We in Maine have a lot of small particularly summer business that are doing business on a shoestring, but they have absorbed and will absorb many of our young folks who want to earn a little money to get ready for another school year. If these jobs aren't available to them they are out of luck. Summer jobs, I understand, this year are going to be very scarce, and if we pass this bill they are going to be scarcer, so I will go along with the motion to indefinitely postpone.

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

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

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: It wasn't brought out before the committee that any hardship would be brought onto the camp owners, so what it boils down to is: Are we willing to let some youngsters who work hard to save a hundred dollars more through the summer so they will be able to get an education, or do we feel that to heck with them; we don't care. Because as far as losing jobs, no youngsters will lose jobs through this legislation. No camp owner can go out and hire a bunch of men to come and work for him in the summertime and charge them with board and room so that they are left with \$30. He can't find anybody because people will get more on unemployment. So that is out.

Then the camp owners are still doing very well now economically, and they can afford to pay them. So if they can afford to pay them,

I don't see why we shouldn't help out the youngsters who are willing to work hard. It isn't very pleasant for a boy 17 or 18 years old to stay and wash dishes — most camps don't have dishwashers — and see his friends play and have a good time. If they work so hard, I think they deserve the raise that they will get under this bill.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I am a canoe instructor at the Youth Conservation Camp at Branch Pond. All the instructors there donate their services. The boys are sponsored by different fish and game clubs, and they pay only \$30 a week. Now, if this bill went through, this camp would have to close its doors. So I am in favor of indefinite postponement.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I would like to clarify some of the points that were brought up here. First of all, in answer to my friend, Senator Anderson from Hancock, this would not affect the camp that he has mentioned. The non-profit camps, such as the one he has mentioned, the Boy Scout camps, the Girl Scout camps, the charitable camps, the non-profit camps, they will remain exempt under the law. So don't think that you are going to penalize these camps that are non-profit or of a charitable nature. Church camps, Scout camps or conservation camps will not be affected by the removal of this exemption. They will still remain exempted.

Now, in answer to the problem of Senator Moore from Cumberland — and I hope that I am answering your questions so that you can vote with this — with reference to Senator Moore's objections, his objections are easily removed as well, because he has mentioned some figures where they are paying the minimum wage. There are good camps such as you mentioned that are paying the minimum wage and not underpaying the people. Those that are paying in the area

of \$30 or \$35 a week for dishwashers, adding to this their meals and room, they are coming within the minimum wage law, so that these good camps are not going to be affected by this because they are already paying a fair wage to these people. It is those camps that fail to provide equity in their wage scales for the dishwashers, the groundsman and the cooks' helpers.

Now Senator Berry mentioned an incident, and I want to clear the record. I don't think I mentioned that there were any slave labor camps. I don't think I mentioned that. I think I used the words or the phrase in the negative, that these are not slave labor camps, so I think he misunderstood me. Anyway, he further said that these are commercial operations. Well, I agree with him, they are commercial operations, and they ought to pay a commercial type of a wage. They are doing this in every other area, so why should they be exempt? Why should we exempt them, because in every other area in this facet of employment in our state they are subject to paying the minimum wage, so I don't see why, in good conscience and equity, why they should retain the exemption under the law. I certainly hope that you will join me in voting a big "Nay" or "No" on the motion for indefinite postponement. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, "An Act Amending the Minimum Wage Law," Senate Paper 233, Legislative Document 695, 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 at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted. Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair will state the question once again. The pending question before the Senate is the motion

of the Senator from Cumberland, Senator Berry, that Bill, "An Act Amending the Minimum Wage Law", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

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

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

A roll call was had. Twenty Senators having voted in the affirmative, and twelve Senators having voted in the negative, the Bill was Indefinitely Postponed.

Sent down for concurrence.

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

Mr. BERRY of Cumberland: Mr. President, I move reconsideration, and I hope my motion fails.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby it indefinitely postponed Bill, "An Act Amending the Minimum Wage Law."

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, I move this matter lie on the table until the next legislative day.

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

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

Thereupon, a viva voce vote being taken, the motion to Reconsider did not prevail.

#### Enactors

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

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

(On motion by Mr. Quinn of Penobscot Tabled and Tomorrow Assigned, pending Enactment.)

An Act Relating to Fees for Plates for Dealers in Motorcycles and Boat Trailers. (H. P. 1005) (L. D. 1367)

An Act to Repeal Obsolete Laws and Correct Errors and Inconsistencies in the Motor Vehicle Laws. (H. P. 1064) (L. D. 1471)

An Act Defining Home-made Farm Tractors under the Motor Vehicle Law. (H. P. 1106) (L. D. 1512)

An Act Relating to Enforcement Options under the Environmental Laws. (H. P. 821) (L. D. 1095)

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)

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

An Act Appropriating Funds to Provide Services for Handicapped Persons in Rehabilitation Centers. (H. P. 254) (L. D. 336)

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

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, Providing a Pension for Widow of Clyde Walker of Hallowell. (H. P. 319) (L. D. 419)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table)

### Orders of the Day

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

SENATE REPORTS — from the Committee of Legal Affairs on Bill, "An Act Relating to Ambulance Service for Injured or Ill Persons." (S. P. 359) (L. D. 1055) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — May 21, 1971 by Senator Quinn of Penobscot.

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

Thereupon, the Majority Ought not To Pass Report of the Committee was Accepted.

Sent down for concurrence.

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

HOUSE REPORTS — from 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) Majority Report, Ought to Pass in New Draft Under New Title on Bill, "An Act Providing for a Study of Whether Savings Banks should offer Checking Accounts." (H. P. 1347) (L. D. 1766) Minority Report, Ought Not to Pass.

Tabled — May 24, 1971 by Senator Clifford of Androscoggin.

Pending — Acceptance of Either Report.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: Since I have not heard any adverse comments relative to my exposition yesterday of how I personally felt about a possible conflict of interest, as Chairman of the Business Legislation Committee and as a signer of the Ought to Pass Report, I now move that the Senate accept the Majority Ought to Pass Report, and I would ask that I be allowed to speak.

The PRESIDENT: The Senator from Sagadahoc, Senator Schulten, moves that the Senate accept the Majority Ought to Pass Report of the Committee.

The Senator has the floor.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: Before I do speak on the redraft, I would inquire of the President: I notice that the L. D. number refers in my book to the divorce law, and really I know very little about divorce laws. I know, I believe, a little bit more about banking laws, and I wonder if this

is a typographical error. I will be glad to tell you what I think about divorce.

The PRESIDENT: The Chair would inform the Senator and the Senate that it is a typographical error. The proper House Paper number is 1347, Legislative Document 1766.

