

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

Thursday, May 27, 1971

Senate called to order by the President.

Prayer by the Rev. Douglas H. Robbins of Augusta.

Reading of the Journal of yesterday.

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

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

In the Senate May 21, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (H-275) in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-275) as Amended by House Amendment "A" Thereto (H-356), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the Senate May 18, 1971, Report "C" Ought to Pass Read and Accepted and subsequently the Bill was Passed to be Engrossed.

Comes from the House, Report "A" Ought to Pass in New Draft Under Same Title (S. P. 586) (L. D. 1739) Read and Accepted and subsequently the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-348) in non-concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Recede from its previous action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-216, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: I notice some quizzical expressions that apparently this amendment doesn't do very much, and you are absolutely right. It takes out an obscure portion of the bill that has

no importance at all pertaining to the termination of the notification of employment by employers. This can be handled administratively, and what I guess I am saying is that this bill is being amended so that perhaps by passing it down the corridor one more time in simple, clear form, it will be in a clear case of non-concurrence, and a simply majority vote will either permit the other body to get into line or reject our point of view. I move the adoption of this amendment.

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

The motion prevailed.

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

Sent down for concurrence.

Committee Reports**House**

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

Bill, "An Act Relating to Overtime Pay for Certain Classified State Employees." (H. P. 517) (L. D. 680)

Bill, "An Act Relating to Film under the Obscenity Law." (H. P. 676) (L. D. 913)

Bill, "An Act Relating to Eligibility Conditions for Benefits under Employment Security Law." (H. P. 777) (L. D. 1043)

Bill, "An Act Relating to the Availability in Industries of Medical Facilities and Personnel." (H. P. 1072) (L. D. 1464)

Bill, "An Act Relating to Disqualification for Benefits under Employment Security Law." (H. P. 776) (L. D. 1042)

Bill, "An Act Relating to Disqualification for Benefits under Employment Security Law Because of Work Stoppage." (H. P. 771) (L. D. 1037)

Leave to Withdraw

The Committee on Labor on, Bill, "An Act Relating to Compensation for Injury to Employee Because of Violation of Law under Workmen's Compensation Law." (H. P. 1073) (L. D. 1465)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted.

Leave to Withdraw— Covered by Other Legislation

The Committee on Labor on, Bill, "An Act Relating to Termination of Compensation under Workmen's Compensation Law." (H. P. 1074) (L. D. 1466)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in Concurrence.

Ought to Pass in New Draft

The Committee on Legal Affairs on, Bill, "An Act Amending Standards for Electrical Installations and Electrical Equipment." (H. P. 1163) (L. D. 1608)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Standards for Electrical Installations and Electrical Equipment for Mobile Homes." (H. P. 1334) (L. D. 1748).

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

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

Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers." (H. P. 1001) (L. D. 1363)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1330) (L. D. 1744)

Signed:

Senator:

SHUTE of Franklin

Representatives:

STILLINGS of Berwick

TANGUAY of Lewiston

LIZOTTE of Biddeford

SLANE of Portland

BAILEY of Woolwich

GAGNON of Scarborough

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

Signed:

Senators:

HOFFSES of Knox

FORTIER of Oxford

Representatives:

HAWKENS of Farmington

MADDOX of Vinalhaven

IMMONEN of West Paris

• FAUCHER of Solon

Comes from the House, the Majority Ought to Pass in New Draft report Read and Accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-337)

Which report was Read.

Mr. Shute of Franklin moved that the matter be tabled and specially assigned for June 1, 1971, pending Acceptance of Either Report.

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

Mr. Shute of Franklin then moved Acceptance of the Majority Ought to Pass in New Draft Report of the Committee.

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

Mr. DANTON of York: Mr. President, I move that this bill and all its accompanying papers be indefinitely postponed, and I would like to speak on my motion.

The PRESIDENT: The Senator from York, Senator Danton, moves that Bill, "An Act to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers," be indefinitely postponed.

The Senator has the floor.

Mr. DANTON: Mr. President and Members of the Senate: This is a move to try to regulate a segment of private business which really is not a necessary function of lawmaking. Most breweries have agreements in effect governing relations between the brewer and wholesalers whereby no termina-

tion happens overnight, as they may like to have you believe.

This can be paralleled to a man working for a company where if he isn't doing his job he is warned and then he is fired. The same principle applies here. In the past ten years the record shows that very few brands have been taken away from distributors. I think we are opening the door here, Mr. President and Members of the Senate, so that other business will come in and want us to take and put on regulations where 90 days' notice will have to be given by a distributor before they can take and terminate their business with them. So I certainly hope you will support me on this.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I am puzzled by a section in this bill, and that is Section 2. You have the bill, which is L. D. 1744, and if you will look at Section 2 you will see the paragraph of four lines. It says: "The Administrative Hearing Commissioner shall revoke the license of any Maine wholesale licensee who shall make it a condition in selling malt liquor or wine to another Maine wholesaler licensee that such Maine wholesaler licensee shall not sell other brand names of malt liquor or wine."

I didn't realize that Maine wholesalers sold to other Maine wholesalers, but I now pose the question through the Chair to somebody on the Liquor Control Committee, if they care to answer it.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, has posed a question through the Chair to anybody on the Liquor Control Committee who may answer if he so desires.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: Perhaps I can answer this question by going back over the history of the bill. L. D. 1363 came out of our committee with a unanimous ought to pass report of the committee. There were some suggested changes on it. The original

bill referred to the Commission rather than the Administrative Hearing Commissioner, and it was felt that the Liquor Commission should not become involved in determining the license of any Maine wholesale licensee, but this should go before an administrative hearing commissioner. This was one of the changes that was made in the new draft which has come before you now in L. D. 1744.

