

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, June 1, 1971

Senate called to order by the President.

Prayer by the Rev. Fr. Paul M. Ouellette of Augusta.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

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

In the Senate May 19, 1971, Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-345), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

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 "B" (H-369) and House Amendment "A" (H-362) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the Senate May 26, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (S-188) and as Amended by Senate Amendment "B" (S-214).

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

On motion by Mrs. Carswell of Cumberland, the Senate voted to Insist and Ask for a Committee of Conference.

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

Senators:

CARSWELL

of Cumberland

SEWALL of Penobscot
HOFFSES of Knox

Non-concurrent Matter

Joint Order (S. P. 598) relative to Health and Institutional Services Committee study operations, rules, regulations, procedures and programs of Department of Mental Health and Corrections.

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

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

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

Mr. HICHENS of York: Mr. President, in deference to a new order on Page 2, I now move that we recede and concur with the House.

The PRESIDENT: The Senator from York, Senator Hichens, moves that the Senate recede and concur with the House. Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

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

In the House May 25, 1971, the Majority Ought to Pass in New Draft Report Read and Accepted and subsequently the Bill, in New Draft, (H. P. 1330) (L. D. 1744), was Passed to be Engrossed as Amended by House Amendment "A" (H-337).

In the Senate May 27, 1971, the Reports and Bill Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Shute of Franklin moved that the Senate recede and concur.

Mr. Hoffses of Knox then requested a division.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: It is inconceivable to me that we should have to go over the same ground again. I am sure that the Senators have a great feeling for the individual businessman in this state, and I would hate

to see them desert the position of the local businessman and return to the type of vote that the Senate evidenced last week. I think the other body made a proper move in this regard.

You will recall that this bill centered around the problem of breweries and wineries from out-of-state dealing with the small businessman, whom you have supported in the past, the local wholesaler, the local distributor of beer and wine products. I pointed out, you will recall, that originally this bill came out with a unanimous Ought to Pass Report from the Liquor Control Committee, and rather than amend the bill on the floor of the body from which this paper originated, it was decided to return it to the committee and, in all fairness, provide the opportunity for another hearing for those people who may have been interested in any substantive changes that may have taken place. But, in reality, there were no substantive changes; it was essentially the same type of bill which required that a brewery or a winery provide 90 days notice to a Maine wholesaler or a Maine distributor should he decide to terminate his relationship with our Maine businessman. It is as simple as that. It just requires 90 days notice. The bill is designed simply to prevent unjust or capricious termination of distributors and give a measure of control by the Liquor Commission.

Now the Senator from Androscoggin, Senator Clifford pointed out the other day that we were invading private business. You will recall I pointed out that it is the state's responsibility to control liquor in the State of Maine, because with the repeal of prohibition the twenty-first amendment to the Federal Constitution gave all states the sole right to control the importation of liquor into their respective states, so we do have control of liquor. It is your responsibility and my responsibility to control the sale of liquor, and this means control the relationships between the wineries or breweries, the out-of-state people, over their relationships with our local businessmen.

It has been mentioned that this bill might possibly impair or abrogate a contract. The breweries and wineries give no contract. It was hoped that with the passage of this bill wholesalers and manufacturers might negotiate contracts. This would give them the opportunity to have a contract. Manufacturers of these products have been known to use coercion, with the threat of sudden termination, to bring the wholesaler further under their control, and this leads at times to questionable practices, as you can understand.

Indeed, at our hearing on this bill one of the gentlemen who testified said that he had been put out of business almost overnight by the unreasonable demands of a brewer. This bill would give them the 90-day notice that we asked for. The bill simply asks that a measure of control be given between manufacturers and wholesalers the same as is exerted over sales between wholesalers and retailers and retailers and consumers by the governing body, the Liquor Commission.

I remind you too that all taxes to the state are paid by the wholesaler. The manufacturer, the brewery or the winery, pays only a fee for a certificate of approval. The taxes that are paid in this state come from the wholesaler. The local wholesaler is appealing to his own legislature for a measure of protection.