Mr. SCHULTEN: Thank you, Mr. President. In order, I feel, to try to intelligently convey what is at stake here, I feel it would be necessary for your indulgence so that I might go back to the beginning of this bill, which relates to L. D. 1516, and take you back to the day of the actual hearing itself. The hearing was held on May 5th in Room 105. The hearing lasted two hours and five minutes, and there were approximately 100 people there. The actual testimony covered 91 pages, and an additional 17 pages was taken over by charts, reports and various sundry information.

Now, all of us on the Business Legislation Committee felt at that time that this could be an explosive bill, that we should be most careful to be highly impartial, and so to set the tone of the meeting we made a special effort to convey to those present how the Committee on Business Legislation felt. I would like to take a moment to quote you part of the opening address by the Chairman of the Business Legislation Committee, and I quote:

"Since we felt that this particular hearing was of extreme importance to all concerned, we have today provided ourselves and you gentlemen with a court reporter, Leitha Brown, who will make a transcript of everything that is said today so that if for some reason there should be some misunderstanding about who said what at a later time we can always refer to it. We felt that this was a good idea. We would all be free to express ourselves and later, if there was any question about it, there would be no question as to what was said. So, on that basis, once again the Committee welcomes you."

Now, I will be referring to this report for relevant parts as I go through my presentation here.

Actually, on Page 6 of the transcript, it relates to the historical background of the bill, 1516, which was originally introduced. Actually, before that when the commercial bankers — and I am trying to be objective here, believe it or not — when the commercial banks were stung into the realization that one savings bank in the state had already started to offer checking accounts, and the Bank Commissioner had enjoined this particular savings bank from actually going ahead with the checking accounts, when this knowledge became known, this action became known, the first reaction of the Maine bankers was to put in a bill that would very simply have said a single sentence to the effect that nothing under the present statutes would be construed to permit savings banks to have checking accounts.

Now, upon reflection, this seemed pretty restrictive and severe, and so the Maine bankers, having gone on record that they were aware of what was going on, then drafted or had drafted a bill which was presented by Representative David Ault. This bill was the so-called 1516, "An Act Authorizing Savings Banks to Convert to Trust Companies to Issue Checking Accounts." Now, I understand there are 32 savings banks in the state, and I am sure that I had letters from every one of the savings banks, telling me that they were dismayed at this bill, that they felt it violated their fundamental function of serving the people, and because they felt it would force them to convert to a trust company in order that they might try a new competitive tactic of offering checking accounts.

After much consideration, the Maine Bankers Association felt that this certainly was not the intent of the bill. Actually if anyone had read the bill very closely they would have found that this was permissive legislation which enabled the savings banks to offer checking accounts, but if they wished to have the privilege of doing so that they got into the same ball park and were under the same regulations as those who do offer checking accounts.

However, due to the misunderstandings and the feelings that were aroused by the bill, then the Maine bankers felt that these people had been friendly competitors for 150 years and certainly it was not the intent of the Maine bankers to try and keep honest competition from entering the field of banking. That was not their feeling, so they came up with what they figured was an acceptable alternative, and that was that a matter so important to all the state should be referred to a legislative study, and that during the study there would be no action taken by the savings banks to institute checking accounts. In other words, until such time as the matter was resolved, the status that had prevailed for 150 years would continue to prevail.

Now, this alternative approach was based primarily on the knowledge, I think, of everyone having the slightest relationship to banking that there is a Presidential Commission in existence, and this Presidential Commission is right now studying the impact of the entire financial structure of the country. And this Presidential Commission, which is known as the Hunt Commission, has to have its report in by November of this year. The report is scheduled to go before the Congress in December of this year, and we understand that one of the specific questions to be answered by the Hunt Commission Report will be this question of checking accounts for savings banks.

As I say, the commercial bankers have had no objections to competition on checking accounts, but they feel or felt that with the Hunt Commission making this study, unquestionably the thought and the need for proper treatment of reserves, taxes and other elements in a fair competitive base, will be brought up by the Hunt Commission. It is reasonable to assume that a report so voluminous and so complicated as this Hunt Commission report will be, that it is going to take time to assimilate, to study, to find out the actions of Congress in this relation. In fact, even a year before the Commission's report was

due, the Bank Commissioner of this state decided that he would not offer any savings bank legislation until he had had an opportunity to review and work out the recommendations of the Commission, whatever reports they might issue. So that we have a very serious situation, but we have a very complete and exhaustive study on the way.

So, with the Bank Commissioner of the State of Maine holding up pending legislation that might affect the banks, with fifty other bank commissioners in the country probably holding up legislation, we felt, that commercial bankers — once again, excuse the slip — the commercial bankers felt that it was only fair and equitable that on a matter so complicated and so vital that a moratorium be instituted so that the conditions that have prevailed for 100 or 150 years will not be changed, but will be left up to the recommendations and the guidelines that will be promulgated by the Bank Commissioner at a later date.

Now, I deplore personally the necessity of washing linen in public, but unfortunately it has come to this point, and we have got to face it as it is, because frankly the financial stability in this State of Maine is much too important to be left to just the decision of a few people. This item, this matter of study for the banking structure in the State of Maine, has a vital impact on everyone that lives here, and certainly to ask that the matter be studied by legislative committee, and that no action be taken on either side, with the exception — and I better explain that — with the exception of the possible suit that may be decided by the court in Androscoggin County — if the court decides before the end of the moratorium that this particular savings bank has the authority to issue checking accounts, certainly the Maine Bankers Association and all the rest of us have absolutely no objection to this bank going ahead. We certainly can't preclude or prejudge the court in what they will do, but they too must be aware of the Hunt Commission study, and very possibly, and I say only

possibly, they may decide to wait the outcome. But this is vital, this is holding together a condition of friendly competition that has existed for 150 years, and the commercial banks say let's keep it that way, pending clarification and guidelines.

Now, I tried to avoid all controversial matters that I could have brought up here that relate to reserve requirements, tax differentials, deposit growth, but it is all here in the transcript of the account in the public hearing that we were privileged to be present at and to hear. This is available for anyone. It is the property of the legislature and we will make it available to anyone who would like to go over it.

I am sure that we are not going to be influenced by what has happened on this bill up to this point, but I would just like to point out a couple of things before I conclude and sit down. That is that this matter of study and a moratorium has been in the other body of the legislature. It was there for two days, and on both days it had very extended, very fierce debate, and the result of the vote on both days, not just one day, but on both days was a three to one majority ought to pass the study bill and moratorium as outlined in 1766, the redraft which you have before you.

Now, a friend of mine, who is a fellow Senator, spoke to me yesterday, and he said, "Well, Tarpy, I won't be voting with you tomorrow or whenever this bill comes up because, frankly, I work for a savings bank." And I said, "Well, I understand that perfectly well," and we parted company. But before we parted company he said "I would probably question the constitutionality of the redraft." So, for my friend's edification, I perhaps saved him a little effort. Last night I did check the constitutionality of the redraft and it is perfectly constitutional. There are no questions in that regard.

