

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, May 26, 1971

Senate called to order by the President.

Prayer by the Rev. Victor P. Musk of Augusta.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Correct Certain Errors and Inconsistencies in the Fish and Game Laws." (S. P. 591) (L. D. 1749)

In the Senate May 20, 1971, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-346) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

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

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-342), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Joint Order (S. P. 601) relative to recalling from the Governor's Office to the Senate: Bill, "An Act Relating to Transportation of Seriously Injured People Directly to a Hospital." (H. P. 1051) (L. D. 1443).

In the Senate May 21, 1971, Read and Passed.

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

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Relating to Closed Season and Minimum Size of Coho Salmon." (H. P. 1328) (L. D. 1742)

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

In the Senate May 21, 1971, Passed to be Engrossed as Amend-

ed by Senate Amendment "A" (S-196), in non-concurrence.

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

On motion by Mr. Hoffses of Knox, the Senate voted to Insist and Join in a Committee of Conference.

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

Senators:

HOFFSES of Knox
ANDERSON of Hancock
GRAHAM of Cumberland

Non-concurrent Matter

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

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

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-344), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Relating to Preference to Maine Workmen and Contractors." (S. P. 163) (L. D. 485)

In the Senate May 14, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (S-158) and Senate Amendment "A" (S-172).

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

Mr. Marcotte of York moved that the Senate Insist and Ask for a Committee of Conference.

Mr. Berry of Cumberland then moved that the Senate Recede and Concur and subsequently requested a division. Thirteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion to Recede and Concur prevailed.

Non-concurrent Matter

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

In the Senate May 18, 1971, Passed to be Engrossed as Amended by Senate Amendment "B"

(S-140) and House Amendment "B" (H-250)

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "B" and House Amendments "B" and "D" (H-338), in non-concurrence.

On motion by Mr. Clifford of Androscoggin, the Senate voted to Recede and Concur.

Joint Order

WHEREAS, the richness of a community, a state or a nation is measured by the collective strength, deeds and good of its citizens; and

WHEREAS, among those citizens whose extraordinary life has contributed to the greatness of Maine is Percy M. Porter, a lifelong resident of Aroostook County; and

WHEREAS, he celebrated the one hundredth anniversary of his birth on Friday, May 21, 1971 and is now entering his second century; and

WHEREAS, he served with distinction in the House of Representatives of the 74th, 75th and 79th Maine Legislatures and is our oldest living colleague; now, therefore, be it

ORDERED, the Senate concurring, that we the Members of the Senate and House of Representatives of the One Hundred and Fifth Legislature of the State of Maine now assembled pause in our deliberations to salute a friend and colleague, the Honorable Percy M. Porter of Mapleton, who has entered the second century of a long and dedicated life of accomplishment and express our hope that this merited recognition and earned applause will endure through the years to come; and be it further

ORDERED, that a copy of this Order signed by the Speaker of the House of Representatives and the President of the Senate with the great seal of the State of Maine attached, be presented to said senior citizen in honor of this occasion. (H. P. 1362)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Ought to Pass

The Committee on Legal Affairs on, Resolve, to Reimburse Mrs. Edward L. Libby of Kennebunk for Displacement Costs Because of Property Taken by State. (H. P. 715) (L. D. 960)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Create a Commission to Prepare a Revision of the Criminal Laws." (H. P. 1211) (L. D. 1658)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-324).

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

Which report was Read and 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: The Chair would ask the Assistant Sergeant-at-Arms to escort the Senator from Cumberland, Senator Berry, to the rostrum to assume the duties of President pro tem.

Thereupon, the Assistant Sergeant-at-Arms escorted Mr. Berry of Cumberland to the rostrum where he assumed the duties of President pro tem, and the President retired from the Senate Chamber.

The Committee on Judiciary on, Bill, "An Act Relating to the Enforcement of Money Judgments." (H. P. 850) (L. D. 1137)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-325).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as

Amended by House Amendment "A" Thereto (H-341).

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

Ought to Pass in New Draft

The Committee on Transportation on, Bill, "An Act Relating to Long-term Semipermanent Registration Plates for Certain Semitrailers." (H. P. 576) (L. D. 752)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1357) (L. D. 1773).

The Committee on Business Legislation on, Bill, "An Act Prohibiting Insurance Licenses for Banks and Savings and Loan Associations." (H. P. 931) (L. D. 1285)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Prohibiting Insurance Licenses for Banks, Savings and Loan Associations and Credit Unions" (H. P. 1342) (L. D. 1761).

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

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Address of Grantees on Deeds and Affixation of Real Estate Transfer Tax Stamps." (H. P. 1088) (L. D. 1477)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
QUINN of Penobscot
HARDING of Aroostook

Representatives:

LUND of Augusta
KELLEY of Caribou
PAGE of Fryeburg
WHEELER of Portland
WHITE of Guilford
CARRIER of Westbrook
ORESTIS of Lewiston

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-326).

Signed:

Representatives:

HENLEY of Norway
BAKER of Orrington
HEWES

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

Which reports were Read.

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

Mr. KATZ of Kennebec: Mr. President, it seems to me that this is the bill that I have seen before that requires stamps to be affixed prior to a recording of a transfer. It has got a very hefty Ought Not to Pass Report, and before we accept the Ought Not to Pass Report I would like an explanation from some member of the Committee as to why the weighty opposition to it?

The PRESIDENT pro tem: The Senator from Kennebec, Senator Katz, poses a question to any member of the Senate who may answer if he so desires.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: This transfer stamp has created a dilemma for the State of Maine, as it created a dilemma for the United States Government. Finally the United States Government found it so cumbersome and so difficult to enforce that they repealed the whole thing.

But the problem here, if you make it a requirement that the stamp be affixed prior to the recordation of the deed, you see,

if you don't do that then the deed becomes void. And for a 55 cent tax or \$1.10 tax, as is so many times the case, you could create a problem in title that would cost thousands of dollars to correct. So we never have been able to find a satisfactory solution to this dilemma. As I say, the Federal Government finally found a solution when they repealed the tax. But in the State of Maine we get approximately a quarter of a million dollars out of the tax as revenue, as cumbersome as it now is, and so the state is reluctant to repeal it.

We think that the Ought to Pass Report here would create a lot of problems, and that is why I would move that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT pro tem: Is it now the pleasure of the Senate to accept the Majority Ought Not to Pass Report of the Committee?

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: It seems to me that the pros and cons of this bill are very finely drawn. The main question, it seems to me, is a question of priority.

On the one hand, you have the infringement of the private right of the citizen to keep the rest of the public ignorant of the details of his transaction. Against that we have a certain right of municipal officials to know what is going on.

We have heard a lot of discussion this session in regards to inefficiency of our local assessors about municipal government, of our county government, but we have had the habit in the past of giving them a lot of responsibility without the tools to work with, and I think this is one of them.