To summarize my case, the passage of this bill would eliminate the literal state of bondage in which the wholesaler is presently held by the out-of-state brewery and the out-of-state winery. It would establish the control necessary for the Liquor Commission, and which is the intent of the liquor laws. So I ask you to use your good judgment, vote for the Maine businessman, and vote with me to recede and concur. Mr. President, I feel this is important enough to ask for a roll call.

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

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

The pending question before the Senate is the motion of the Senator from Franklin, Senator Shute, that the Senate recede and concur with the House in relation to Bill, 'An Act to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers.' A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Bernard, Carswell, Conley, Dunn, Harding, Johnson, Katz, Marcotte, Martin, Moore, Peabody, Quinn, Shute, Tanous, Violette, and President MacLeod.

NAYS: Senators Berry, Chick, Clifford, Danton, Fortier, Graham, Greeley, Hoffses, and Wyman.

ABSENT: Senators Hichens, Kellam, Levine, Minkowsky, Schulten and Sewall.

A roll call was had. Seventeen Senators having voted in the affirmative, and nine Senators having voted in the negative, with six Senators absent, the motion to Recede and Concur prevailed.

Communications

State of Maine

House of Representatives

Office of the Clerk

Augusta, Maine

May 28, 1971

Hon. Harry N. Strabbranch

Secretary of the Senate

105th Legislature

Sir:

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

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

Messrs. WILLIAMS of Hodgdon

HARDY of Hope

MOSHER of Gorham

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

Messrs. HODGDON of Kittery

BUNKER of Gouldsboro

KELLEY of Machias

Respectfully,

(Signed)

BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Tanous of Penobscot,

ORDERED, the House concurring, that Bill, "An Act Relating to Disturbing Schools," Senate Paper 530, Legislative Document 1547, be recalled from the legislative files to the Senate.

(S. P. 614)

Which was Read.

Thereupon, a two-thirds vote being required for Passage, the Chair ordered a division. Twenty-six Senators having voted in the affirmative, the Order received Passage.

Sent down for concurrence.

On motion by Mr. Hichens of York,

WHEREAS, there is a serious public concern as to the administration and operation of our institutions under the Department of Mental Health and Corrections and under the Department of Health and Welfare; and

WHEREAS, there is serious concern over a conflict between the Department of Mental Health and Corrections and its subordinates and the Department of Health and Welfare and its subordinates; and

WHEREAS, there is substantial evidence of sagging morale among dedicated employees to the extent there is reason to believe that patient care may suffer; and

WHEREAS, the public responsibility towards patients in the care and custody of these institutions demands compassionate care, training and rehabilitation of the highest quality, and full protection of the constitutional and civil rights of those committed to our care; and

WHEREAS, it appears that a study of personnel practices and policies regarding recruitment and retention of staff is advisable; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing

Committee of the Legislature on Health and Institutional Services be authorized to study, review and analyze the operations, personnel practices and procedures of the Department of Mental Health and Corrections and the Department of Health and Welfare as they pertain to our institutions to ascertain that the department appropriations are being administered in an effective and productive manner for the welfare of the citizens of Maine; and be it further

ORDERED, that said standing committee shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order within the limits of funds provided herewith; and be it further

ORDERED, that this special committee report its findings and recommendations to the 106th Legislature; and be it further

ORDERED, that all departments and agencies of State Government shall cooperate with the said standing committee and are directed to provide such technical and other assistance as the committee deems necessary or desirable to carry out the purposes of this Order, including but not limited to personnel and staff as a part of their regular employment; and be it further

ORDERED, that the said standing committee shall have the authority to employ professional and clerical assistance as they deem necessary within the limits of funds provided; and be it further

ORDERED, that there is allocated to said standing committee from the Legislative Account the sum of \$1,000 to carry out the purpose of this Order.

(S. P. 615)

Which was Read and Passed.
Sent down for concurrence.