I have tried to be candidly objective about this redraft 1766. I do feel it is important to all of us. I do feel it is important to the people of the State of Maine, and that nothing but good can come

from the passage of this L. D. 1766, so I would request that when the vote is taken, Mr. President, that it be taken by the "Yeas" and "Nays". I would also request that as a legislative courtesy to the gentlewoman from Cumberland, Senator Carswell, that I be permitted to abstain from voting when that vote is taken.

One last thing, and certainly it is not the least: I would like to thank leadership for making available the facilities to have a regular court reporter present at this very important hearing, that made the difference between guesswork as to what was said and misinterpretation, an actual transcript of everything that was said. This, in my opinion, is good efficient governmental legislative action, and I feel that when we get into the governmental reform and governmental reorganization that these are the things that we should give careful consideration to, because this is the difference between profit and loss when these committee hearings finally come up for legislation. I thank you for your consideration to my views, and I would hope that the vote would be to accept the Majority Ought to Pass Report.

**THE PRESIDENT:** The Chair would inform the Senator that, unless he asks leave of the Senate to not vote because of a conflict of interest, the Senator is expected to vote.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

**MR. SCHULTEN:** Mr. President, may I be permitted to say that I think the matter, as far as a possible conflict of interest, was dispelled when no one spoke to me that they felt there was a conflict. So I feel in my own mind, and no one has said the contrary, that there is no conflict of interest, and I shall vote then.

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

**MR. CLIFFORD** of Androscoggin: Mr. President and Members of the Senate: I rise to oppose the motion by Senator Schulten from Sagadahoc. I think this controversy has risen as a result of a situation that exists or existed

in Androscoggin County, in the City of Lewiston. A short time ago one of the local savings banks started to issue checking accounts. I think they got twenty or twenty-one of them issued, and this was with the knowledge of the Banking Commissioner. When, at that point, the Banking Commissioner stepped in, brought an injunction and enjoined this bank, thereby getting the matter into the court system. It first went to Superior Court, and from there an agreed statement of fact was submitted to the Maine Supreme Court.

In February of this year, I believe it was in February, or at least early this year, both parties being represented, the Banking Commissioner and the Androscoggin County Savings Bank, the matter was argued in front of the full bench of the Maine Supreme Court. There has been no decision on this case as yet. I think I had heard someone say yesterday that a decision would be forthcoming in approximately six months, so that would be at the end of the summer or early fall.

If we pass this L. D. 1766, this would mean that for two years, or better than two years, no savings bank in this state could issue checking accounts, except that if the Androscoggin County Savings Bank, which is the bank presently in litigation, if they received a favorable decision from the Maine Supreme Court, that one savings bank would be allowed to issue checking accounts, and I think that this is unfair and inequitable. This is my main objection to this bill. I just can't see placing one savings bank in an advantageous position above all others. This just rubs me the wrong way, and this is why I can't vote in favor of this piece of legislation.

I think the thing that makes the savings banks upset, or gets them upset, is the fact that they have lived without this particular bill for one hundred fifty years, and I don't blame them. I think what you have here is a controversy between commercial banks and savings banks. In the State of Maine there is presently litigation, there is a study being made by the federal government, and I think that this

legislature should stay out of the controversy, so I would move now to indefinitely postpone L. D. 1766.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, moves that Legislative Document 1766, Bill, "An Act Providing for a Study of Whether Savings Banks should offer Checking Accounts," be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: My husband, who is Executive Vice-President of the Savings Banks Association of Maine, disagrees very strongly with the Senator from Sagadahoc, Senator Schulten and the commercial banks' view. The Banking Commissioner also disagrees. I thoroughly disagree with his position. So where does this place me? It places me in a position where I vote with my husband's business, which I do not wish to do. I think consistent with Rule 4, which states; "No member shall be permitted to vote on any question in either branch of the legislature or in committee whose private right, distinct from public interest, is immediately involved." I feel that mine is, so I request permission to abstain from voting.

The PRESIDENT: The Senator from Cumberland, Senator Carswell, requests leave from the Senate that she be allowed not to vote because of possible conflict of interest.

The permission was then granted.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that Bill, "An Act Providing for a Study of whether Savings Banks Should Offer Checking Accounts," be indefinitely postponed.

The chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-



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

The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that Bill, "An Act Providing for a Study of Whether Savings Banks should offer Checking Accounts," be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Clifford, Conley, Dunn, Graham, Harding, Kellam, Shute, and Tanous.

NAYS: Senators Berry, Chick, Danton, Fortier, Greeley, Hichens, Hoffses, Johnson, Katz, Levine, Marcotte, Martin, Minkowsky, Moore, Peabody, Quinn, Schulten, Sewall, Violette, Wyman, and President MacLeod.

ABSENT: Senator Bernard.

A roll call was had. Nine Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, with one Senator absent and one abstention, the motion to Indefinitely Postpone did not prevail.

Thereupon, The Majority Ought to Pass in New Draft 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:

**HOUSE REPORTS** — from 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) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass as Amended by Committee Amendment "A" Filing H-294.

Tabled — May 24, 1971 by Senator Tanous of Penobscot.

Pending — Acceptance of Either Report.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: On this particular bill, when we discussed this in committee I had some reservations about it, and I still do. But my reservations have been resolved by virtue of an amendment which will be presented on this bill tomorrow, so I now move that the Minority Ought to Pass Report of the Committee be accepted.

The **PRESIDENT**: The Senator from Penobscot, Senator Tanous, moves that the Senate accept the Minority Ought to Pass as Amended Report of the Committee. Is this the pleasure of the Senate?

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.

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

**HOUSE REPORTS** — from the Committee on Public Utilities on Bill, "An Act Relating to Complaints Against Public Utilities." (H. P. 1175) (L. D. 1633) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — May 24, 1971 by Senator Harding of Aroostook.

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

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

Sent down for concurrence.

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

**SENATE REPORTS** — from the Committee on Election Laws on Bill, "An Act Relating to Form of Ballots in General Elections." (S. B. 2) (L. D. 1707) Majority Report, have had the same under consideration, and ask leave to

report that Committee recommend 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. Minority Report, Recommend 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.

Tabled — May 24, 1971 by Senator Violette of Aroostook.

Pending — Acceptance of either Report.

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

Mr. SHUTE of Franklin: Mr. President, I move we accept the Majority Report.

The PRESIDENT: The Senator from Franklin, Senator Shute, moves that the Senate accept the Majority Report on the Committee on Election Laws. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would have hoped that the committee might have put a majority report giving our voters some options under the referendum. I know that there is quite a difference of opinion among some people with regards to the merits of the big box and I don't plan to go at length to repeat some of the things which I said a couple of weeks ago when this first was brought up.