The fact that my good friend, Senator Harding, referred to of a possibility of invalidating certain deeds, and its being costly to correct them, I admit that may be so, but this is only one of hundreds of things that go into making up a deed. Any one of them, such as a signature, a wrong description, or thousands of things that could happen, could also invalidate

that deed, and I do not feel that we should jeopardize the efficiency of our assessment in municipalities, that this should have priority over the right of the individual to do business as he sees fit. It seems to me it is a question of a greater good in preference to the lesser good of satisfying the privacy of the individual.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I believe that this is a workable bill. I think perhaps that we have got to provide our municipal officials, and our state officials as well, with some means whereby they can determine the valuation of property.

Now, we have had a great deal of criticism, if you will, questioning of what the state assessors are doing relative to the valuation of municipalities. If this bill were to go through it would, I believe, aid them immensely in their determining what is the proper valuation of property, and we want the municipal officers to keep abreast of all of the values of property in our several municipalities. Otherwise, they say that there are inequities and the municipality must provide for a revaluation.

Now, a neighboring town to where I live has decided that they are going to have a revaluation of their town, and it is costing the people in that town, a small town, it is costing them over \$14,000 to have the town revalued. This document, I think, will help to keep the valuation of all municipalities more current, and I would ask for a division on the motion to accept the Majority Ought Not to Pass Report.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I believe that every member of the judiciary and every member of the legislature would be very glad to see this bill enacted if it would accomplish the very noble purpose which the good Senator had in mind. You must

bear in mind, however, that on these stamps, I mean, you may affix them in the correct amount or an incorrect amount. There is no guarantee that they will be in the correct amount when they are affixed. They can be affixed for representing less than the sale value or more, depending what somebody wants to accomplish by putting the stamps on.

So I would say this: that if the State of Maine is using these stamps to determine the value of real estate in a town for the purpose of establishing a state valuation, we are on a slender reed indeed. I would feel somewhat appalled if that is the basis which is being used, and I pray that it is not.

Now the objective that is desired to be accomplished here will not be accomplished by the passing of this bill. What will be accomplished here is that people will put on either a lesser amount or a greater amount as they now do, or maybe not put them on at all. But the period which will be caused is that you will have a lot of void transactions on our books, and which will cost people a lot of money. That is the thing which we seek to avoid, and that is why I hope that you would support the overwhelming majority of the Judiciary Committee — I believe it is a ten to three report — in supporting me on my motion.

The PRESIDENT pro tem: The Chair understands that the Senator from Knox, Senator Hoffses, moves that the Senate accept the Minority Ought to Pass as Amended Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Thereupon, on motion by Mr Clifford of Androscoggin, a division was had. Twelve Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Agriculture on, Bill, "An Act Relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products." (H. P. 927) (L. D. 1281)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-316).

Signed:

Senators:

CHICK of Kennebec

PEABODY of Aroostook

Representatives:

EVANS of Freedom

MOSHER of Gorham

WILLIAMS of Hodgdon

CLARK of Jefferson

ALBERT of Limestone

MAHANY of Easton

WEBBER of Belfast

BERRY of Buxton

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

Signed:

Senator:

LEVINE of Kennebec

Representative:

HALL of Windham

Comes from the House, the Majority Ought to Pass as Amended report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-316) and House Amendment "A" (H-336)

Which reports were Read.

Mr. Levine of Kennebec moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Harding of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Levine of Kennebec to Accept the Minority Ought Not to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Remove the Numerical Exemption from the Minimum Wage Law." (H. P. 570) (L. D. 746)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot

LEVINE of Kennebec

MARCOTTE of York

Representatives:

McTEAGUE of Brunswick
BUSTIN of Augusta
GOOD of Westfield
SIMPSON of Millinocket
GENEST of Waterville
BEDARD of Saco

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

Signed:

Representatives:

LINCOLN of Bethel
LEE of Albion
ROLLINS of Dixfield
KELLEY of Machias

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-335)

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

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 Health and Institutional Services on, Bill, "An Act Permitting Indian Homes to be Licensed as Foster Homes." (H. P. 650) (L. D. 881)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1358) (L. D. 1774).

Signed:

Senators:

HICHENS of York
GREELEY of Waldo
MINKOWSKY
of Androscoggin

Representatives:

CUMMINGS of Newport
BERRY of Madison
PAYSON of Falmouth
LEWIS of Bristol

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1359) (L. D. 1775).

Signed:

Representatives:

DOYLE of Bangor
LESSARD of Lisbon
DYAR of Strong
SANTORO of Portland
McCORMICK of Union
CLEMENTE of Portland

Comes from the House, the Minority Ought to Pass in New Draft report (H. P. 1359) (L. D. 1775) Read and Accepted and the Bill, in New Draft, Passed to be Engrossed.

Which reports were Read.

Mrs. Carswell of Cumberland moved that the Bill be tabled and Tomorrow Assigned, pending Acceptance of Either Report.

On motion by Mr. Minkowsky of Androscoggin, a division was had. Nineteen Senators having voted in the affirmative, and six Senators having voted in the negative, the motion to table prevailed.

Senate

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

Bill, "An Act Relating to Election of Jury Trials in Misdemeanor Proceedings." (S. P. 438) (L. D. 1265)

Sent to the House.

Ought to Pass — As Amended

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds for the Maine Police Academy." (S. P. 170) (L. D. 522)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-210).

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

Ought to Pass in New Draft

Mr. Levine for the Committee on Labor on, Bill, "An Act to Increase the Fee for Steam Engineer and Fireman Licenses." (S. P. 393) (L. D. 1171)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 604) (L. D. 1777)

Which report was Read and Accepted, 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 Model Rocketry." (S. P. 308) (L. D. 902)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
QUINN of Penobscot
HARDING of Aroostook

Representatives:

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

of Cape Elizabeth

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 605) (L. D. 1778)

Signed:

Representative:

ORESTIS of Lewiston

Which reports were Read.

Mr. Minkowsky of Androscoggin then moved that the Senate Accept the Minority Ought to Pass in New Draft Report of the Committee.

The PRESIDENT pro tem: The Senator has the floor.

Mr. MINKOWSKY: Mr. President and Members of the Senate: The original bill was designed after the Pennsylvania Law, and it has already been enacted in twelve states.

The basic concept of the bill was the recommendation of the National Rocketry Association, which is similar in nature and standards to the Underwriters Laboratories insofar as testing and safety standards are concerned.

Thirty-seven young men were in attendance at the public hearing, of high school age, and were in full agreement with the concept of the bill but had minor disagreements to some of the subsections, such as adult supervision or

inspection of the rocket prior to launch. These objections have been rectified and corrected in the new draft.

Also two registered lobbyists, aged 9 and 11, appeared as opponents, whose objections have been rectified to their satisfaction in the new draft also. I thought at first that these objections were made by the fact that gasoline and other allied petroleum products were not used in model rocket engines but, to my satisfaction, this was not the case, even though their father is a registered lobbyist for the Petroleum Association. Their objection simply was to the fact that their dad gave them such a meager allowance that should they be brought to court under the original bill they would be unable to pay the fine.