Committee Reports House

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

Bill, "An Act to Authorize the Construction of Self-liquidating

Housing for the University of Maine and the Issuance of Bonds of the State of Maine in the Issuance of Bonds of the State of Maine in an Amount Not Exceeding \$10,000,000 for the Financing Thereof." (H. P. 524) (L. D. 848)

Leave to Withdraw

The Committee on State Government on, Bill, "An Act Relating to Executive Reorganization." (H. P. 1103) (L. D. 1509)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act Relating to the Department of Education." (H. P. 1089) (L. D. 1478)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Leave to Withdraw — Covered by Other Legislation

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Authorize Bond Issue in the Amount of \$3,213,000 for the Development, Expansion and Improvement of State Park Facilities." (H. P. 1108) (L. D. 1513)

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

The Committee on State Government on, Bill, "An Act Relating to Data Processing and Central Computer Services in Department of Finance and Administration." (H. P. 610) (L. D. 821)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Legal Affairs on, Bill, "An Act Relating to Appointments to the Portland Renewal Authority." (H. P. 779) (L. D. 1045)

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 Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act Revising the Laws Relating to Credit Unions." (H. P. 580) (L. D. 775)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-323).

The Committee on Natural Resources on, Bill, "An Act Relating to the Location of Solid Waste Disposal Areas." (H. P. 820) (L. D. 1094)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-368).

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

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

The Committee on Legal Affairs on, Bill, "An Act Relating to Appointment to Housing Authorities." (H. P. 782) (L. D. 1048)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-366).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-378).

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

Ought to Pass in New Draft

The Committee on Taxation on, Bill, "An Act Levying a Tax for Research and Promotion of Maine

Wild Blueberries." (H. P. 922) (L. D. 1274)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1368) (L. D. 1785).

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

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

The Committee on Veterans and Retirement on, Resolve, Providing Minimum Retirement Benefits for Certain Teachers. (H. P. 925) (L. D. 1277)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1361) (L. D. 1776)

Comes from the House, the report Read and Accepted and the Resolve in New Draft Passed to be Engrossed as Amended by House Amendment "B" (H-371).

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Prevention by Landowners of Acquisition of Right-of-way, Easements and Public Rights by Dedication." (H. P. 708) (L. D. 954)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
HARDING of Aroostook
QUINN of Penobscot

Representatives:

LUND of Augusta
BAKER of Orrington
WHEELER of Portland
WHITE of Guilford
KELLEY of Caribou

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

Signed:
Representatives:

PAGE of Fryeburg
HENLEY of Norway
HEWES

of Cape Elizabeth
CARRIER of Westbrook

Comes from the House, the
Minority Ought to Pass report
Read and Accepted and the Bill
Passed to be Engrossed as Amend-
ed by House Amendment "B"
"B" (H-349).

Which reports were Read.

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

Committee of Conference Report

The Committee of Conference on
the disagreeing action of the two
branches of the Legislature, on
Bill, "An Act Relating to Dispo-
sition of Portion of Fees Collected
by Maine State Park and Recrea-
tion Commission." (S. P. 20) (L.
D. 48) ask leave to report: that
the House recede from failure of
passage to be engrossed and pass
the Bill to be engrossed as
amended by House Amendment
"A"; that the Senate recede and
concur with the House.

On the part of the House:

ROSS of Bath
GILL of South Portland
HANCOCK of Casco

On the part of the Senate:

MOORE of Cumberland
DUNN of Oxford
FORTIER of Oxford

Comes from the House, the
report Read and Accepted and the
Bill Passed to be Engrossed as
Amended by House Amendment
"A" (H-246).

Which report was Read and
Accepted in concurrence.

Thereupon, the Senate voted to
Recede and Concur.

Senate Ought to Pass

Mr. Tanous for the Committee
on Judiciary on, Bill, "An Act to
Amend the Laws Relating to the
Trustee of Wages." (S. P. 226) (L.
D. 672)

Reported that the same Ought
to Pass.

Mr. Tanous for the Committee
on Judiciary on, Bill, "An Act
Relating to Use of Previous
Convictions under the Implied Con-
sent Law." (S. P. 391) (L. D. 1144)

Reported that the same Ought
to Pass.

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

Ought to Pass- As Amended

Mr. Dunn for the Committee on
Appropriations and Financial
Affairs on, Bill, "An Act to Pro-
vide for New Ferry Landings at
Cousin's Island or Littlejohns Is-
land and Chebeague Island." (S.
P. 400) (L. D. 1175)

Reported that the same Ought
to Pass as Amended by Committee
Amendment "A" (S-224)

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.