I think I recited that in my own part of the state we used to lose elections pretty regularly ten or fifteen years ago, and we used to blame the big box as the cause of all of our problems in failing to elect officials. I think I also said that we went to work and got a lot of enrollments, put out a good party organization and, consequently, today our party has been doing quite well in Aroostook County and the future promises

pretty well for our party. I don't think that the big box has been all that — I think we have come to recognize now the hard work and effective work is really perhaps the answer to whether or not you win or lose elections. So, I have some mixed feelings. I know that a lot of people in my own party feel very, very strongly that it ought to be preserved. As I say, I have some mixed feelings on that.

I am, however, quite distressed that if this were to pass, and if the voters of our state were to be submitted this referendum for voting the way it is now, that they are in effect going to be undoubtedly accepting or possibly asked to accept the ballot which I think is quite different from what most of the signatories who signed on the referendum petitions thought they were signing. I know I have talked to a few of them, and I don't think too many of them had any idea that they were signing for what we call office type ballot where everybody's name is in one column, and you go right down like checking off a grocery list. I think there is a great deal of merit to be said for the party ballot and having your lines definitely drawn, because I think there is merit for consideration in voting for candidates as members of a party as well as making up your own mind as to who you will vote for.

There is no doubt that our voters are becoming more selective, no question about that, and I think that is as it should be. I think, however, the party system has made a tremendous contribution to the electorate system, and I would hate to see it diluted more than it might be by the removal of the big box.

I have been subjected to enough elections to know that when the voters want to split ballots they know how to do it. I know when I ran in 1966 I was the only major candidate who was not elected. And I got defeated by a fair number of votes. They elected a Democratic Governor, they elected two Democratic Congressmen, and they failed to elect a Democratic U. S.

Senator. So, the voters knew how to split. And we saw in the last election where our Democratic major candidates won by major proportions, and yet our Governor survived by the so-called skin of his teeth. The voters knew how to split a ballot in expressing their wishes.

It does distress me that what we are going to put out does not give our people a choice to say whether they want to remove the straight ballot, and also whether or not, if they do so, do they also want to remove the party ballot where you would retain the Democratic Party column for candidates and also the Republicans. I wish this would have been so. I think it would have given our Maine voters a fairer picture of actually what they were being asked to do because, as I say, I think that if we were to ask a large number of the people who signed the referendum petition, that they did not know that they were signing in fact not only the removal of the big box but also saying that they were agreeing to a party ballot.

I know there has been something said in regards to thwarting the will of the people. I am not interested in that at all, but I would like to have given them a different chance, some options. For that reason I will not vote for acceptance of the majority report.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think we should look upon this legislation as progressive legislation, the type of legislation which frequently receives the support of some of my very good friends in the other party. I know Senator Harding has frequently castigated me for being too conservative, and not for some of the things that are for the good of the people, and I just invite him now to join the group.

I think some of the arguments that we just listened to are whispers from yesteryear. Perhaps some of us aren't attuned to just what is going on. There was an

interesting article in the Sunday paper quoting my very, very good friend and former colleague, the present Chairman of the Democratic Party, the former Senator Beliveau, saying that he was quite amazed in going around soliciting the younger vote to find that they are not flocking, rushing pell-mell, to register in the parties, and I include both parties. I think he was surprised that they weren't rushing pell-mell to register in his party. I think he said in his figures if I remember correctly, that sixteen percent of the young people that we are enrolling today, because of our eighteen year old vote, sixteen percent of the people only are choosing a party. Now, this means that people today are discriminating, they are analyzing, they are thinking, and this is why I say to Senator Violette and his associates that we have a new concept here, and this is what the people of this state want. I would suggest that he join them.

As to the office type ballot, this is somewhat of an affront to the intelligence, I think, of the voter to say well you go in and on the left hand side you just mark there, or you go in on the right hand side and you just mark there, because the office type of ballot, you know, isn't really complicated. It is awful, awful simple. You start in at the top and everybody who is running for top office is grouped, and then you go to the next office and everybody is grouped under that. There is nothing hard; it is very simple.

There was one little gimmick that they used to have in Massachusetts I always liked as an office holder there: they put an asterisk beside your name if you were up for reelection, and this was good. We figured it was worth fifteen percent of the vote to have that. This is something that we could think about a little later after we get the office type ballot in. I am not going to plead self-interest either on this subject. But I do feel that we have these two facts I would like bring out. I would ask for a roll call, Mr. President, and hope that you would vote to accept the Majority Report.

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 don't think that any of us can feel too badly about a matter which is going to the people to be decided upon because, after all, they are going to have the final say.

This is tagged progressive legislation by my good friend from Cumberland, Senator Berry, and if he wishes to tag it as progressive legislation, I suppose that I would be pleased to say that the good Senator was at least for some progressive legislation, under his own definition this time, and that is something I suppose to be said.

We do want to bear in mind, however, that the people now do have the right to split and this does, of course, take away one of the rights which the people now have, and that is to vote the straight ticket.

This will create some problems with some communities, and I think particularly of the Town of Caribou where that last time almost three hundred people were unable to vote because of the machines there. This will take more time to vote, and this will mean that in those municipalities that have not supplied sufficient facilities that some people will be deprived of the right to vote at all, and that I don't believe is progressive legislation.

But one thing does trouble me deeply about this, however, and that is that this matter will go to the people under a cloud. That cloud is that there were a substantial number on the Judiciary Committee that had sincere doubts about the validity of these petitions that were brought in. I had believed that it was the understanding that these questions would be submitted to the Supreme Judicial Court as to whether or not these petitions were valid. However, due to business, I had to be away the following day, and the questions were not submitted, although I had asked the Attorney General to prepare them. There were some law-

yers and some people throughout the state who believed that a cloud does hang over this, and this I think is very, very unfortunate. I think that anything that is submitted to the people should be submitted by this legislature and by the court that this is valid and it is not offered under a cloud. One of the things that will be debated before the people this year is that this thing is offered under a cloud. Do you want to know what the cloud is? I will tell you what it is: each one of these petitions were separate and were filled in as a separate town, but then they were bound together in probably as many as two thousand different signatures, and one person upon oath said that he personally knew that each of these was a valid signature. In order to be a valid petition this would have to be one petition, and not ten petitions. So we will never know the court's ruling on that. In other words, if we were to say that there were twenty different petitions, and only one of those had been valid, then maybe fifteen hundred signatures would have been held invalid. So this is a serious question. Of course, there are others who say that the court would have ruled the other way but, you see, we will never know that, and all I wanted to do was to ask the court for their ruling.

So it is for these reasons that I will vote against accepting the majority report. If I had had the opportunity to submit these questions to the court, and they would have said that this was valid, I would have joined in the majority report and say let it go to the people because it is legitimate, it is valid, it is lawful, it is their right to decide, but unfortunately I was denied that opportunity by this body.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I reject the claim by the Senator from Aroostook, Senator Harding, that this will go to the people under a cloud. I didn't hear the good Senator make that assertion in the case of the income tax or any of the other initiative

referendums which have come before this body while he has been in its presence.