This is a bill which can be termed, I believe, as a fairness bill. If you subscribe to a fairness doctrine, then I believe you should support this bill because this provides an opportunity for the wholesalers to be on the same street as the breweries and the wineries because this refers to wine wholesalers as well as wineries and breweries as well as beer wholesalers. This is a protective rather than a corrective bill. It protects the State of Maine by making available all brands. It protects the brewery and the winery by providing a two-way street between the distributor and the winery or the brewery, as the case may be.

Most of all, this bill protects the wholesalers. The 90 days, of course, can be waived by appearing before the Liquor Commission, and the House Amendment takes off the previously declared offensive part of lengthening the 90-day period. So this is for 90 days. It means that the small businessman is protected and he can't be put out of business overnight. This is a fairness doctrine type of legislation, and I believe that it merits your support.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I still don't understand what Section 2 does, but that is all right, I am not going to vote for the bill anyway.

The basic reason for my opposition to the bill is very simply this: this is a controversy between the wholesalers and the brewers. They are both big boys, they are both able to contract for themselves, they both have lawyers and representatives to take care of their own individual interests, and

I say that what we are doing, if we pass this bill, is legislating into private enterprise. I feel very strongly about this, and I don't think the legislature should stick its nose into private business.

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

Mr. DANTON of York: Mr. President and Members of the Senate: I am a small businessman, and before I get into any enterprise, not being an attorney myself, I always make sure that I have my attorney with me and we go over all the legal parts of the contract and, as I think of it or if he should think of it, being my attorney, if I would want a time limit or a time element in that contract I would put it in. I don't think that we have to legislate for this business or any other business as far as time is concerned. Thank you.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I think I can answer both the objections of the Senator from Androscoggin and the Senator from York by explaining that here in the State of Maine the business of liquor is not a private business; it is state controlled. Three members of this Senate are serving on the Liquor Control Committee, and this is precisely what the state's job is.

I would like to present a corollary. My business is broadcasting, and I have been in it somewhat over thirty odd years. The business of broadcasting is controlled by the people through the Federal Communications Commission. We are told under what rules and regulations we must operate. The liquor business is the same way. The state controls the liquor business in this state, and as long as it is our responsibility we have the perfect right to regulate the type of traffic that goes on between the brewery or winery and the local distributors. It is as simple as that. And when we say that we think the brewery has got a strong-arm muscle type of deal over the local distributor in the State of Maine,

a small business, you no longer can sell Budweiser, or you no longer can sell Narragansett, that we are taking another distributor, we think this is wrong. We have to operate in our business under clauses of 90 days, six months, and some up to two years. Why, when we are under control, should we reject this as far as liquor is concerned in the State of Maine? This is precisely what this business is; it is state controlled, and I maintain that we should exercise our control over it.

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

Mr. DANTON of York: Mr. President, I request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As a member of the Liquor Control Committee, perhaps I should rise and say a word on my position that I took on this bill.

Most of the wholesalers have either a great volume of business or a variety of businesses. Some of them distribute other products, such as soft drinks, tobacco, sundries, or they may be in the trucking business or operate a successful discount business. Not only do they handle several beer products, but they also handle many varieties of wine, so it is not the catastrophe to an account which you may have been led to believe.

This bill, in Section 2, attempts to state that neither a brewery or a winery can compel a beer or wine distributor to carry their product exclusively. Why should they ask us to write into law, so it will be a part of every contract, this kind of restriction?

These beer people have not been restricting themselves to a single product. Any of us would like to have had in the past an opportunity to handle with the Ford automobile or Coca-Cola exclusively, or some of the other nationally known products. I know of nothing wrong in handling products exclusively. This bill has nothing to do with the people. This is a small, special in-

terest group who are well able to take care of themselves, and I shall vote for the motion to indefinitely postpone this bill.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: It is rather strange that the Senator from Knox, Senator Hoffses, my esteemed friend, decides on the second go-around to oppose this measure, because when the original L. D. came out in 1363 he was willing to go along with the Majority Ought to Pass Report.

Now, the people who proposed this legislation for the protection of the small businessman in the State of Maine were so apprehensive lest the small changes they were suggesting might be of such a nature that it would be deemed too controversial to the other side that they asked for another hearing. They asked for it to be re-committed to Liquor Control. And I suggested to the proponents of this legislation that all they had to do was to amend it in the House, it was a House originated bill, and they said "Well, perhaps you are right, Denny." Well, we brought this back to Liquor Control and now we have opposition to it, but in the first instance the good Senator from Knox was in favor of it, and the committee was unanimous.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: Perhaps I should answer the charges by my distinguished friend and colleague, the Senator from Franklin County, in a very few words by saying "I saw the light."

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from York, Senator Danton, that Bill, "An Act to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers," be indefinitely postponed.

A division has been requested. As many Senators as are in favor of the motion to indefinitely post-

pone 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. Nineteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Mr. HOFFSES of Knox: Mr. President, having voted on the prevailing side, I move we reconsider our action whereby we indefinitely postponed this bill, and I hope you would vote against my motion.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate reconsider its action whereby Legislative Document 1363 was indefinitely postponed.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. Shute of Franklin then moved that the matter be tabled and Tomorrow Assigned, pending the motion by Mr. Hoffses of Knox to Reconsider.

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

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Arbitration under Public Employees Labor Relations Law." (H. P. 1113) (L. D. 1538)

Reported that the same Ought Not to Pass.