Although we have present legislation on the books, this bill would complement the present law and differentiate between the basement bomber, so-called, which we read about in other states, not necessarily in the State of Maine because we have an excellent safety standard and record, compared to the genuine model rocketeer who is sincere in educational interests insofar as fulfilling his objectives in education in aerodynamics.

I thought it was of significant value, Mr. President and Members of the Senate, to point out to the Senate that each rocket engine that is packed and meets the standards of the National Rocketry Association carries a safety code.

Another matter which I felt was relatively important, without getting involved in all the rhetoric that has materialized with reference to this bill, was a young man who mailed me a letter, who is a resident of the State of Maine and is now attending Cornell University, and he states the following:

"I have been a model rocketeer for six years and a member of the National Association of Rocketry for the past five years. I obtained a permit from the Maine Aeronautics Commission to fly model rockets in 1965 and launched in accordance with the law since then. In those past five years I

have found that this technological hobby has done more for my advancement in science and mathematics than any other source. In the process of writing several research and development projects for the hobby, I was able to attend the last two Nationals, present reports at the Technology, and obtain a job writing technical articles for Model Rocketry Magazine. I think I can truthfully say that without model rocketry I would never have become Maine's Outstanding Teenager of 1970 or have been granted admission to Cornell University where I am now studying. Because of what I know about model rocketry and what it has done for me, I support the passage of the bill legalizing model rocketry in the State of Maine. I know that model rockets are completely safe when used as directed, and that more aspiring Maine youngsters would be able to use them to further their technological knowledge if they were legal, as they are in almost every other state."

Mr. President, I would move for acceptance of the Minority Report.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: This was a very interesting hearing, and we had a lot of kids from Maine attend this hearing. I want to say that we were very much impressed by them.

You might be interested in some of the comments that these kids made. In the first bill it provided that an adult always had to be present at the launchings, and the kids were unanimous in their objection to that particular provision because they said the adults didn't understand about rockets and they might get in the way and be hurt. So, I noticed with interest that that provision has been left out.

Also, there were a couple — I think you may have met their father, Mr. Huntington — Charles and Thomas Huntington, I think they are 11 and 12 years old, and they appeared. I asked them if anyone had helped them prepare their presentation, and they said

yes someone did help them. I said "Would you tell us in what way?" They said, "Well, we dictated this presentation to our father and he typed it up for us." So we were very much impressed by these kids that appeared in relation to this rocketry bill.

However, one of the requirements, I think, for a law is a need for it. There was no need for it and, in fact, these kids had exercised a great deal of discretion and had had no problems whatsoever in relation to the use of this model rocketry. What troubled us, and what I talked to the sponsor of this bill about is this: that most of these people who use these rockets are young people under the age of 16, and the whole pitch to this bill is the penalty provision. It sets out certain things that have got to be done, and then it sets forth the penalty whereby a kid could be fined \$100 or be put in jail for thirty days. We asked the kids what they thought about that fine, and they said that was pretty high. I think one of the Huntington kids said that if he got fined \$50 that would take his whole year's allowance, so he wasn't very much in favor of these fines.

But I really don't see any need for the bill. In fact, I think all of the members of the Judiciary Committee did not see any need for it. One member of the Committee, however, did sign out the report so the sponsor would have a chance to make his presentation to this body. I think this, in summary, is the kind of a bill which there is absolutely no need for, as shown by the presentation, and actually does more harm than it does good in that all that would be accomplished by this is that if you had some accident or misfortune, in addition to the accident or misfortune some kid would face a fine or be put in jail, and really not very much is accomplished by that kind of an approach. This is why the Judiciary Committee would have voted it unanimously Ought Not to Pass if it were not for Rule 17-A.

The PRESIDENT pro tem: The question before the Senate is the motion of the Senator from

Androscoggin, Senator Minkowsky, that the Senate Accept the Minority Ought to Pass in New Draft Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Harding.

On motion by Mr. Harding of Aroostook, a division was had. Seven Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Provide for Use of the Courts by Poor Persons." (S. P. 356) (L. D. 1052)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Provide for Use of the Courts by Indigent Persons" (S. P. 606) (L. D. 1779)

Signed:

Senators:

TANOUS of Penobscot
HARDING of Aroostook

Representatives:

KELLEY of Caribou
WHITE of Guilford
LUND of Augusta
ORESTIS of Lewiston
WHEELER of Portland

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

Signed:

Senator:

QUINN of Penobscot

Representatives:

HENLEY of Norway
PAGE of Fryeburg
BAKER of Orrington
HEWES of Cape Elizabeth
CARRIER of Westbrook

Which reports were Read

On motion by Mr. Harding of Aroostook, the Majority Ought to Pass in New Draft Report of the Committee was Accepted, 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 to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon." (S. P. 332) (L. D. 983)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
HARDING of Aroostook

Representatives:

KELLEY of Caribou
WHEELER of Portland
WHITE of Guilford
BAKER of Orrington
LUND of Augusta
PAGE of Fryeburg
CARRIER of Westbrook
ORESTIS of Lewiston

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

Signed:

Senator:

QUINN of Penobscot

Representatives:

HENLEY of Norway
HEWES of Cape Elizabeth

Which reports were Read.

Mr. Quinn of Penobscot moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

Mr. Harding of Aroostook then moved that the matter be tabled and Tomorrow Assigned, pending the motion by Mr. Quinn of Penobscot to Accept the Minority Ought to Pass Report of the Committee.

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

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I wish very much that my good friend and compatriot, the Chairman of the Judiciary Committee, were here to help with the burden today in debating these various bills which are coming out. That is the reason I had asked

for the matter to be tabled, because I felt that we do owe some respect to the Chairman of the Committee to have the benefit of his views when these matters are debated.

However, be that as it may, this act provides for certain mandatory penalties for the commission of a crime if a person had a firearm. We intended to do a redraft of this bill, but we found that there is already a law on the books by which the court must impose an additional penalty of up to six years in prison if a person commits a crime while armed with a firearm, and we felt that did the trick.

In relation to a dangerous weapon, this definition is so obscure that, well, a baseball bat could be a dangerous weapon, or it says a knife, a razor blade, or any other kind of weapon, and it leads you into a very broad area of great difficulty insofar as the law and the matter of proof is concerned. So the overwhelming majority of the committee, as you can see, ten to three, felt that we were very amply protected in this regard and that this particular bill would not serve the public well, in fact, it would create more problems than it would solve. This is the reason for the ten to three Ought Not to Pass Report. I hope you would vote with the majority of the committee on this and vote against acceptance of the Ought to Pass Report.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I am rather reluctant to get into debate with members of the bar, particularly the non-skid variety, however, I think that this is probably the most commendable piece of legislation that has come down from the Judiciary Committee, the most laudatory piece of legislation, and I commend Judge Quinn for having the foresight to bring it to our attention.