I think that this will give the opportunity for the voters in our state to make a selection, and for those people who, in some communities amounting to forty percent or more, have chosen to take the straight ticket route for either one party or the other, this will provide them the opportunity to make greater selectivity.

I felt that the minority report that was brought to this body is none other than a sheer fraud. The Democrats, apparently full of self-righteous indignation, are trying to give the impression that they are wearing white hats all of a sudden, and mounting white chargers, and are bringing into the arena of public concern a plea for a debate — and this is what we are having this morning, no question about that — on the merits of the proposed legislation. It is interesting to note too that part of their report contains the word "merit" with a capital "M" and the word "demerit" with a small "D".

Indeed, it is no credit to either party, and I think that Senator Violette has suggested this, that straight ticket voting has been a form of fraud perpetrated for many years by both parties. The loser has been the voter who has been neglected wherein it concerns the cause of good government.

It is strange what the difference of a few years do make. A letter to the editor in the Lewiston Daily Sun not too long ago goes as follows: "During the last few years the Franklin County Democratic Committee has adopted resolutions urging the elimination of the straight ballot box at the top of the printed ballot because it was believed that this would mean more intelligent and selective voting for all the people and would reduce the number of spoiled ballots. This change would in no way prevent a citizen from voting for all of the candidates of one party. It might be of further interest to recall that on July 21, 1957 at a tri-county leaders conference in Strong the then Democratic County Chairmen of Androscoggin, Somerset, and Franklin

Counties endorsed this voting reform. In view of the debate in Augusta on the subject, I believe most Franklin Democrats would like to see the issue decided on the basis of merit rather than along partisan lines. I submit this information to keep the record straight so that people will know that the Franklin County Democratic Committee has favored this change for several years and has publicly advocated it." Signed very truly yours, and then the corresponding secretary of the Franklin County Democratic Committee. So, what a difference a few years do make.

Of course 1964 changed all that, didn't it, when Democrats all up and down the line were swept into the office with the re-election of President Johnson and both Democrat and Republican oxen again were being gored? Today of course the Democrats charge the Republicans with refusal to change the ballot, and back in the days of Brewster and Paine and so forth the Republicans were charging Democrats with refusal to change the ballot in 1965 when they had the opportunity to do so right here. Now, I feel that we all have the opportunity to advance the cause of good government by establishing the office type ballot. We welcome the Democrats to join us in the roll of instant statesmen today.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I think perhaps what we are discussing here today is probably the largest political carrot to come before this session of the legislature. I kind of chuckle because we all know that it is pure political partisanship.

When the majority party was in rule for years here there have been bills submitted by the minority party to abolish the big box, and it always was rejected. Now, we find that approachment is closing in, and the Republicans are beginning to feel that their power is now in jeopardy.

I recall two years ago that the former State Chairman of the Republican Party, Mr. Cyril Joly,

initiated also such a petition to the legislature and apparently failed quite miserably in obtaining the necessary signatures to bring this vote to the people. And then this year we have a gentleman who is alien to me anyway, I believe his name is Robert Monks from Cape Elizabeth, and I often refer to him as a Lamont Cranston because I have never seen a man really get so much publicity and is known by so few people, but apparently he had a high-geared finance campaign on to get the necessary employees to go out and bring in these petitions. I recall one afternoon or one evening I was at the local sports arena at a basketball game when a gentleman came up to me with a petition and asked me if I would sign the removal of the big box petition. I just said very sharply to him that I didn't think really that my right of being able to vote a straight ticket, regardless of what party I wanted to vote for, should be taken away from me if I can simplify it by voting the big box. And we got into about a ten-minute discussion over the petition, and not once, in fact not even until I read in the paper after we had gone into legislative session, was I aware of the fact that not only the removal of the big box was incorporated in that petition, but also the establishment of the so-called office type ballot. Well, I personally feel that regardless of which way we go, even if the people buy it and do repeal the big box, I think the Republican Party is still going to have plenty of problems, and you probably will be back next time trying to seek out some other endeavor or some other means to try to insure that power that you are rapidly losing.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I might be a maverick because I think I am going to vote for this bill, but I would like to remind my good friends, the Republicans, that this legislation is not going to cure the Republican Party in the State of Maine. I feel

that the Republicans should start voting more for legislation that will help bring a middle class America and I think that will help them get elected to office quicker.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: In response to the remarks made by my very good friend, the Senator from Franklin, Senator Shute, I would mention that in all of the races that I have personally run the electorate has always been about two to one in the opposite party, so that I suspect I have gotten very little help from the big box. In fact, I suspect that whatever I won I have won in spite of it, not because of it.

As far as the fraud part of it, and my good friend mentioned this, I would wish that we might, and I think we still might do it if someone would table this, we still might pose these questions to the court which the members of the committee wanted to do and which we had been assured that we would be able to do, and if we are able to do that then the question is eliminated; there is no question of any fraud being perpetrated. If we are denied that right to do that, then the question will always be raised of what did you have to hide? Why didn't you want those questions proposed or propounded to the court? So, I think that those who suggest here that they are for progress, and they want this to go out to the people, and they don't want it to go under a cloud, and they are talking about somebody else being a fraud and all this, why don't we just lay it on the table and find out what the court says about these questions, and then there will be no question about it. And I will join then in the majority report that it ought to be submitted to the people, that it has been legitimately done and it is a wise thing for them to vote upon.

However, should we be denied that opportunity, I do suspect that this matter of the fraud being perpetrated on the people will be raised, and I think it will be very difficult for anyone to explain as

to why we were denied the opportunity for the court to rule upon this very important matter.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: It was approximately one month ago when the Judiciary Committee voted this particular bill out of committee. If you recall, those of you that were here at that time, I had talked with the members of the Judiciary Committee of the Minority Party regarding a relative question to be sent to the Law Court on any serious questions that might be posed on the forms of the petitions. Now, this was one month ago. Here it is May 25, we are trying to work towards adjournment, and I still haven't seen any proposed questions that might be raised on the invalidity of these petitions to send to the Law Court. I think that they have had sufficient time to bring in questions, and I don't think we ought to delay this matter any more. I have got a family of seven children and a wife to feed, and I don't intend to spend the rest of the summer here, so, I move the pending question.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves the pending question. The question before the Senate now is: shall the main question be put now? As many Senators as are in favor of the main question being put now will say "Yes"; those opposed "No".

A viva voce vote being taken, the motion prevailed.

The PRESIDENT: The question now before the Senate is the motion of the Senator from Franklin, Senator Shute, that the Senate accept the Majority Report of the Committee on Election Laws, on Bill, "An Act Relating to Form of Ballots in General Elections."

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 at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain stand-

ing 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 Franklin, Senator Shute, that the Senate accept the Majority Report of the Committee on Election Laws on Bill, "An Act Relating to Form of Ballots in General Elections." A "Yes" vote will be in favor of accepting the Majority Report; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

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

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

ABSENT: Senators Bernard and Levine.