Signed:
Senators:

TANOUS of Penobscot
LEVINE of Kennebec

Representatives:

LEE of Albion
ROLLINS of Dixfield
LINCOLN of Bethel
KELLEY of Machias
SIMPSON of Millinocket
GOOD of Westfield

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

Signed:

Senator:

MARCOTTE of York

Representatives:

GENEST of Waterville

BEDARD of Saco

BUSTIN of Augusta

McTEAGUE of Brunswick

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

Which report was Read, and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

Senate

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

Bill, "An Act to Equalize Educational Expenditures and Local Tax Effort." (S. P. 444) (L. D. 1293)

Sent to the House.

Ought to Pass - As Amended

Mr. Tanous for the Committee on Judiciary, Bill, "An Act Relating to Oral Settlements or Releases from Injured Persons Confined to Hospitals." (S. P. 251) (L. D. 758)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-215).

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. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Public Intoxication." (S. P. 199) (L. D. 584)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 607) (L. D. 1786)

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

Joint Order

Mr. Hichens of York moved that the rules be suspended for the pur-

pose of presenting the following out of order:

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "AN ACT to Provide Hospital Administrators under the Department of Mental Health and Corrections." (S. P. 578, L. D. 1726)

(S. P. 608)

Which was Read.

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

Mr. VIOLETTE of Aroostook: Mr. President, I oppose suspension of the rules to recall this document, and I request a division.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: This is an item that leadership, the Appropriations Committee and others have worked on since the beginning of the session, and I just feel that the Appropriations Committee did a fine job of accepting the amended bill which is now being recalled for the Governor's office. I feel this will serve no useful purpose and I do oppose this motion. I hope that it will not prevail.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: All last evening, and beginning at 6:30 this morning, my telephone was buzzing, and people have been buzzing me here in the halls of the State House over this amendment, or the new draft of 1490, the new draft 1726. There are parts of this new draft which need some explanation, and apparently it was rushed through without any consideration or surveillance of the members of this Senate, and I think, in all fairness, that we have an opportunity to go over this bill before the Governor signs it.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: People appeared before the Appropriations Committee in favor of this document and, as

I said before, we spent from January until now working on this, so if it is recalled from the Governor's office it will serve no useful purpose. So I hope the motion does not prevail.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I beg to disagree with the lady Senator from Cumberland. This new draft did not have a hearing, and that is what the trouble is. So many people have called that spoke on the first one but they did not know about the new draft until it was brought to their attention after it got on the Governor's desk.

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

Mr. CONLEY of Cumberland: Mr. President, I would ask for a division on the order.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President, I am sorry that I have to rise again, but you as well as I know that we have many redrafts, many, many redrafts of bills, and it certainly would be nonsensical to try to have a public hearing on every redraft. The legislature just does not do that. And it seems very strange to me that as sponsor of the bill I did not get one call in opposition to this, and I doubt that that Appropriations Committee members got calls in opposition to this. I hope the motion does not prevail and that the Governor will be enabled to sign this.

The PRESIDENT: The pending question before the Senate is whether the rules should be suspended for the purpose of introducing an order out of order. As many Senators as are in favor of suspending the rules 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 nineteen Senators having voted

in the negative, the motion to suspend the rules did not prevail.

Second Readers

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

House

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

Bill, "An Act Relating to Long-term Semipermanent Registration Plates for Certain Semitrailers." (H. P. 1357) (L. D. 1773)

Bill, "An Act Prohibiting Insurance Licenses for Banks, Savings and Loan Associations and Credit Unions." (H. P. 1342) (L. D. 1761)

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

House - As Amended

Bill, "An Act to Remove the Numerical Exemption from the Minimum Wage Law." (H. P. 570) (L. D. 746)

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

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

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

Senate

Bill, "An Act to Provide Mandatory Penalties for Commission of Crime with a Dangerous Weapon." (S. P. 332) (L. D. 983)

(On Motion by Mr. Shute of Franklin, Temporarily set aside.)

Bill, "An Act to Increase the Fee for Steam Engineer and Fireman Licenses." (S. P. 604) (L. D. 1777)

Bill, "An Act to Provide for Use of the Courts by Indigent Persons." (S. P. 606) (L. D. 1779)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Providing Funds for the Maine Police Academy." (S. P. 170) (L. D. 522)

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

Sent down for concurrence.

Enactors

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

An Act Appropriating Funds for Drug Rehabilitation in York County. (S. P. 206) (L. D. 639)

(On Motion by Mr. Sewall of Penobscot, placed on the special Appropriations Table.)

An Act Clarifying the Laws Relating to Corporations Without Capital Stock. (S. P. 327) (L. D. 986)

An Act Relative to the Discharge of Mercury into Waters of the State. (S. P. 593) (L. D. 1750)

An Act Providing Professional Immunity to Nurses in Emergency Cases. (H. P. 149) (L. D. 204)

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

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

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I rise to state an objection which I have stated to individual members of this body and the other body in weeks past to the practice of formation of county commissioner districts on a catch as catch can basis.

We now have two counties, Somerset and Waldo, in the ranks of county commissioner districts. I would like to point out to this body, for those of you who may care, that it is expensive as far as the State is concerned. Every time a new commissioner district is formed in the counties you are adding to the burden of the Elections Division by creating more problems, more problems with the printing of the ballots and preparing the ballots, and unless the state as a whole adopts county commis-

sioner districts for all sixteen counties, I shall oppose the piecemeal adoption of county commissioner districts. I shall not oppose this today; I just wanted to make sure that my views were made known. It is an expensive proposition and it is going to be more so. I would rather see the state as a whole on a county commissioner district basis.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be passed to be enacted?

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.