You will notice in the statement of fact on Page 9 of this document that this is taken from a federal law, modeled after a federal law, and I believe that this is one way that the State of Maine can answer

the problem of gun registration once and for all. I believe that no other single matter has been mentioned by constituents more than the need for mandatory prison sentences when committing a crime while carrying a dangerous weapon, whether it is a razor blade, a machine gun, pistol, rifle, shotgun or other firearm, as the term is commonly used, missile, bullet, gas, vapor, anything. And I believe that this is one way to meet the problem of gun registration in our State of Maine. I am heartily in favor of it and I will endorse it to the very end.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I have tried as much as I can to stay out of the judiciary arena, but it is one of the former committees on which I served.

We had this bill before the committee two years ago, and the bill was sponsored by a member of this body. It was drafted in just about identically the same nature as it is today, and I think eventually — and I wouldn't want to stand here and be quoted as putting words in the sponsor's mouth — but I think that he himself at that time felt that it was considerably too far-reaching and, as a result of that, I think what we are trying to accomplish is what the Senator from Franklin indicates with regards to firearms, and I don't have any particular and specific objection to that. In fact, we did enact a substitute bill which I endorsed eventually, which passed, and for which I voted, which did restrict the definition of a dangerous weapon and restricting the law as to the use of firearms on what you can indicate to be really a dangerous weapon.

I think it is probably very difficult to argue sensibly on something like this because there is so much emotion involved, but I can't see where this is going to make the contribution that a lot of people think it will in the law enforcement field. I personally have no objection, if you are going to use a firearm, or other types of what you may really claim or recognize

as being a dangerous weapon, that you can place on additional penalties. This is what we did two years ago, and I think they were fairly severe penalties. When you come down to the definition and you say "any other instrument or instrumentality capable of being utilized to inflict bodily injury," as I jokingly used the comparison two years ago, if my wife and I had an argument and she got mad at me and took my ten-year old boy's baseball bat and struck me over the head with it, she is committing an assault with a dangerous weapon and would become subject under this law. The court may be very sympathetic to her, but she couldn't get off under this type of bill. I just use this as an illustration, not to try to ridicule the bill, but to show the extent to which a bill like this goes.

I know that we have serious problems, and I am not opposed to additional penalties for what I think would commonly be recognized as dangerous weapons, such as firearms particularly, or things of that nature. But you can bring it down to just about anything that anybody would grab in the heat of passion and use, so I think it goes too far. I think that the bill which this legislature adopted two years ago was a very, very reasonable step in that direction, and I would hope that this bill would not prevail. I think if there are areas which need to be strengthened, I think we ought to look at them individually, but not in the comprehensive way that this does. In its present form I would have to oppose it.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: We had several bills here this session about registering dangerous weapons, and all because of the fact that they were used in committing offenses.

Now, this bill here is a very simple bill. It is to the effect that if a crime is committed the violator can be sentenced under the law pertaining to that particular offense, but if it is committed with the use of a dangerous weapon,

which we have been trying to control, it would get a more severe penalty and give the court an opportunity to give an appropriate sentence. That is why I feel it is a very good bill, and I have had a lot of very fine comments on it, considering it is the best way to help control the use of dangerous weapons.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I think that we ought not to get ourselves confused here. In relation to the remarks of the good Senator from Franklin, Senator Shute, as I mentioned, we already have on the books a law which does make it an additional crime when a crime is committed and anyone has a firearm with them. This is already the law.

Now, we have had no bills before us that I know of that try to regulate dangerous weapons. We did have one bill before this legislature which had to do with a delayed sale of handguns, and that received an ought not to pass report.

The evil in this bill is the definition of dangerous weapon, which no one could comprehend. It says "any other". Now, it means all these different things, and then it says "any other instrument or instrumentality capable of being utilized to inflict bodily injury." This is almost any weapon you could think of, even an automobile, for example. If anyone was driving an automobile and a crime was committed, they would have in their possession at the time an instrumentality capable of being utilized to inflict bodily injury. I mean, this is the evil in the bill and the difficulty with it which would make it useless insofar as the law enforcement officers are concerned, and it would just create an additional problem, because it is already the law. If you commit a crime, it is a separate crime to have a firearm with you during the commission of a crime, it is the law now, and you can get up to six years in Thomaston.

So, as far as kidnapping, it looks very good here. You say, well you can get an extra 25 years for

kidnapping. Well, kidnapping now is punishable for any term of years; you can give a defendant a hundred years on kidnapping. Would 125 help? Or if a person commits murder he gets life. Would you like life plus another 25 years? This is the evil in the particular bill. It would not be useful, and it had the overwhelming lack of support by the Judiciary Committee. My good friend, Senator Quinn, was the sponsor of the bill and I can see his point in defending it here today, but anyway, I have given you the background on it, and I would say this: that there was a bill which I had before this body which attempted to address itself to the real problem in our courts today, and that is the clogged up docket. That is the real problem. It doesn't help any to create things like this which just stack up behind and create more of a problem. The real problem in our law enforcement today and our courts is that our dockets are crowded and we don't dispose of the cases promptly. That is the real problem which we have in Maine. We have had no call for this type of bill and there was no need shown at the presentation for it.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: It seems that you mention the word "mandatory" and all the barristers see red. I am pleased to know that the good Senator from Penobscot, Senator Quinn, has finally broken out of the fold and has asserted himself. I am certainly in favor of the bill.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I am not of a legal background; I am just a very small businessman. But I sit here and listen to this debate amongst some of the lawyers and I can't help asking myself that instead of wasting this time in debating — well, it is not actually a waste — but spending the time in debating the good and bad points of a bill of this nature, it seems

as though the time would be better spent in drawing up an amendment that would correctly define a dangerous weapon.

Now, in my capacity as a small businessman I have been the object of three separate hold-up attempts. On the last occasion three young guys got into a taxicab and ordered him out to my place, which is about five miles out of town, and they drove by the place, but the establishment was pretty well lit up so they decided to turn around and head back for town. They got half way back to town and they pointed something in the neck of the cab driver and they did rob him of about \$18. I would submit to some of these lawyers that if they were in the position that I was in, and my wife, they would have a change of attitude, so I would support Senator Quinn on this bill.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would like to re-emphasize what Senator Anderson has said, that I believe the attorneys have a certain aversion to this word "mandatory". I suggest that the dockets of the courts would not be as filled up as Senator Harding suggests if the word "mandatory" were in this law. The judge would have no alternative if it were proven that one of these thugs who came out to Senator Bernard's house had used a firearm or a dangerous weapon in the commission of a burglary or whatever, he would have no alternative but to send them to Thomaston, or wherever, and I think this is what the people of this state and this country have been waiting for.