Divided Report

The Majority of the Committee
on Transportation on, Bill, "An Act
Establishing the Quality Rating of
Gasoline." (S. P. 351) (L. D. 1017)

Reported that the same Ought
Not to Pass.

Signed:

Senator:

GREELEY of Waldo

Representatives:

WOOD of Brooks
DUDLEY of Enfield
KEYTE of Dexter
CROSBY of Kennebunk
HALL of Windham
McNALLY of Ellsworth
LEE of Albion

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

Signed:

Senators:

JOHNSON of Somerset
KELLAM of Cumberland

Representatives:

BARNES of Alton
LEBEL of Van Buren
FRASER of Mexico

Which reports were Read.

Mr. Greeley of Waldo then
moved that the Senate Accept the

Majority Ought Not to Pass Report of the Committee.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I would oppose the motion that the Senate consider the Ought Not to Pass Committee Report.

The subject before us is a bill that I sponsored in the last session, which offers a considerable amount of consumer protection to people who would be out buying gasoline in that it would require the posting of the octane rating on the fuel pumps, and it would be about the only measure that the consumer would have to compare the products, and it would give him information as to the quality of the gas he is paying for. Is he paying 29 cents for premium or is he paying 29 cents for the lowest possible octane that could be pumped into his car. He does have a right to know.

The Federal Government has recently passed this particular bill and it becomes law in June of this year, I believe, June or July, so all we are saying is that we want to comply with the federal law.

This particular version that I have sponsored would not only extend this coverage to the major oil companies such as Gulf, Esso, Sunoco, and some of these big companies which must comply under the federal law by this summer, but would also extend to the smaller gas companies. And I say if we pass this particular bill we are going to end some discrimination because certainly it is going to come back at the next session because the big boys are going to yell that it is an unfair practice if they have to post their octane rating and the small guy doesn't.

And I think the consumer has the right to know, if he is buying a product at 35 cents a gallon, and the guy across the street is selling the same product for 29 cents a gallon, he should have the right to be able to distinguish the difference. So I hope the Senate would go along with the Minority Ought to Pass Report, and I would ask for a division.

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion of the Senator from Waldo, Senator Greeley, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Establishing the Quality Rating of Gasoline."

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: The way I understand it, the state would have to spend about \$125,000 for new equipment. I also understand that the Federal Government is coming out with a program this fall and they are going to do the testing themselves, so I would be opposed to appropriating any more money for the the state to get mixed up in any more programs. It is not necessary.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: At the last session this bill had a fairly interesting public hearing, and it was brought out that it would cost the state \$35,000 to acquire a one-cylinder engine in order to test the octane rating of fuel. This time around the price is now \$125,000.

It is interesting to know that the University of Maine has on the books a law that states that one of their individuals will go around every year and test the water content of all motor fuels sold in this state, and this should be paid for from the gas tax. Now, the gentleman was at the public hearing this time around and I didn't want to ask him the embarrassing question, but I know of one gas station in my locale that has never been checked since he has been in business, yet here we have a state law which says that he will check the water content of fuels. So the whole issue is rather confusing.

The federal law says that either this month or next month - let's say July to keep the argument simple - but by July all major oil companies will post the octane rat-

ings on their tanks. The state has nothing to say about it. All I am saying here is that if the major oil companies are going to have to post their octane ratings then why not the little guy also. I can't see where the state is going to have to pay one dime on this thing.

The PRESIDENT: As many Senators as are in favor of the motion to accept the Majority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

A division was had. Eleven Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion did not prevail.

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

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Relating to Test Operations for Double Bottom Trucks." (S. P. 515) (L. D. 1564)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 613) (L. D. 1793)

Signed:

Senator:

JOHNSON of Somerset
Representatives:

WOOD of Brooks
McNALLY of Ellsworth
CROSBY of Kennebunk
DUDLEY of Enfield
KEYTE of Dexter
LEBEL of Van Buren
FRASER of Mexico

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

Signed:

Senators:

GREELEY of Waldo
KELLAM of Cumberland
Representatives:

HALL of Windham
BARNES of Alton
LEE of Albion

Which reports were Read.