An Act Relating to Steel Guardrails on the Maine Turnpike. (H. P. 619) (L. D. 830)

Comes from the House, Indefinitely Postponed in non-concurrence. Mr. Berry of Cumberland then moved that the Bill be Indefinitely Postponed in concurrence.

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

Mr. DANTON of York: Mr. President and Members of the Senate: I am surprised that the good Senator from Cumberland, Senator Berry, got up to indefinitely postpone this bill because I thought it was agreed between us that after an amendment was put on it taking steel guardrails out, which he was so strongly against, and putting in safety barriers that it was acceptable to him. It was also reported to me that it was acceptable to the Maine Turnpike engineers. Therefore, I hope you would vote with me against the good Senator from Cumberland, Senator Berry, and not indefinitely postpone this bill.

This is a good bill, it is for safety, and at no cost to the State of Maine. With the steel guardrails there was an approximate cost of \$35,000 a mile. Now with safety barriers they may be able to do the same job for a lot less money.

I would like to inform the Senator that I travel the Maine Turnpike every day coming up here to Augusta and, even though we took and amended the bill to put in

safety barriers instead of steel guardrails, they are installing steel guardrails on the Maine Turnpike. Thank you very much.

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

Mr. BERRY of Cumberland: Mr. President, I would withdraw my motion in deference to my colleague from York County, Senator Danton.

The PRESIDENT: The Senator from Cumberland, Senator Berry, withdraws his motion to indefinitely postpone the bill.

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

Orders of the Day

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

HOUSE REPORTS — from 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) Majority Report, Ought to Pass as Amended by Committee Amendment "A" Filing H-316; Minority Report, Ought Not to Pass.

Tabled — May 26, 1971 by Senator Harding of Aroostook.

Pending — Motion by Senator Levine of Kennebec to Accept the Minority Ought Not to Pass Report.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I hope that the Senate will not accept the Minority Ought to Pass Report, and I would like to briefly explain to the Senate the position of the committee on this bill.

I think that perhaps I can better explain how this thing came about by telling you the situation that the dairy industry is in at the present time. Quite a few years ago the dairy organization representing the producers, in fact, there were two organizations at that time, approached the milk dealers and they said they would gladly do so. So for many years

they have been doing this on a voluntary basis.

Now, some time ago the Farm Bureau, a farm organization, approached not only the potato processors but also the poultry processors to see if they could arrange a meeting with them to arrange for this procedure. They not only would not consider withholding dues but they would not even meet with the growers' organization, so for that reason the Farm Bureau was instrumental in behalf of potato and poultry producers in getting this bill introduced.

If you will read the bill, you will notice that the growers' organization realized that there would be some cost to the processor in collecting these dues, and so the bill provides that the processors can deduct two percent of the dues to take care of any bookkeeping costs which they might incur. This is strongly endorsed by all of the farmers in central Maine and Aroostook, and I hope that the Senate will defeat the motion to accept the Minority Report, and in turn will accept the Majority Report of the committee.

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

Mr. Wyman of Washington then moved that the matter be tabled and Tomorrow Assigned, pending the motion by Mr. Levine of Kennebec to Accept the Minority Ought Not to Pass Report of the Committee.

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

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: When we discussed in committee this legislation I was hesitant to vote on it until I got a legal opinion as to the legality of this legislation. I found out that compulsory withholding of dues is unconstitutional, and the only way

you can do it is if both parties agree.

When anybody negotiates labor contracts now, the withholding of dues has to be agreed to by both parties. If we pass this legislation, we disregard all the Constitution tells us and, by the way, it is a federal law that you can't withhold dues unless both parties agree.

As far as the milk is concerned, there is definitely withholding of dues but it has been agreed by both parties. I still think, like the good Senator Chick told me once, we ought to scare the other side and go along. That is what the idea of this bill was when the bill originated in committee, to just scare the other side so that they would go along with it. I think we have scared them enough, and I don't think we should go and pass unconstitutional legislation.

We got a report from Deputy Attorney General West, and he doesn't agree that it is constitutional. And we just voted a while ago on another measure making things compulsory when we voted on the brewer bill. This here is a little bit worse yet. If we pass this legislation the unions will turn around and say we discriminate against them. The unions don't have the right now in the State of Maine because of the federal law that prohibits it unless they both agree, and that is what I think we should do in the same manner. We should kill this legislation and then let the farmers go and talk to the people. Reason always prevails, and I think everything will be all right and be beneficial to both sides.

I have always found out that when two people don't agree it doesn't pay to run to court, because the only ones that benefit from it are the people that you hire to protect you. If you reason and talk, then both sides are winners, and I think that would happen in this case too. We ought to kill this legislation. It is no good, it wouldn't benefit anybody, it is unconstitutional because the federal law says so, and if we pass this legislation no Maine products where dues were withheld under this provision would be able to be

shipped out of state. I don't think we can do it. We can't use all our potatoes in the State of Maine, we can't use all our poultry in the State of Maine, I don't think the State of Maine can use it all, so we will drive people out of business. That is what we would do, so I don't think we need it. I agree with the good Senator Chick that we ought to scare the producers, but we have scared them enough and now we ought to kill this legislation.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: After the remarks of Senator Levine I probably shouldn't support his motion but, in any event, I believe this is a bad bill and I am going to vote against it for that reason. I hope you would support Senator Levine in accepting the Minority Ought Not to Pass Report of the Committee.

My objection to this bill is similar to my objection to the previous bill on which I spoke, and that was the wholesalers and the brewers. This is a controversy between the poultry processors and the poultry growers in one area of the state, and I think that area is the Belfast area, the Maplewood. Now both the poultry processors and the growers are big boys, they are both able to take care of themselves, they both have good people to represent them, and I think that this legislature should not stick its nose into a controversy between private enterprise.