A roll call was had. Eighteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, with two Senators absent, the motion to Accept the Majority Report of the Committee on Election Laws prevailed.

Sent down for concurrence.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side I move reconsideration and hope my motion does not prevail.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby it accepted the Majority Report of the Committee on Bill, "An Act Relating to Form of Ballots in General Elections." As many Senators as are in favor of the motion that the Senate reconsider its action will please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion to reconsider did not prevail.

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

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

Tabled — May 24, 1971 by Senator Kellam of Cumberland.

Pending — Motion by Senator Tanous of Penobscot to Indefinitely Postpone.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I think this bill was explained quite succinctly to this body last Friday and that the body acted quite wisely in accepting the bill. I hope that, despite the rest and recreation one receives over the week-end at home, that the body will continue to support this very worthy legislation.

What the bill does, basically, is that it brings the State of Maine more in line with what, I feel, the better opinion is throughout the country relative to interest charges. Today, we have no maximum interest charge in the revolving credit field. At least there is a dispute about it, let's put it that way. There is some opinion that the other areas of maximum interest does cover the revolving credit, but I think it should be nailed down and determined by the legislature and not by an interpretation of an existing statute.

My bill would provide a one percent maximum monthly charge. Actually, the truth of it is that the one percent monthly does figure out to more than one percent monthly due to the billing procedures, but if we just accept it at that we have obviously a twelve percent annual interest limit. It appears to me that twelve percent a year is pretty good interest on one's money, particularly when the money we are talking about is the cost of certain consumer items and the cost is determined by the person who is receiving the interest. So I think that he is getting the better part of the situation all the way around.

The interest charge now of eighteen percent a year, of course, hits those people who are the very least able to pay this rate of interest. The people who have more ability to pay their accounts early, or at least within thirty days, and thereby possibly avoid interest charges at all.

Now, you may have heard from some people in the credit field that their average amount of interest they receive over the year is not over twelve percent now. In case that you are not aware of it, a way of calculation is made to come out with this result is that they add in all the charges made during the year, including those which would normally be the thirty-day non-interest bearing accounts, and then average those against those who do pay the interest. It strikes me that actually we should look at that the other way around: if there is a great number of people who are able to make purchases for the home and do not pay interest at all it seems to be even a greater burden to have those who are least able to pay paying eighteen percent.

The bill does not change the situation relative to the bad debts. If a person has a poor debtor who does not pay at all, and eventually the debt is wiped out, of course it will not make a great deal of difference whether that is eighteen percent or twelve percent. The bill is not designed to protect those people; they seem to be well able to take care of themselves. But it does protect the people who are trying to live with a certain standard of living, and do have to avail themselves of credit, to keep the credit cost within a reasonable bound.

I have discussed with a number of people who are in my own area — we have a retail trading area in Portland and there are a number of people there who I know quite well that are in this business and do run credit — and they have talked about the dire circumstances that would come forth with this bill having passed. Quite frankly, I do some shopping in some of these stores and I really didn't realize they were quite so



shaky until they put forth the thought they have to get this eighteen percent out of a few people in order to make ends meet at the end of the year. So, I would say that I hope that the Senate will continue to support this bill. If there is any real legitimate amendment that ought to be made to it, it hasn't been presented to me, and I think possibly, if there is some area where we could make some adjustment in it, I certainly would be willing to listen. There may be some creditors who are different than others, but as it has been presented to me they rather stand or fall altogether.

I feel that there is a profit to be made on the merchandise sold, and that certainly when it comes to the credit charges this is the area where you really put the wood to the person who is in the poorest position. So, it is just to protect a few people who are trying to improve their lot in life, and do have to avail themselves of credit charges, and will do so regardless of the extent of the charge.

I did want to point out that the bill does provide for collecting the certain fees that do run, in addition to twelve percent, if they have the collection costs and so forth. This is in line with good business practice, I think, to help the creditor to collect from the person who just doesn't want to pay at all. Consequently, I do hope that you will not indefinitely postpone the bill, and when the vote is taken I would ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: If you recall, earlier in this session we killed a bill, a small loan bill, that was attempted to be put through here that would somewhat hamper a certain class of income people in this state. And after reviving this particular bill, I feel that all we are going to be doing by enacting this bill is to send more people to the small loan companies at the rate of thirty-six percent annually, or on

revolving accounts somewhat similar to this, I should say.

The other day when I voted on this I hadn't had an opportunity to examine the bill, the pros and cons of it, but I have since had the opportunity and I really feel that enactment of this particular bill will prevent many people from using these charge accounts and these credit cards. And they do afford a wonderful service; I am sure that we all use them. If you pay your account up immediately there is no interest charge whatsoever, if you pay it on a monthly basis and if paid in full.

This revolving account is somewhat a difficult type of an account to understand, because if you make your payments the interest is only charged on the balance, not on the full amount that you start with. So that in the end result in most instances these revolving accounts will range between ten and twelve percent, and it is a rare circumstance that you will find an eighteen percent interest charge on these revolving accounts, and only when an individual would fail to make payments on his account. And that would be for a whole year, so to speak. But to me, if we enact this, we are going to shove a particular group of people whose incomes are in that particular bracket right to the finance companies and they are going to get hooked for thirty-six percent on a similar account. After reviewing this, I certainly don't feel that I can support this legislation, and I would request that you join me in my motion for indefinite postponement. Thank you.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would only make one observation, and that is that I am somewhat intrigued with the thought that this bill would drive creditors to the small loan companies. It seems to me that when the small loan company bill was before us the argument was made that if we didn't help them we would drive all these poor people to the loan sharks. It just seems that we change the titles back and

forth on each one of these bills that come before us. So, I would say that I see very little merit to the good Senator's argument, whether he thought of it this weekend or a month ago. This is a very good bill and I hope that you will support it.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: Briefly I would just like to say that this bill too came before the Business Legislation Committee. It was a very extended long, long hearing, well into the afternoon. The majority members of the committee at a later date, after much discussion, felt that the report should come out ought not to pass.

There were a number of arguments by retailers, by all concerned, by bankers who were also included in this bill. But as I look back over a long period of time I think that perhaps the one retailer that has always appeared to me, perhaps mistakenly so, the one retailer who really catered to the poor people, who did everything they could to associate themselves with the poor people, so-called, was J. C. Penney and Co. Now, I may be wrong in this assumption, but that is one that I have grown up with. It wasn't too long ago — in fact, if I can find the date here I will give it to you — it was sometime the first part of March, there was a Wall Street Journal article on c o n s u m e r s - retailers fight over bid to cut charge account rates, and there is one part I just like to quote, and that is: "Retailers views: Retailers say that lowering the interest rate charges indeed is a commendable goal, with just one draw back, it brings them losses. J. C. Penney and Co.," that is the company that I just mentioned, "J. C. Penney and Co. recently disclosed that it lost \$23,000,000 on its credit operations in 1969 and probably lost a similar amount in 1970. Penney says it received \$79,000,000 in 1969 in 'service charges', the euphemism for interest, but that its expenses in

connection with credit sales were \$102,000,000. The costs were mainly administrative expenses and charges for borrowing money to finance a credit."