Mr. Greeley of Waldo then moved that the Senate Accept the

Minority Ought Not to Pass Report of the Committee.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I would oppose the motion and ask for a division.

Now this particular bill is one that I guess we are revisiting again, except that in this case we are having a test run on these vehicles.

It seems that we are becoming an island all to ourselves somewhere, and there are a few other states left that are islands, but there are more and more people supporting this concept in transportation. And it would seem to me if we are going to keep our costs down that what we should do is give these a test run and let people see how they operate. That is exactly what this bill does, it allows the Highway Department to supervise this on these four-lane divided highways, and if people don't like them after they see them then they can make a proper decision. But until they actually see them and see how they operate it seems to me that we are just increasing our isolationism and it is costing us more for our transportation, so I hope the Senate would oppose the motion of Senator Greeley.

The PRESIDENT: Is the Senate ready for the question? As many Senators as are in favor of accepting the Minority Ought Not to Pass Report of the Committee will please say "Yes"; those opposed, "No."

A viva voce vote being in doubt, the Chair ordered a division. Eighteen Senators having voted in the affirmative, and ten Senators having voted in the negative, the Minority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Relating to Public Policy That Use of Maine's Highways is a Privilege." (S. P. 289) (L. D. 843)

Reported that the same Ought Not to Pass.

Signed:
Senator:

KELLAM of Cumberland
Representatives:

HALL of Windham
DUDLEY of Enfield
CROSBY of Kennebunk
LEE of Albion
LEBEL of Van Buren
FRASER of Mexico

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

Signed:
Senators:

GREELEY of Waldo
JOHNSON of Somerset
Representatives:

McNALLY of Ellsworth
BARNES of Alton
WOOD of Brooks
KEYTE of Dexter

Which reports were Read.

Mr. Greeley of Waldo moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

Thereupon, on motion by Mr. Johnson of Somerset, tabled and Tomorrow Assigned, pending the motion by Mr. Greeley of Waldo to Accept the Minority Ought to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Claims Against the State and Immunity of State Officers and Employees." (S. P. 417) (L. D. 1232)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-223).

Signed:
Senators:

TANOUS of Penobscot
HARDING of Aroostook
Representatives:

HENLEY of Norway
KELLEY of Caribou
ORESTIS of Lewiston
WHITE of Guilford
WHEELER of Portland
BAKER of Orrington
LUND of Augusta
HEWES

of Cape Elizabeth

The Minority of the same Committee on the same subject matter

reported that the same Ought Not to Pass.

Signed:
Representatives:

PAGE of Fryeburg
CARRIER of Westbrook

Which reports were Read, the Majority Ought to Pass as Amended Report of the Committee Accepted and the Bill Read Once, Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Relating to the Maine Area Land Development Authority." (S. P. 462) (L. D. 1385)

Reported that the same Ought Not to Pass.

Signed:
Senators:

JOHNSON of Somerset
WYMAN of Washington
CLIFFORD
of Androscoggin

Representatives:

MARSTALLER
of Freeport
DONAGHY of Lubec
HODGDON of Kittery
CURTIS of Orono
STILLINGS of Berwick

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. 612) (L. D. 1792)

Signed:
Representatives:

FARRINGTON
of Old Orchard Beach
COONEY of Webster
GOODWIN of Bath
STARBIRD
of Kingman Township

Which reports were Read.

On motion by Mr. Johnson of Somerset, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Second Readers

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

House

Bill, "An Act to Revise Laws Relating to Outdoor Advertising." (H. P. 605) (L. D. 807)

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

RESOLUTION, Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature. (H. P. 1041) (L. D. 1099)

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

Bill, "An Act Relating to Aid to Municipalities for Outdoor Recreational Facilities." (H. P. 1109) (L. D. 1514)

Bill, "An Act Relating to Transfer to Suitable Work During Rehabilitation or Treatment Under Workmen's Compensation Law." (H. P. 1121) (L. D. 1540)

Bill, "An Act to Regulate Industrialized Housing under the Maine State Housing Authority." (H. P. 1345) (L. D. 1764)