The thing I would like to point out: you had a hand-out put on your desks this morning, I believe, a letter dated May 26th addressed to the Honorable Aaron Levine, and it is written by George West of the Attorney General's office. On Page 2 of that letter, in the second paragraph on page 2, it says: "Accordingly, I must inform you that the constitutionality of L. D. 1281 is questionable." I think for that reason, and that reason alone, it is enough for us to support Senator Levine's position on this thing. I would ask that you vote "Yes"

on this question and support the Minority Report.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The position of the Senator from Kennebec, Senator Chick, confuses me. I feel like an imposter talking on an agriculture bill, but this is so similar to the bill that the Senate overwhelmingly rejected earlier this session which sought a check-off system for teachers. The feeling of this Senate was so very obvious that we did not under any circumstances want to put the weight of the legislature behind what should be accomplished by collective bargaining. We said overwhelmingly that we would not permit the teachers to require a check-off system for teachers.

I have in front of me the letter that the Senator from Androscoggin, Senator Clifford, just mentioned, and I know that an opinion from the Attorney General's Office does not have an effect of law, but I deeply respect the opinion of George West. On page 1, he says the bill seems to be utterly silent as to the necessity of such a requirement. And then he says that the dealers and processors are entitled to be free of all restraints and obligations except under certain specified conditions. So frequently I have a feeling that bills come before the Maine Legislature which seek to settle squabbles out in the field that really should not be our proper concern. If you believe in collective bargaining, then you believe in collective bargaining, and it should be done outside of the legislature.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: First of all, when the vote is taken I would ask that it be taken by a devision. I think that the Senate might be interested in the people that are for this, and to refresh your memory, the members of the committee who voted ought to pass were: Senator Chick,

Senator Peabody, Representative Evans, Representative Mosher, Representative Williams, Representative Clark, Representative Albert, Representative Mahany, Representative Webber, and Representative Berry. The only people who voted against this was my good friend, the Senator from Kennebec, Senator Levine, and the Representative from Windham, Mr. Hall. The other people who supported this was the Farm Bureau, which endorsed this, the Maine Potato Council endorsed this bill, and the farmers overwhelmingly endorsed the bill.

Now, when they tell about this big boy against big boy in this bargaining thing, it certainly is not true. The farmers of this state are in desperate financial condition, and one of the things that they are trying to do is to organize so that they can bargain effectively for the sale of their products. This is an attempt to help them to do that, because they make an assignment of a part of the money which they are going to get for their produce so that they can finance collective bargaining units to help them get a better price for their product.

Certainly I have some experience on a dairy farm in the County of Kennebec, in Albion, no less, and it is of great disappointment to me that I suppose my native Senator, the Senator from Kennebec, Senator Levine, is opposing this bill. I am sure that the people of Arrostook will be very disappointed that the good Senator is opposing this too. He says that this is bad for the farmers, but you know this like the foxes looking out for the chickens. I think we ought to let the chickens speak for what is best for them and not the foxes. The chickens have spoken, and they would like to have this bill very, very much.

Now, insofar as this letter from the Attorney General, I will tell you this: that I can get an amendment to this bill, as I got an amendment to the potato licensing bill when certain questions of constitutionality were raised, which will take care of that. Now, if you vote ought to pass, and if I cannot

get such an amendment, I myself will move that the bill be indefinitely postponed. So, I suggest to you that this is not a valid objection to the merits of the bill. We can debate the merits today and you can decide whether you are for this concept or whether you are against it. I hope very much that you will vote for this concept, because the farm element in this state is a very important part of our economy and it is in desperate financial straits. So, I ask for your support, I hope that you will vote against my good friend, my compatriot, my supporter in usual cases, the good Senator from Kennebec, Senator Levine.

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 clear up one point with my good friend from Kennebec, Senator Katz. Unlike the bill he referred to about school teachers, in the case of the teachers, if he recalls, every teacher, regardless of whether he belonged to the association or not, would have their dues deducted. In this case only those who belonged to the Farm Bureau, and also authorized the Farm Bureau to receive the dues from the processor, would have the dues deducted. Any producer, whether he be a poultry or potato producer, selling to a processor that does not want to belong to the association does not have to belong and neither would he have any dues deducted.

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

Mr. KATZ of Kennebec: Mr. President, unlike the case with this bill, the teachers are a member of a duly organized and recognized through collective bargaining organization.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Levine, that the Senate accept the Minority Ought not to Pass Report of the Committee on Bill, "An Act Relating to the Payment of Dues to Grower

Organizations by Handlers and Processors of Farm Products".

As my Senators as are in favor of accepting the Minority Ought Not 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. Eleven Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion to accept the Minority Ought Not to Pass Report of the Committee did not prevail.

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

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

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

HOUSE REPORTS — from the Committee on Health and Institutional Services on Bill, "An Act Permitting Indian Homes to be Licensed as Foster Homes." (H. P. 650) (L. D. 881) Majority Report, Ought to Pass in New Draft (H. P. 1358) (L. D. 1774); Minority Report, Ought to Pass in New Draft (H. P. 1359) (L. D. 1775)

Tabled — May 26, 1971 by Senator Carswell of Cumberland.

Pending — Acceptance of Either Report.

Mr. Hichens of York moved that the Senate Accept the Majority Ought to Pass in New Draft Report of the Committee.

The PRESIDENT: The Senator from York, Senator Hichens, moves that the Senate accept the Majority Ought to Pass in New Draft Report.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: People who are very concerned about the Indians being able to maintain the Indian culture have asked me to speak on this matter. I have spent quite a bit

of time this morning trying to gather some information, so my remarks will be rather brief

If we truly believe that we live in an open and pluralistic society, and that each culture has a right, privilege and duty to transmit and transmutate its culture to the young, then I feel that we have no right to take Indian children from their birth place and deny them of their birth right and heritage. This is a very simple statement but I think it is very potent.