I think these are the things that serious consideration should be given to. This is what makes credit seemingly expensive, but if the people insist upon it, as they do, and they use these revolving credit card accounts, you cannot expect the retailers to suffer because they are providing a service to the public. So, I would hope that you would vote with the Senator from Penobscot County, Senator Tanous, to indefinitely postpone this bill.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Bill, "An Act to Regulate Revolving Credit Accounts," be indefinitely postponed.

The Chair will order a division. 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-one Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion to Indefinitely Postpone prevailed.

Sent down for concurrence.

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

Mr. TANOUS of Penobscot: Mr. President, I move that we reconsider our action whereby this matter was indefinitely postponed. I urge everyone to vote against my motion.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate reconsider its action whereby Bill, "An Act to Regulate Revolving Credit Accounts," was indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President, I would ask for a roll call on the reconsideration motion.

The PRESIDENT: A roll call has been requested. Under the

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

The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate reconsider its action whereby Bill, "An Act to Regulate Revolving Credit Accounts," was indefinitely postponed. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Carswell, Conley, Graham, Greeley, Harding, Kellam, Levine, Minkowsky, and Violette.

NAYS: Senators Anderson, Berry, Chick, Clifford, Danton, Dunn, Fortier, Hichens, Hoffses, Johnson, Katz, Marcotte, Martin, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

ABSENT: Senator Bernard.

A roll call was had. Nine Senators having voted in the affirmative, and twenty-two Senators having voted in the negative, with one Senator absent, the motion to reconsider did not prevail.

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

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

Tabled — May 24, 1971 by Senator Moore of Cumberland.

Pending — Passage to be Engrossed.

Thereupon, the Bill, as Amended was Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the eighth 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 to Pass.

Tabled — May 24, 1971 by Senator Schulten of Sagadahoc.

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

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

Mr. SCHULTEN of Sagadahoc: Mr. President, I would like to make two observations. One, I would like to apologize for standing up so much today, and the other is to inquire of the Chair again if possibly there is a typographical error here, because as I read this it says the Majority Ought to Pass Report in New Draft under New Title, and it says Minority Report Ought Not to Pass, then pending a motion by Senator Schulten of Sagadahoc to accept the Minority Ought to Pass Report.

The PRESIDENT: The Chair would inform the Senator and the Senate that this is another typographical error. It should read "to accept the Majority Ought to Pass in New Draft Report."

Mr. SCHULTEN: On that basis, Mr. President, and thank you for the information, I move the pending question.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I would ask for a division on this, and I would like to say a few words in support of my position.

L. D. 1723, as I read it, would provide that any person or organization could maintain an action in the courts of this state to abate or stop a public nuisance, or to bring suit to enforce any one of the environmental laws that are on the books at the present time. The only condition or the only prerequisite to an individual or organization bringing suit is that they make a written demand on the Attorney

General. And if the Attorney General does not act within thirty days, then this would allow an individual or organization to go ahead and bring suit.

I think we can understand what frequently happens is that emotion gets involved or gets entangled in these pollution matters. I say this act would really open up the door to anybody, and that includes the crackpots, to bring these nuisance suits against communities or against industry. I say that it would open the door to these over-zealous pollution chasers and it would open the door to these frivolous law suits, and it would be an invitation to anybody and everybody to shoot from the hip.

I think we are in the process of developing some good environmental laws in this state. We just got off the ground, we are still working on it, and I say that these good laws will all go for nothing if we pass this piece of legislation. I think the only way that you can enforce logically and responsibly is to allow responsible public officials to act.

I really feel strongly on this point, and I am not against cleaning up our environment. I have had in my own experience as a law enforcement official instances which leads me to believe that this could be a very, very dangerous piece of legislation. So, I would urge you not to vote on the side of the minority report. I would urge you to accept, I believe, the Minority Ought Not to Pass Report. Am I correct in understanding the pending question would be to accept the —

The PRESIDENT: The Majority Report is Ought to Pass in New Draft; the Minority Report is Ought Not to Pass.

Mr. CLIFFORD: I would urge you to vote against Senator Schulten's motion and vote no.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: This bill merely permits the average citizen to bring suit where he finds the environment is being endangered. It seems to me that our environment belongs to

all of us, and that we should all therefore be zealous in its protection. The citizen first has to pressure the public official whether it is state or municipal, to bring suit if a law is being violated, and in many cases the public official may be reluctant or hesitant to bring suit. Something of that sort happened in the neighborhood of the good Senator from Androscoggin, Senator Clifford. There was a lake there that was being polluted and the public official was reluctant to bring suit, and did not bring suit, as I recall, and the result was that this lake was polluted.

It seems to me in these days it is of the utmost importance to protect our environment. Things are going bad. For instance, in New York City, even if you do not smoke, by the end of the day you have smoked two packs of cigarettes because the environment is so polluted. I favor giving the environment all the protection that we can give it, and I hope that citizens will now have the ability to make, in a sense, a citizen's arrest where they see the environment being polluted.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Sagadahoc, Senator Schulten, that the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I rise with some reluctance to speak on this matter. As most of you know, I have been involved in our natural resources to some extent and I am very much interested in the conservation and preservation of our natural resources. However, we have got to live and let live.

I am interested in cleaning up our waters and our air, very much interested in it, but we have also got to consider business.

A very interesting item was handed to me this morning from the Lewiston Daily Sun, and it is in very close keeping with what the distinguished Senator from Androscoggin, Senator Clifford, has

said, and I would like to read to you this editorial. The title is *Easier Pollution Suits*: "The One Hundred Fifth Maine Legislature is to be commended for refusing to be pushed into passing a law which could have resulted in a mass of nuisance law suits against industries in this state, and even against communities. Concern about the environment is commendable, but there is a limit to how rapidly and how far Maine or any state should move. The proposed legislation would have allowed citizens to bring suit on their own when they felt the local and state agencies had not acted to protect the environment. The proponents called it a form of appeal from the decision of the public officials. Opponents warned that the bill would lead to frivolous suits by over-zealous pollution chasers while contending that existing laws are sufficient to protect the public. Industry has accepted its share of blame for pollution of the environment and it is expending huge sums of money in remedial programs. There is a limit to what industry can do within any given length of time. Adding new avenues of legal entanglements and difficulties only could compound the problems of industry; it would not solve them. Serious anti-pollution efforts would suffer."

I think this editorial is quite sufficient in itself, and I would hope that you would vote against the distinguished Senator, and my good friend and colleague, Senator Schulten from Sagadahoc.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I was one of the signers of the Minority Ought Not to Pass Report, so I think I should explain my situation here. The bill that we originally heard and the bill that we now have before us are quite different, although I suppose the final purpose is the same, and that is to allow citizens to have some opportunity to bring suits with regards to preservation of the environment.