Bill, "An Act Relating to Claims for Benefits under the Employment Security Law." (H. P. 1364) (L. D. 1781)

Bill, "An Act Relating to Benefits Erroneously Received under Employment Security Law." (H. P. 1365) (L. D. 1782)

Bill, "An Act Relating to Workmen's Compensation Pending a Review of Incapacity." (H. P. 1366) (L. D. 1783)

Bill, "An Act Relating to Liens for Labor and Supplying Equipment." (H. P. 1367) (L. D. 1784)

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

The President laid before the Senate the matter set aside by Mr. Moore of Cumberland: Bill, "An Act to Revise Laws Relating to Outdoor Advertising." (H. P. 605) (L. D. 807)

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

Senate Amendment "A", Filing No. S-226, was Read.

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

Mr. BERRY of Cumberland: Mr. President, I wonder if somebody would explain the intent of this amendment and its effect.

The PRESIDENT: The Senator from Cumberland, Senator Berry,

has posed a question through the Chair which any Senator may answer.

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I believe the amendment is self-explanatory in the statement of fact. What it does is this: People that are in business, who have spent many hundreds of thousands of dollars in creating a business, and where they are located near a superhighway what this bill would do is make them reduce their signs, bring them down to low level where they would not be visible, we'll say, from 95.

All of us who travel around realize the benefit of being able to see a sign where there is a service station open or a restaurant open that is within easy reach of the highway. In traveling around you will see a little sign that says there is food, lodging and service stations available, and you drive off and you might go ten miles before you find that town where they are, and maybe you will get there and they won't be open. Under this bill here, any business that is located within your vision from the main highways, you could see whether they were open and you could see what they were advertising.

Under this outdoor advertising, we passed this bill two years ago, and two weeks ago they took down the first sign, I believe. They had a great to-do about it, and the Governor and everyone was there. I think before we strengthen this law any we better wait two years more and maybe they will take down another sign and we will see what is necessary rather than to push so fast as we are.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I know there may be some problems in regards to people who want to put up signs that can be seen from the highways, but I think that this would substantially dilute the purpose of the bill, which I think has a tremendous amount of validity.

This amendment was proposed in committee. We considered it at length and decided not to make it a part of the bill. I think that the matter of signs is something that you have to consider in its entirety. I don't think you can consider them only as to what you can see from the highway or the way they will look from the highway. Under this amendment here, you might conceivably have a sign that because of the contour of the land and the contour of a hill you are going to have a sign that is going to go up 75 feet in the air. So when you have to look at the sign from every other area and every other direction, you have got a very unsightly situation, and one which certainly defeats the purpose of what you were trying to achieve in the regulation of signs in advertising.

As a member of the Natural Resources Committee which considered this bill, and considered the amendment, I think it would be a step in the wrong direction, and as much as I can see that it might cause some problems for people I hope that the amendment would not be adopted.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The purpose of the amendment appears to be to emasculate the bill completely. The erection of these so-called high rise signs has been something of recent occurrence and has been done in an attempt to circumvent the law. I see nothing, as we drive up Route 95, that causes more lack of harmony with our nice Maine landscape than one of these gasoline signs sticking up through the green verdure.

It seems to me that the objection which Senator Moore raised, that we need to know where these facilities are, has been very properly handled by the State Highway Commission where they put exit signs saying that there is fuel, lodging, hospitals and so forth, and that the traveling public does know what to do. I think that this amendment is a bad one and I

would move that it be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I disagree wholeheartedly because I don't think that we can afford to do anything to harm the businesses we have here of people who have spent their life savings or invested their life savings into a business, and then we find out that they can't advertise so they can be seen from a superhighway. I think we are injuring those people for no sound reason. I think we have got to give some consideration to the people here that are in business very definitely. If we don't, a lot of people are going out of business and will be very hesitant about starting a business. These businesses that we have reference to, there are very few of them and there would be very few signs, but it is very vital to the owners, believe me.

As far as the remark that some of these signs would be 75 feet high, I question that very much. I don't know of any signs now. There are signs that are erected on top of a building. If they don't advertise so they can be seen from the main highway, I think it is going to be very injurious to them. And if we find in another term of the legislature that they are unsightly after the signs have been cleared up, I think that will give us ample time to do it, and I would request a division on the motion.