Now, the Indians have been trying for years to maintain their own government. We took them out of Health and Welfare because you and I know what a mess that department is in, and it is under legislative fire now. And I don't think this "holier-than-thou" attitude that they espouse on some things holds a bit of water, let's say. I feel that Indians and Indian government is very responsible. They have much more knowledge as to what goes on in the Indian home on the reservation, more so than some young person who graduates from college and all of a sudden is a ninety-day wonder. I hope that you will go along with passing, I believe it is Report "B", to let the Indians have licensed homes on the reservation for these children.

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

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

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

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

Tabled — May 26, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

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

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

Tabled — May 26, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. SCHULTEN of Sagadahoc: Mr. President, pending the receipt of an amendment, I would move that L. D. 1768 lie on the table for another legislative day.

The PRESIDENT: The Chair would inform the Senator that he is out of order.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

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

Tabled — May 26, 1971 by Senator Wyman of Washington.

Pending — Enactment.

Mr. Wyman of Washington then moved the pending question.

Thereupon, on motion by Mr. Tanous of Penobscot, retabled and Tomorrow Assigned, pending Enactment.

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

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

Tabled — May 26, 1971 by Senator Wyman of Washington.

Pending — Enactment.

Mr. Wyman of Washington then moved the pending question.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I don't want anybody to think my question is hostile, but may I pose a question through the Chair please? Is this increase in valuation based on local valuation or state?

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

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, I am sure I can't give a certain answer on this, but I would think it would have to be on local valuation.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: The Maine Municipal Association appeared before the committee. It was in favor of this bill, and it is based on local.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I certainly am going to vote for enactment of this bill, but I cannot resist taking the opportunity to call to the attention of the Senate the fact that we are continually creating very substantial problems in the state, and I suspect those of you who are assessors would echo this, by giving exemptions based on local valuations. And in those communities where local valuations are unrealistically low, instead of giving assistance, we are actually giving a free ride completely on taxation. I don't for a minute suggest that I would like this bill to be used as a vehicle to overturn all the ills of the system, but sooner or later this legislature is certainly going to have to face up to the problem of exemptions that we give to people based on local valuation.

The PRESIDENT: Is the Senate ready for the question?

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 seventh tabled and specially assigned matter:

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)

Tabled — May 26, 1971 by Senator Berry of Cumberland.

Pending — Final Passage.

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Senate voted to reconsider its action whereby this Resolution was Passed to be Engrossed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY: Mr. President and Members of the Senate: I present Senate Amendment "A" and move its adoption.

We merely are changing the date of the voting on this from this November to a year from this November so that the ballot in November of 1971 will perhaps not be cluttered up with too many issues that have a dollar sign on them.

The PRESIDENT: The Senator from Cumberland, Senator Berry, presents Senate Amendment "A" and moves its adoption. The Secretary will read the amendment.

Senate Amendment "A", Filing No. S-217, was Read and Adopted and the Resolution, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — May 26, 1971 by Senator Wyman of Washington.

Pending — Enactment.

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

The PRESIDENT: The Chair recognizes the same Senator.

Mr. WYMAN: Mr. President, I now present Senate Amendment "A" and move its Adoption. I will state briefly that we had a redraft on this bill and, in the process of handling close to two hundred bills, somehow it was left out in committee. This is what the committee voted for.

The PRESIDENT: The Senator from Washington, Senator Wyman, offers Senate Amendment "A" and moves its adoption. The Secretary will read the amendment.

Senate Amendment "A", Filing No. S-219, 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 ninth 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 Required by the State's Environmental Laws." (H. P. 359) (L. D. 467)

Tabled — May 26, 1971 by Senator Violette of Aroostook.

Pending — Acceptance of Report.

On motion by Mr. Violette of Aroostook, the Ought to Pass in New Draft Report of the Committee was Accepted in concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate the tenth 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 26, 1971 by Senator Johnson of Somerset.

Pending — Passage to be Engrossed.

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

Mr. JOHNSON of Somerset: Mr. President, there has been an amendment made to this bill. It came out this morning and it is

not correct, so I would appreciate it if someone would table this until tomorrow so that we could correct the amendment.

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

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

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

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

Tabled — May 26, 1971 by Senator Berry of Cumberland.

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

Thereupon, 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:

SCHULTEN of Sagadahoc
BERRY of Cumberland
VIOLETTE of Aroostook

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

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

Tabled — May 26, 1971 by Senator Johnson of Somerset.

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

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I move that this bill and all of its accompanying papers be indefinitely postponed. I would like to speak to my motion.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that Bill, "An Act Restricting Use of Certain Campsites," be indefinitely postponed.

The Senator has the floor.

Mr. HARDING: Mr. President and Members of the Senate: The reason that I made no objection

to the good Senator from Cumberland, Senator Moore, reconsidering this and offering his amendment is that I feel that this is an item of grave importance to the future of the State of Maine, and I want to make sure that everyone in the Senate understood the consequences of this act.

Now, I think there are some people here that are under the misapprehension that what this bill would do, as it is now written, it would prevent anyone from building a camp, either a permanent camp or semi-permanent camp. Now if that were the bill I would support it. In other words, obviously anyone that is going to build a camp of permanent or semi-permanent nature, of course they should obtain the permission of the land owner, should get a lease, in fact, or buy the piece of property. However, this goes far beyond that. This bill, as it is now under the proposed amendment, would provide that in all of the organized territories and towns of the State of Maine that before you could pitch your tent for the night you would have to have permission from the land owners. I think this changes the character of our beautiful state.