I was totally unable to support the original bill because I just felt that it opened the door far too widely with regards to allowing a lot of frivolous suits, or at least did not allow our public officials to take action where there were some supposed violation of the laws. So, I voted out Ought Not to Pass. In the interim period a new draft was brought in, which I did not have sufficient opportunity to look at and, as I recall, I was not at the executive session which voted it out, so I went out as Ought Not to Pass. I still have, I suppose, some reservations, I guess some reservation on all the laws that we have. I thought it was a significant improvement over the first bill in that before any citizen could do anything they would have to make a written demand on the governmental agency, or municipality which is required to enforce the laws, to do something about it.

I think there is a lot of emotion on both sides. I think there is genuine concern or fear on the part of industry that do-gooders and the people who are concerned with environment, but perhaps may not be equally concerned with the problems of industry, will run off unduly and cause really serious problems. I think there is the concern on the other side, which in many instances are very justified, and sometimes regulations or ordinances are not being observed and are not being enforced, or that there is too much laxness in their being enforced. So, I think there is a lot of emotion on both sides, and today, I don't know, I still have some mixed feelings. I prepared an amendment, which I would offer if the new draft were accepted, which would require sworn affidavits attesting to the facts as to the alleged violations being filed. This may not go far enough, but I think there is a good idea behind this and I would hope probably that this Senate would accept the Majority Ought to Pass Report, and I think it may well be able to amend it. Perhaps my amendment is not sufficient to take care or safeguard the problems of allowing frivolous or needless suits.

I think there is basic right here of our citizens which I think ought to be given some opportunity for action. So, I will vote for the Majority Ought to Pass Report with this explanation, that I think this bill is in the right direction — I could not have voted for the original bill — I might have voted for the new draft if I had been able to look at it before it came out of the committee — with the amendment I would like to offer, and perhaps some other refinements can be made. I think this could be made a manageable bill where they now in most instances have no right to be heard.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I would like to inquire as to what action the House took on this bill.

The PRESIDENT: The Senator has posed a question through the Chair and the Secretary will give the action of the House.

The SECRETARY: The House accepted the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator has the floor.

Mr. MOORE: Mr. President and Members of the Senate: I want to support the motion of Senator Clifford from Androscoggin. I feel that we are going much too far and too fast in our environmental laws. In the Special Session we passed these bills, and within six months the legislature has been flooded with new ones before we have had a chance to straighten out the E.I.C. on the present laws and how they are working. In the past few months they have accomplished a lot, I will admit that, but I feel that we are pushing much too fast and too far on this legislation, that it could boomerang on us and cause a reaction which could really upset us, we will say, in the next term of the legislature. I am in complete agreement with Senator Clifford, and I hope that you would support his motion.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: I think it is a groundless fear that great bodies of frivolous suits will be brought. In the first place if these suits are frivolous or ungrounded, they will be defeated and the person bringing the suit will have to pay the court costs, the lawyers and so forth. In the second place, it might be brought out that the State of Michigan has passed a law similar to this some time ago, and every year only a handful of suits are brought.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Sagadahoc, Senator Schulten, that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee on Bill, "An Act to Provide for Protection of the Environment".

A division has been requested. As many Senators as are in favor of accepting the Majority 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. Nine Senators having voted in the affirmative, and twenty Senators having voted in the negative, the motion did not prevail.

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

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

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

Tabled — May 24, 1971 by Senator Berry of Cumberland.

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

On motion by Mr. Moore of Cumberland, r e t a b l e d a n d

Tomorrow Assigned, pending the motion by that same Senator to Join in a Committee of Conference.

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 24, 1971 by Senator Harding of Aroostook.

Pending — Adoption of Senate Amendment "A" Filing S-185.

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

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

JOINT ORDER — Relative to Legislative Research Committee to study Methods Employed by the State Highway Commission for Acquisition of Property and Property rights for Highway purposes. (S. P. 602)

Tabled — May 24, 1971 by Senator Katz of Kennebec.

Pending — Passage.

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

#### Reconsidered Matter

Mr. Berry of Cumberland moved that the Senate reconsider its action of yesterday whereby on Bill, "An Act Relating to Voluntary Surgery at Public Expense for Qualifying Parents," (H. P. 928) (L. D. 1282), the Senate voted to Adhere.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I oppose this motion to reconsider, and I hope that if we have a vote we have a roll call. Thank you.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: In explanation of this particular bill, this is one that was

adequately debated in this body last week and was defeated. I hope that you will vote against the motion of Senator Berry and vote "No" on the roll call vote.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Very briefly, I hope you will vote "Yes" on the motion for reconsideration. And if we are successful, I would ask for a Committee of Conference.

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

Mr. SEWALL of Penobscot: Mr. President, a point of inquiry: would you instruct the Secretary to read the title of this bill please.

The PRESIDENT: Legislative Document 1282, Bill, "An Act Relating to Voluntary Surgery at Public Expense for Qualifying Parents".

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

Mr. CONLEY of Cumberland: Mr. President, I would pose a question through the Chair: Noticing today's calendars, both the one for this body and also the one for the troops down the hall, I noticed on page four of the House Advance Journal and Calendar that the message has already been sent forward to the House that this body had adhered. I just wonder how it could be printed on the House Calendar today and we still have the bill before us.

The PRESIDENT: The Chair would inform the Senator that if the Senator would remember, yesterday we had a bill on our calendar for enactment and it had been held in the House. It was sent down originally and then pulled back. I imagine that is what happened here.

Under the Senate rules, a bill may be held within a twenty-four hour period for reconsideration.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I hope that the

Senate will remain consistent in its action and vote down this bill.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby the Senate adhered on Bill, "An Act Relating to Voluntary Surgery at Public Expense for Qualifying Parents."

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 at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted. Obviously more than one-fifth having arisen, a roll call is ordered.

The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby the Senate adhered on Bill, "An Act Relating to Voluntary Surgery at Public Expense for Qualifying Parents." A "Yes" vote will be in favor of the motion to reconsider; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Berry, Chick, Clifford, Dunn, Graham, Hoffses, Johnson, Kellam, Levine, Marcotte, Moore, Peabody, Sewall, Shute, Wyman, and President MacLeod.

NAYS: Senators Anderson, Carswell, Conley, Danton, Fortier, Greeley, Harding, Hichens, Katz, Martin, Minkowsky, Quinn, Schulten, Tanous and Violette.

ABSENT: Senator Bernard.

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

A roll call was had. Sixteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with one Senator absent, the motion to reconsider prevailed.

Thereupon, on motion by Mr. Berry of Cumberland, the Senate voted to Insist and Join in a Committee of Conference.

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### (Off Record Remarks)

On motion by Mr Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.