I don't see any objection to the use of the word "mandatory". I know it is like waving a red flag in front of a bull but I think it is about time we started challenging some of these bulls.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I don't think I have had any issue that has been of so much

concern to people in my district as better law enforcement. Not belonging to the legal profession, it always seemed to me that we had too many protections in our laws for those who want to break the law. So I support the position of the Senator from Penobscot, Senator Quinn, on this issue.

It would appear to me from the debate that we do have protection perhaps against somebody committing a crime with a firearm, and I think there should be no objection to including "dangerous weapons." I don't believe that a person out here operating a filling station or a small store, that it makes too much difference to him whether he is disabled by a shotgun blast or somebody wielding a baseball bat. I think both offenses are equal in a situation like that. So I hope we do support the motion by Senator Quinn to accept the Ought to Pass Report.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: From a layman's point of view, it seems to me that a judge and jury could decide on the type of a weapon after the fact, after the crime has been committed.

Now, in our area we had a very serious crime committed with a gun. May I refer to Section 2: "Abduction of a woman while armed with a dangerous weapon." This was a very, very sad case, it shouldn't have happened, and I think that if we place this law on the books that it will be a deterrent to such crimes as this.

And I say that if the wife of the good Senator from Aroostook, Senator Violette, hit him with a baseball bat, I think it would be up to the judge and jury to decide whether or not this was a dangerous weapon after the fact, and that she definitely should be penalized, or she should be sent for rehabilitation because she might do this to her child too. I doubt that Mrs. Violette would be in these circumstances, and I don't think that was a valid argument. I hope

that you support the position of Senator Quinn.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am very much in favor of this piece of legislation. We tried to pass it two years ago and we weren't successful, we lost by a very small margin. But I would suggest that we move this bill along to the engrossment stage, to the third reader, and amend this definition of a dangerous weapon so that Mrs. Violette wouldn't be confined to prison in case that she hit the good Senator from Aroostook — and I know that she has had a lot of occasions she probably wanted to do it — but I would suggest that dangerous weapons be clarified in an amendment tomorrow so we would know just what we are talking about.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would tell my good friend, the Senator from Cumberland, Senator Moore, that the Judiciary Committee has worked a long time to find out a definition of dangerous weapons which would suit the various people and we were unable to do so.

I would like to say this additionally, however, on this because I think I know how the Senate feels on this particular thing, that you would like to do something to keep crime down, and who wouldn't? I don't want anyone here to stand up and say "I love my wife more than you love your wife", or "I love my children more than you love your children." There is no man in the Senate who values the safety of his wife and family more than I value their safety, and my part in this legislature has been to attempt to make law enforcing more effective and to streamline our courts. And I presented a bill to this legislature which would have been helpful on the things which the Senator from Franklin, Senator Shute has mentioned.

But, Senator, let me tell you: of course, we in the courts who

are concerned with law enforcement, and have worked with it all of our lives, we know something about the problems presented. The reason that you don't have the mandatory sentence is this: that you don't have courts enough, judges enough, police officers enough, and people enough to try all the people that are to be tried. If a fellow knows that he has got 25 years coming to him, he is going to ask for a trial. If everybody that is charged with a crime asks for a trial, you not only will have the backlog that you have in the three big counties, but you will have a backlog all the way down the line, and you will get the despicable situation that you have in New York now, where the people wait for a trial one and two years. And if it is any comfort to you, Senator, they have the mandatory there, and do you know what they do with it? They can't even use it; they nol-pros it, because you can't try all those people. So, it doesn't work. That is the reason we are not in favor of it. And we are the people who are there and have worked with it over the years, and it just hasn't worked. So you have the mandatory there, it is on the books, and all it does is encourage a fellow to demand a trial, so all these people are tried. It sets back law enforcement, because one of the things to deter a crime is, first of all, that a person be promptly apprehended, that he be promptly tried and the case be disposed of. This is more important than any other single element.

Now the warden of the Maine State Prison appeared before our committee. We asked him about the mandatory sentence and he said it was dreadful. Now here is an expert, this is his job, and he said it is terrible because none of the people know when they commit a crime what the penalty is, whether it is mandatory or otherwise. I am sure when, as a lawyer, someone asks me what the penalty is for these different things I always have to check the law books. So these people when they commit the crime do not know what the penalty is, they haven't the slightest idea. The only de-

terrent to them is that they may be apprehended, and that is the real deterrent, that they will be apprehended and may face some kind of a jail sentence. So for us here to take the holy attitude that if we pass this we have helped law enforcement in Maine, I tell you that you have not helped law enforcement in Maine; you have set it back. That is the reason that the lawyers on the committee, the people on the committee, voted so overwhelmingly against this, and this is why the warden of the Maine State Prison, who is in charge of keeping people incarcerated and knows what works and doesn't work, testified against it.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I would hope that you would support Senator Harding's position. He has stated it far better than I could, but he does understand the problem, and I would hope very sincerely that you would vote against the acceptance of the Minority Report.

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

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

The PRESIDENT pro tem: A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of one-fifth of the members of the Senate 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 question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon." If you are in favor of accepting the Minority Ought to Pass Report of the Committee you will vote

"Yes"; if you are opposed you will vote "No".

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Bernard, Berry, Carswell, Chick, Dunn, Greeley, Hichens, Hoffses, Katz, Minkowsky, Moore, Peabody, Quinn, Schulten, Sewall, Shute, and Wyman.

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

ABSENT: Senator Tanous and President MacLeod.

A roll call was had. Eighteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the Minority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Final Report

The Committee on Veterans and Retirement submitted its Final Report. The Committee on Health and Institutional Services submitted its Final Report.

Which reports were Read and Accepted.

Sent down for concurrence.

At this point President MacLeod entered the Senate Chamber and proceeded to the rostrum where he thanked Senator Berry for performing the duties assigned to him as President pro tem.

Whereupon, the Sergeant-at-Arms escorted Senator Berry to his seat on the floor of the Chamber, amid the applause of the Members of the Senate.

Second Readers

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

House

Bill, "An Act Relating to Division of Real and Personal Property by the Courts under a Decree of Divorce." (H. P. 1353) (L. D. 1769)

Bill, "An Act Relating to the Powers and Duties of the Environmental Improvement Commission." (H. P. 1352) (L. D. 1768)

(On motion by Mr. Berry of Cumberland, tabled and Tomorrow

Assigned, pending Passage to be Engrossed.)

Bill, "An Act Relating to Habitual Offenders of Motor Vehicle Laws." (H. P. 1355) (L. D. 1771)

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

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

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

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

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

Bill, "An Act Providing for a Study of Whether Savings Banks Should Offer Checking Accounts". (H. P. 1347) (L. D. 1766)

Which was Read a Second Time. Mr. Quinn of Penobscot moved that the Bill be tabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Thereupon, the Bill was Passed to be Engrossed in concurrence.