So many of us live here in the State of Maine because it is open, because we can roam over it, and because we love this kind of thing. This is the first step, and what these people propose to do here is to post, in effect, their land against tenting or staying overnight. The next step would be, of course, to amend this so that it would apply to all of the state, organized and unorganized. The next step would be to post it automatically as to hunting and fishing. This is the first step in that direction. I feel it is a matter of grave importance to the state; I oppose it for that reason, and I hope that you would join with me.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: Here we go again. We debated this bill a little bit the other day.

The good Senator from Aroostook, Senator Harding, brought out that all the people had to do was post their land. I feel that this bill, if we could ever get it passed, would stop a lot of people from posting their land. A lot of people post their land to keep the people from going in and camping, building fires, cutting wood and whatever. When they post their land that also stops the fellow from going in and fishing, and going in if he wants to go bird hunting or something, there are "No trespassing" signs up, which no one likes the looks of here in the State of Maine. I think this bill would have the effect of stopping that if you had to ask permission.

It boils right down to this. Is it asking too much of somebody coming along, usually from out of state, or wherever, for them to give you the courtesy of asking, "Do you mind if I camp out on your property here tonight?" I don't think it is asking too much. The taxpayers are paying the taxes on this, they own it, and I think that they should have that much control over their property so that they would at least know who is on their property camping out and building fires and so forth. That is what it boils down to. If you don't think that they should extend that courtesy to ask if they can come on your land and camp out, then support the motion for indefinite postponement. If you think they should extend that courtesy and ask permission, I hope that you will vote against it. I will ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I share the concern of the Senator from Aroostook, Senator Harding, in this matter. I feel that if I were a land owner, and I saw this bill on the statutes, I would have a feeling of apprehension, because where there is smoke as a rule there is fire, and I undoubtedly would post my land right away. I think a great number of people would take this same attitude. We could wake up some fine morning

and see the whole state posted. Now, I may be putting this a little strong, but I remind you that sometimes it doesn't take too much to stampede the public. I will vote with Senator Harding on his motion.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I want to support the Senator from Cumberland, Senator Moore, in his statement. Now, the bill is a very simple bill. It is entirely based on consent. People can get consent of the landowner and go on. With this law, if they go on without the consent of the landowner they are violating the law. It is simple enough, if people want to go on a campsite or a piece of property and pitch tents, or have their camper, to get the consent of the landowner. Now, if the landowner owns the land he should be able to control it; not have Tom, Dick, or Harry moving in and doing as they please without consent.

Now, you may have a nice piece of property along a lake somewhere, and you may not go there but only certain times of the year, and you may come down there some week-end to use it and you will find that someone has been using your field outside adjacent to the property for a campsite, and they moved out leaving papers and litter and everything all around the ground. They were on there without consent. Now, if they went on there with consent they wouldn't do that. And they are very apt to do it if they move on without consent. They are taking over as if they owned the property, and it isn't right. The man that owns the property is paying the taxes and he has to do the cleaning up after these people.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am a little confused, and I would like to pose a question through the Chair to anyone who might care to answer. I think we

are talking more about out in the country, but let's say that there is a farm, and there is one, right in the middle of Augusta, the Lee property, and it has got substantial acreage. If four Boy Scout troops choose to hold their week-end camping on this farm right at the moment, is it necessary to request permission of the farm owner to have their week-end camporee?

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

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: It seems to me that that would be the courteous thing to do. There is no real effort to get the permission. They will get it without any question, but they at least ought to be courteous enough to request it and tell them who is going to be there and what they are going to be there for. They will have no trouble getting the permission.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: We are talking here about areas in the state that are not occupied most of the time by the landowners. In fact, the landowners may live at a great distance. Now, if you were going to have a fishing trip at one of the lakes, streams, or rivers in Aroostook County, if you are going to walk up with a pack on your back, if you wanted to do that with your kids, under this bill all you would have to do is go to the registry of deeds in Houlton and make a check there as to who the owners were. You do that to search the title and then you find out who the owners were, and then you would probably have to write them because they probably don't even live in the State of Maine, they live elsewhere, and you would have to obtain permission from those people. So, this gives the land-owner who lives afar the right to automatically post his land. As to the landowner who is present,

there is no problem both ways. Number one, of course it is a matter of courtesy, you knock on the door and ask him if that is what you wanted to do. There would be no problem, he would either refuse you or not refuse you. But we are talking about something far different here: it is the landowner you never see. You never meet him. You don't know who he is, unless you were an expert on the title. And so this posts those vast areas of this state beyond the reach of people to make use and enjoy, and this is the basis of the objection.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: The good Senator from Arrostook is putting us up in the wilderness, and you have no trouble going up there; you would have trouble getting consent. But this act is very simple: "No person shall place any trailer, camper, shelter, or tent on any lands in this state other than public." We have public lands where they can do that. "Or private campgrounds, without permission from the landowner." Now this is just giving the landowner a little courteous treatment. If they want to use his land let them get permission. It is the intent of this act to prohibit the use of lands for campsites without permission of the landowner. It is just that simple.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: To answer some of the questions that have been raised in this area this morning, specifically the question of Senator Katz from Kennebec, if you have any developed land, like the farm he mentioned, or any developed area, agricultural area, certainly you would have to get permission from the landowner, under our present law, to camp on that property. For your door yard, your camp yard, your developed land, your agricultural land, you would have to get permission from the landowner to camp there.