House - As Amended

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)

Bill, "An Act Relating to Preserving Historical Materials by the

State Museum." (H. P. 204) (L. D. 270)

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

Bill, "An Act Relating to Qualifications for Applicants for Examination for Admission to Practice Law." (H. P. 989) (L. D. 1351)

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

Bill, "An Act to Provide Certain State Level Land Use Controls." (H. P. 1125) (L. D. 1543)

(On motion by Mr. Schulten of Sagadahoc, temporarily set aside.)

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

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

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

On the matter previously set aside at the request of Mr. Harding of Aroostook, Bill, "An Act Relating to Qualifications of Applicants for Examination for Admission to Practice Law," (H. P. 989) (L. D. 1351), the same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-209, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Mr. BERRY of Cumberland: Mr. President, with reference to L. D. 1766, "An Act Providing for a Study of Whether Savings Banks Should Offer Checking Accounts", whereby this Bill was passed to be engrossed, I move that the Senate reconsider its action, and I hope my motion does not prevail.

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

Mr. Conley of Cumberland moved that the Bill be tabled and Tomorrow Assigned, pending the

motion by Mr. Berry of Cumberland to reconsider.

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

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

On the matter previously set aside at the request of Mr. Schulten of Sagadahoc, Bill, "An Act to Prove Certain State Level Land Use Controls," (H. P. 1125) (L. D. 1543), the same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-213, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Enactors

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

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

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

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

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

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

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

(On motion by Mr. Graham of Cumberland, temporarily set aside.)

An Act to License and Regulate Suppliers of Compressed Air Used in Self-contained Underwater

Breathing Apparatus. (S. P. 482) (L. D. 1518)

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

An Act Establishing Licensing for the Marketing of Potatoes. (S. P. 574) (L. D. 1718)

(On motion by Mr. Levine of Kennebec, temporarily set aside.)

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

An Act Establishing a Human Rights Commission. (H. P. 507) (L. D. 659)

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

An Act Defining a Trainee Plumber. (H. P. 781) (L. D. 1047)

An Act Relating to Zoning Appeal Procedure. (H. P. 1165) (L. D. 1619)

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

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

The President laid before the Senate the matter previously set aside at the request of Mr. Levine of Kennebec, An Act Establishing Licensing for the Marketing of Potatoes.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I move that, under suspension of the rules, we reconsider our action whereby L. D. 1718 was Passed to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Levine moves that, under suspension of the rules, the Senate reconsider its action whereby Bill, "An Act Establishing Licensing for the Marketing of Potatoes, was passed to be engrossed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, I would like to make an inquiry to the good Senator from Kennebec, Senator Levine, as

to what the purpose of reconsideration is.

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

Mr. LEVINE of Kennebec: Mr. President, in answer to the good Senator from Aroostook, Senator Harding, I have an amendment I would like to present.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: On that basis, I would oppose the reconsideration motion and ask for a division. If the good Senator refers to the amendment which I think he refers to, the effect of this would be compulsory inspection for the potato growers in Aroostook County. They have already tried that once and it did not work successfully. They have opposed it since, and at the hearing on this bill there was virtually no support for this compulsory inspection.

I know that this is a pet project of the good Senator from Kennebec, Senator Levine, but I can assure you that it is almost totally without support in Aroostook County. So, I hope that you would support me in opposing his motion for reconsideration.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: As a former farmer, and a man that is interested in the welfare of Aroostook County, first I want to say that this bill before us, and I want the good Senator from Cumberland to listen, Senator Conley, I think this is about as bad a piece of legislation as has come before the Senate.

In sympathy to the farmers in Aroostook, we tried to amend it and patch it up and come up with something half decent—I don't have any special interest as far as Aroostook is concerned, I don't plant any potatoes now, and I am not doing any farming — but I hate to see some bill be passed and really fool the people of Aroostook into thinking that we are doing something for them.

We should start looking and see what happened in the last ten or fifteen years to the Aroostook farmers. About ten to fifteen years ago thirty percent of the potatoes consumed in the United States were raised in Aroostook County. Right now there is about fifteen percent, and it is declining every year. What is the reason for it? The good Senator Harding will agree with me, Maine puts out—excuse me for the expression—"the lousiest potato available on the market". If they keep on doing that we will never have any more potato industry in Aroostook County. And what happens when Aroostook County gets into trouble? They come to the state and they want some other industries, and the federal government will pitch in twenty-one million dollars, the state will pitch in maybe ten or fifteen million dollars, and it will go down the drain. If we want to help somebody, we had better go and find out what kind of help he needs. If Aroostook County needs help, we should give it to them, but the help that they need is the advice that they need to put out a good product. If they don't put out a good product nobody will buy it.

What this bill calls now for is that after a broker accepts the potatoes he has to pay for them. On page eight we say that everything is all right we should have inspection, then on the other page, page nine, we say that it will be afterwards up to the shipper. First we say he has got to have it, and then the other page we say it is up to him. The only thing that I have done I deleted the part that contradicts the first page.

If we listen to the good Senator from Aroostook, Senator Harding, we are taking a knife and cutting up the farmers in Aroostook; we are hurting them by passing this kind of legislation. As far as the farming industry in Aroostook County is concerned, not all the farmers are doing bad there, the farmers that try to put out a good potato. We have one good farmer from Aroostook here, that is the only one, that plants potatoes, the good Senator Peabody. His potatoes are inspected. He doesn't

have any problems. He is making his enterprise pay. It was brought out before the committee, I asked them, "Are they not interested in putting out the good potatoes?" He said, "No, they won't get any more money for it." They are definitely wrong. Any of you know that if you put out a good product the housewife will pay for it. If you put in a bunch of junk, little potatoes, big potatoes, with big holes in them, they are not going to buy them the second time.

So, if the good Senator from Aroostook is objecting to my amendment, he is against the farmers in Aroostook, he is doing an injustice to them. He is going to hurt them. He is going to put them all out of business because people will not buy poor potatoes. We don't want to fool ourselves. So, what is going to happen afterwards? They are going to say, "Okay, we need a processing plant in the valley." Where is the money going to come from? From the state. That is wrong, that is the wrong attitude to take. We want to pass legislation that will help them and if we don't put on this amendment of mine here, this bill is worthless. Two years from now they are going to come back and they will be crying that it will put more farmers out of business. Somebody is going to put a car of potatoes on the track, the broker is going to come and look at them and he is not going to accept them. What is he going to do with them? Under my amendment, once the potatoes are inspected the broker will have to accept them, he will have to pay the farmer, and the farmer will not have any more problems about that particular car. So what do you want to do now? Just go home and tell the farmers in Aroostook there, tell them, "Look, I put in a piece of legislation for you"? The idea is: is the legislation going to help them or hurt them? This piece of legislation wouldn't help them any.

With my amendment there is a chance it will help them, and it will help the name of the State of Maine. Everywhere you go the people will say, "What is happening to the State of Maine? Years ago you had a good name, you

planted a lot of potatoes, now every year your production is dropping". Production is dropping because people are not buying it. Maine potatoes now are bringing the lowest price on the market. Why? Because we don't have any inspection and we are putting out a poor product. I would like the Senate to go along with me, and if we should adopt this amendment it will really help the farmers in Aroostook, and not get a name that "I am putting in a bill for them and doing something for them," but in part we are not.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would only tell you that this bill was drafted by the Maine Potato Council, with their lawyer, after having hearings among the farmers all over Aroostook County. This bill had the overwhelming endorsement before the Agriculture Committee and this bill had the unanimous report from the committee itself. So, all of us have different ideas about how we would have it, but this bill does represent the best thinking of the people of Aroostook County and the leaders of the industry in Aroostook County. I know that Senator Levine has his own set of ideas about it, but as I mentioned, his idea has been tried once before. It failed, it has been rejected, and it has the overwhelming opposition of the people of Aroostook County. So, I hope that you would vote against his reconsideration motion.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: In answer to the good Senator from Aroostook, Mr. Houle, who represents the farmers there, when I asked him if that would be a good idea to have this kind of amendment, he agreed with me.

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

Mr. PEABODY of Aroostook: Mr. President and Members of the Senate: The day of the hearing we had a great group down there,

we listened to mostly one side of the question, and there wasn't anybody in opposition to this bill. Since sitting here at my desk, I have received notes from across the room here, and they would like to know what I have been bringing down here for potatoes. I might say that all the potatoes that I have brought down here are certified potatoes, and nobody in the department has received any poor potatoes. I must also admit that we have poor potatoes inspected. I cannot go along with Senator Levine with regard to this because I think the bill as presented is a good bill.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: Now in listening to the good Senator from Aroostook, Senator Peabody, he just said that his potatoes are inspected, and that is why they are good.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I would just like to make my position clear on this. I know this proposition has been bothering the good Senator from Kennebec, Senator Levine, and so to give him a chance to offer his amendment I shall vote for reconsideration. However, when we vote for the amendment I shall vote against it.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Levine, that the Senate suspend its rules for the purpose of reconsidering its action whereby this bill was passed to be engrossed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twelve Senators having voted in the affirmative, and seventeen Senators having voted in the negative, and twelve being less than two-thirds of those Senators present and voting, the motion to suspend the rules did not prevail.

Mr. Levine of Kennebec then moved that the Bill and all

accompanying papers be Indefinitely Postponed.

On motion by Mr. Harding of Aroostook, a division was had. Seven Senators having voted in the affirmative, and twenty-two Senators having voted in the negative, the motion to Indefinitely Postpone did not prevail.

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

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

Mr. HARDING of Aroostook: Mr. President, I move that the Senate reconsider its action whereby the bill was passed to be enacted and hope that everybody votes against me.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that the Senate reconsider its action whereby this bill was passed to be enacted. As many Senators as are in favor of the motion to reconsider will please say "Yes"; those opposed "No".

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

The President laid before the Senate the matter previously set aside at the request of Mr. Graham of Cumberland, An Act to Provide for the Interception of Wire and Oral Communications. (S. P. 390) (L. D. 1145)

Mr. Graham of Cumberland was then granted leave to withdraw his request that the matter be set aside.

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

Resolve, to Reimburse Ronald E. Bickford of Readfield for Property Damage by Highway Construction. (H. P. 892) (L. D. 1212)

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

Resolve, to Reimburse Clarence Eldridge of Liberty for Loss of

Sheep Killed by Dogs. (H. P. 943) (L. D. 1302)

Which was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Resolve, to Reimburse Claude W. Day of Skowhegan for Truck Damage Due to Highway Maintenance. (H. P. 1000) (L. D. 1362)

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

Emergency

An Act Amending the Law Relating to Home Rule. (H. P. 814) (L. D. 1087)

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

Constitutional Amendment

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

Comes from the House, having Failed of Final Passage.

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Final Passage.

Orders of the Day

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

HOUSE REPORT — Ought to Pass in New Draft (H. P. 1340) (L. D. 1759) from the Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Cost of School Construction for State Aid." (H. P. 223) (L. D. 305)

Tabled — May 24, 1971 by Senator Dunn of Oxford.

Pending — Acceptance of Report.

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

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

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

Tabled — May 24, 1971 by Senator Dunn of Oxford.

Pending — Enactment.

On motion by Mr. Wyman of Washington, retabled and Tomorrow Assigned, pending Enactment.

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

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

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

Pending — Passage to be Engrossed.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: My good friend, my seatmate here, the Senator from Cumberland, Senator Conley, whom I rely on very much, called my attention to a constitutional problem in relation to that bill. I reviewed it with the Attorney General, and the Attorney General agreed with me that there was a constitutional problem, or I should say that he agreed with the Senator from Cumberland, Senator Conley. So I have prepared an amendment through the help of the Attorney General.

The problem with the bill was this: the Legislature may not delegate anybody else the duty of setting punishment: they must do it themselves. So what this amendment does is set the maximum fine which could be imposed, which is \$100, and this is consistent with the fines which municipalities may impose under ordinances, a maximum of \$100. So, it is Senate Amendment "B", Filing No. S-214. I would present it and move its adoption.

The PRESIDENT: The Senator from Aroostook, Senator Harding, offers Senate Amendment "B" and moves its adoption.

The Secretary will read the amendment.

Senate Amendment "B", Filing No. S-214, was then Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — May 24, 1971 by Senator Dunn of Oxford.

Ending — Consideration.

On motion by Mr. Dunn of Oxford, the Senate voted to recede from its former action whereby the Bill was Passed to be Engrossed.

Thereupon, House Amendments "A", "B", "C", and "D" were Read and Adopted in concurrence.

Mr. Wyman of Washington then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-204, was Read and Adopted.

Mr. Dunn of Oxford then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-212, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — May 25, 1971 by Senator Violette of Aroostook.

Pending — Consideration.

Mr. Berry of Cumberland then moved that the Senate Recede and Concur.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate recede and concur with the House.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: It is with reluctance that I go along with the motion of the Senator from Cumberland, Senator Berry. I think that many people in this body would have liked to have seen the legislature not rely

on the coattails of the federal government to get the minimum wage up to two dollars within a year or two where it ought to be. I hope that the federal government will move in that direction and, recognizing the practicalities of legislative procedures, we will go along reluctantly with the motion to recede and concur.

The PRESIDENT: Is it now the pleasure of the Senate to recede and concur with the House?

The motion prevailed.

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

HOUSE REPORT — Ought to Pass in New Draft with New Title on Bill, "An Act Relating to an Airport Commission for Knox County," (H. P. 1351) (L. D. 1767) from the Committee on Legal Affairs on Bill, "An Act Relating to Airport Commissions for County and Municipal Airports." (H. P. 681) (L. D. 918)

Tabled — May 25, 1971 by Senator Hoffses of Knox.

Pending — Acceptance of Report.

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

Mr. HOFFSES of Knox: Mr. President, this bill has been completely altered from what the original intention was. It does not serve the purpose which we had hoped that it would serve so, therefore, I move that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that H. P. 681, L. D. 918, be indefinitely postponed. Is this the pleasure of the Senate?