Now, specifically here, I think this bill is aimed at those areas that are all undeveloped, your wildlands. And we had a bill, this did not come out of Judiciary, incidentally, but we had a similar bill in the Judiciary Committee, and it was unbelievable the amount of work that was done in this area by private citizens, attorneys and others, that furnished us with so much material. One of them I can recall did some research work way back to 1647 when we were part of Massachusetts. He brought forth a treaty that was entered into then relative to our wildlands and our great ponds, and that treaty is still the law in the State of Maine. So if we are going to close our forests to these people, to the kids of our state, I know that some of us, I think we are aiming this legislation at out-of-staters that come here and trespass on our domain, and we resent it. But in enacting legislation of this type don't forget that you are also going to aim this at the Boy Scout troops, the Campfire Girls, the Girl Scout troops, your kids going out on picnics, this is going to affect all of them.

My son is going on a camping trip next month, he has told me where he is going. I am glad he did, because if this should become law I am going to have to spend a day in the registry of deeds to search the title to see who owns that property so that I can get permission for him to go. I just don't have the time to spend a day in the registry of deeds to check the owners of the property so that I can get permission. This is what we would have to do.

Now, there has been no crying demand for this legislation, except by a few members of the legislature. In fact, the landowners, in my understanding, are opposed to this. They don't want to close their forests to the people of the state. So, I ask you to join Senator Harding in defeating this bill. I don't like to use the word that it is a "bad" bill, but in my opinion it is a bad bill. Thank you.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Sen-

ate: As the good Senator from Penobscot, Senator Tanous, mentioned, they wanted to go on a picnic. This doesn't affect a picnic. It doesn't affect the man who wants to have a pack on his back and go back into the woods anywhere and sleep out for the night or a couple of nights. This is referring to tents, trailers, campers and so on. I have a piece of land on the shore of a lake and I have let a good many people camp on it. I don't post it. There are no signs because they are repulsive to me, but never have the Junior Maine Guides nor the Boy Scouts ever moved onto that and camped out unless they called me and asked me about it. I don't think that any of these organizations would camp out on anyone's property without permission. But we have a certain element coming into the state now, in the southern part of the state, that is anything but Boy Scouts or Girl Scouts, believe me, and that is what we are trying to stop.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I would refer you to L. D. 1358 and the word is "tent" in there. It says: "trailer camper, shelter or tent".

Also, I understand it has been amended. I haven't seen the amendment, but in any event, I realize that they have a problem in southern Maine relating to this. We don't have any problem in northern Maine. Our land is vastly wildlands in northern Maine. Southern Maine is highly developed, perhaps they have got more people than we do, but northern Maine has many, many wildlands that are in organized townships as well, and I live on one of them. We have many, many wildlands, as we describe wildlands, in organized townships. So certainly this would be offensive to people in northern Maine, so perhaps Senator Moore ought to amend the bill and make it strictly for southern Maine. I would have no objections to this.

The PRESIDENT: The Chair would call the Senate's attention to House Amendment 281 and Sen-

ate Amendment "A", which is pending, S-185.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: The good Senator from East Millinocket, I believe, has addressed us concerning the areas back, not down in southern Maine. I know that the sponsor of this bill is the good Representative from East Millinocket, Mr. Birt. So apparently he feels that there is some trouble up there. And Amendment 185 eliminates unorganized territory from this bill.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I didn't intend to say anything on this, but I can't help from rising in support of the position of Senator Moore, because I feel this is aimed at an element that is coming into the state and showing no courtesy at all to property owners.

I realize what I am going to tell you perhaps doesn't apply particularly to this, but this is the type of people that we are trying, I believe, to control. I had a call from a constituent not too long ago who build a fairly nice home on a shore of a lake. He went to Florida and enjoyed himself down there, or at least he thought he enjoyed himself. I don't know how he is going to straighten things out when he gets back, but when he got back home he found out that, I guess you would call it a gang of hippies, had taken possession of his cottage shortly after he left home. I forgot the exact amount, but his electrical bill was somewhere just under a thousand dollars. I don't know who is going to pay for that, but I think that that is the type of people that we have got to do something to control. If this is going to be some help in keeping some of these people from coming up here and pitching a tent or trailer or what-not back in the woods here on some of our lakes, then I am going to support the position of Senator Moore.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: There are a couple of things I feel I must respond to. First of all, in relation to what the good Senator from Kennebec, Senator Chick, mentioned, of course this was a violation of the law which he cited. It is developed land, and it is totally irrelevant to what we are talking about here. It has nothing to do with it, whatsoever. These people committed a crime and they could be prosecuted for it.

Also, I should mention that under this bill under your House Amendment 281, as it now reads, I mention this to my good friend, the Senator from Penobscot, Senator Quinn, that "trailer camper, shelter or tent" has been stricken from the bill, and it now reads "camp." In other words, if you place any camp, and pitching a tent would come under it, you would be in violation. It says right on the amendment, "The purpose of this amendment is to have the bill include all tents." So this is what it says. This is the issue before us, and let's not get all mixed up about someone coming onto your lawn at your house, or on your farm occupied by you. That is a trespass now, and it is against the law.

What this bill does in the organized territory, on the wildlands with the distant landowners, you are doing their dirty work for them; you are posting it against camping. All I ask is that if they want to post it let them post it themselves, which they may do.

The PRESIDENT: The pending question before the Senate is the

motion of the Senator from Aroostook, Senator Harding, that Bill, "An Act Restricting Use of Certain Campsites," be indefinitely postponed.

As many Senators as are in favor of the motion of the Senator from Aroostook, Senator Harding, that this bill be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Ten Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion to Indefinitely Postpone did not prevail.

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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)

Tabled — May 26, 1971 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

(Off Record Remarks)

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