Thereupon, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORT — Ought to Pass in New Draft under same title (H. P. 1246) (L. D. 1555) from the Committee on Natural Resources on Bill, "An Act Relating to the Conduct of Hearings Re-

quired by the State's Environmental Laws." (H. P. 359) (L. D. 467)

Tabled — May 25, 1971 by Senator Violette of Aroostook.

Pending — Acceptance of Report.

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

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

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

Tabled — May 25, 1971 by Senator Johnson of Somerset.

Pending — Passage to be Engrossed.

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

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

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

Tabled — May 25, 1971 by Senator Quinn of Penobscot.

Pending — Enactment.

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

Mr. QUINN of Penobscot: Mr. President, I yield to the good Senator from Franklin, Senator Shute.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would like an explanation of this document from some member of the Health and Institutional Services Committee, if possible, about a druggist who is apprehensive about whether or not it would be his responsibility to substitute a generic drug. If we could have an explanation, I would appreciate it.

The PRESIDENT: The Senator from Franklin, Senator Shute, has posed a question through the Chair, which any member of the com-

mittee may answer if he so desires.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President and Members of the Senate: This is rather off the cuff because I didn't know that question was going to be asked. This gives the physician the right to prescribe a generic drug, so I would imagine that if that prescription was written for a generic drug that the pharmacist would be obligated to provide it in that way.

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

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: I have talked to a number of pharmacists in regards to this bill, and they were all of one opinion, that this bill accomplishes absolutely nothing. The doctor has the perfect right to write prescriptions in generic terms, and if he so specifies a trade name under this bill the pharmacists would have to obey. If he writes a prescription under generic terms, now as later under this bill, the same rights would exist. So, it is one of these bills that somebody will have their name for having a bill passed that will accomplish absolutely nothing. I think we have too many of those laws on our books now, and I would suggest that you oppose it.

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

Mr. GRAHAM of Cumberland: Mr. President, I move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Graham, now moves that L. D. 1200 be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Hichens.

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

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: One of our favorite newswriters here, Kent Wood from the Bangor Daily News, wrote an arti-

cle that said pretty much the same as the Senator from Oxford, Senator Fortier, that the bill accomplishes nothing. Then he ducked because the response to that one column was just extraordinary.

I wish that all of you could have read the response that a guest writer, Mary Worthly, who many of you know, the response she made, which is a lengthy response. It told of the deep concern of the elderly people at the cost of drugs. It denied chapter and verse the contention that the bill didn't accomplish anything. It went on to say specifically the things that the elderly people, in particular, hoped it would accomplish. In the face of the depth of feeling of this group of people, the elderly, that they want this and they really feel that it is going to accomplish something, leads me to believe that I for one will oppose the motion for indefinite postponement.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I, too, oppose indefinite postponement of this measure. Not only did I receive much mail about this, but I believe just what the mail was trying to convey. It is unbelievable that a bill would get this far in the legislature in both branches and then an attempt be made to kill it such as it is. I just can't see it. I think there is definitely a need for this bill, and I hope that you will oppose the motion to indefinitely postpone.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would like to call the attention of the members of the Senate to take a look at L. D. 1200 and look at the name of the gentleman who sponsored this bill. It seems strange to me that, he, being a pharmacist, would be opposed to such legislation. I realize that the good Senator from Oxford, Senator Fortier, said that the bill does absolutely nothing, but he may very well be right, because they amended this bill the other

day which inserted the word "may" prescribe generic drugs.

I happened to be present before the Health and Institutional Services Committee the day that this bill was heard. It was not by design actually, or it was by design, and not the fact that I wanted to be there, but the room was, I think, just about jammed right to the walls, and many people were outside the hearing room because of the fact that there was not enough room to allow them to enter. I don't recall of anyone speaking against the bill, and I know that several doctors were there to speak for it and like other Senators who expressed their objections to the bill being killed at this time, I also share the same feeling.

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

MRS. CARSWELL of Cumberland: Will the President please read the committee report.

The PRESIDENT: The committee report was unanimous Ought to Pass.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President, may I inquire regarding the amendments that have been submitted to this?

The PRESIDENT: There are two amendments on the bill: House 220 and Senate 184.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I want to assure everybody here on this bill that you can vote anyway you want, either for it or against it, because it is not going to change a thing. And you people who feel that the old people need some reassurance, and that if this bill were put on the books it would make them feel more reassured, by all means vote for it. It won't give them one single solitary benefit.

One of the drug companies lobbied me about 11:30 at night about this bill, and I read it at his request. I assured him of the same thing, I said that this is probably the most meaningless, totally meaningless, piece of legislation to come before this legislature, and

he said, "Well, it is only four lines and certainly you can go along with that." So, I am going to vote for the bill because it changes absolutely nothing, but it will make some people feel a little better including my lobbyist friend. I haven't done anything for him all year, so it seems to me this is the least I could do.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I did want to make a couple of comments about this bill, but Senator Harding is sort of a hard man to follow on any of these discussions. I think the bill has been watered down to a fairly meaningless stage, I suppose you could put it that way, but then again it is directed toward the medical profession, and anything at all that would help them to see their way to try to write prescriptions that would be a lesser cost I think would be helpful. It seemed to me somewhat unfortunate that we should have to pass bills like these but we do have some people who do need to be led by the hand a little bit, and this bill might do that. I think it is a very worthwhile piece of legislation.

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

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: I would not want to have anyone in this Senate feel that I am not very much aware of the problem of the elderly. I think the fact that they would like to obtain their prescriptions at a lower price is something that certainly deserves a lot of consideration, but I think that the controlling factor here should be how much longer are we going to kid the elderly in making them believe that we are giving them something by loading our statutes with laws that mean absolutely nothing, that we can go back and tell them well, we have worked for you, we have done this and that, when in reality we haven't done a thing. The responsibility lies with the doctor. It lies with the doctor at the present time, and will still be with

the doctor in the future. And probably more doctors should prescribe in generic terms, but this bill does not force them, it doesn't accomplish a thing. I think it is about time that we stopped kidding these people.

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

Mrs. CARSWELL of Cumberland: Mr. President, was Committee Amendment "A" adopted?

The PRESIDENT: Yes.

Mrs. CARSWELL: As I read the statement of fact, the purpose of this amendment is to have the law applied when the physician or osteopathic physician is requested to prescribe generic drugs. I think that is rather meaningful. I am not an attorney, but I think that perhaps this is rather meaningful. When the vote is taken I request a division.

The PRESIDENT: 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. Eleven Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion to Indefinitely Postpone did not prevail.

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

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

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

Tabled — May 25, 1971 by Senator Moore of Cumberland.

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

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

The President laid before the Senate the eleventh 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. Johnson of Somerset, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

Reconsidered Matter

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action of yesterday whereby 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), was Passed to be Engrossed.

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

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 tomorrow morning.