The PRESIDENT: A division has been requested.

The Chair recognize the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I would like to support the motion of the Majority Floor Leader that we indefinitely postpone this amendment because I feel, as Senator Violette has pointed out, that this is air pollution. It is a new type of pollution that we are confronted within the State of Maine and it is perhaps

the most insidious type. This is not the small businessman seeking help to build his business; this is the big oil companies once again coming in to desecrate our landscape with these monstrosities that ruin our scenic beauty.

Unfortunately, and I say unfortunately because it applies only to myself, this bill would not remove the present high rise signs, but would prevent the continued despoiling of our countryside, and I certainly feel that if this legislature is serious about controlling pollution of all types this is one of the major areas we could move in now. Two years is much too long to wait for a vote on something as important as air pollution, and so I join Senator Berry in moving indefinite postponement.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Senate Amendment be indefinitely postponed. As many Senators as are in favor of the indefinite postponement of Senate Amendment "A" will please rise and remain standing until counted.

A division was had. Twenty Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion prevailed.

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

The President laid before the Senate the matter set aside by Mr. Katz of Kennebec: Resolution, Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature. (H. P. 1041) (L. D. 1099)

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This is a bill we debated at some length on Friday, with some confusion, I might say, unique even for the Senate. I think we are arriving at a compromise position that might be acceptable to all. I think we need a day to put the bill in its proper form and I would move that we reconsider our action whereby we accepted the Ought to

Pass in New Draft Committee Report, and hope that my motion would be tabled pending further consideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby it accepted the Ought to Pass in New Draft Report of the Committee and the Bill in New Draft Read Once.

The Chair recognizes the Senator from Androskoggin, Senator Clifford.

Thereupon, on motion by Mr. Clifford of Androskoggin, tabled and Tomorrow Assigned, pending the motion by Mr. Katz of Kennebec to Reconsider.

House - As Amended

Bill, "An Act to Authorize Bond Issue in the Amount of \$5,215,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded and the Youthful and Adult Offender at our Mental Health and Corrections Institutions." (H. P. 177) (L. D. 235)

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

Bill, "An Act Relating to Disqualification for Benefits under Employment Security Law for Certain Elderly Employees." (H. P. 773) (L. D. 1039)

Bill, "An Act Relating to Validation of Certain Instruments and Recording of Plats of Subdivisions of Land in Municipalities." (H. P. 1028) (L. D. 1415)

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

Bill, "An Act Relating to Boarding Kennels or Pet Shops." (H. P. 1336) (L. D. 1752)

Bill, "An Act to Make Municipal Planning Legislation Consistent with Home Rule." (H. P. 1338) (L. D. 1754)

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

Senate

Bill, "An Act Relating to Indian Tribal Meeting on Proposed Legislation and Lowering the Vot-

ing Age for Biennial Elections." (S. P. 609) (L. D. 1787)

Bill, "An Act Revising the Maine Land Use Regulation Commission Law." (S. P. 610) (L. D. 1788)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to Examinations for Certain Occupations by Graduates of Maine Vocational Technical Institutes." (S. P. 193) (L. D. 554)

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

Sent down for concurrence.

Bill, "An Act Empowering the Environmental Improvement Commission to Conduct Studies Relating to Noise Pollution." (S. P. 407) (L. D. 1223)

Which was Read a Second Time.

On motion by Mr. Schulten of Sagadahoc, tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

On motion by Mr. Johnson of Somerset, the Senate voted to Reconsider its previous action in today's Session whereby Bill, "An Act to Regulate Industrialized Housing under the Maine State Housing Authority," (H. P. 1345) (L. D. 1764) was Passed to be Engrossed.

On further motion by the same Senator, tabled until later in today's Session, tabled until later in today's session, pending Passage to be Engrossed.

Enactors

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

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

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

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

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

An Act to Revise Certain Motor Vehicle Laws. (S. P. 301) (L. D. 858)

An Act Relating to Powers and Duties of Personnel of the Forestry Department. (S. P. 411) (L. D. 1226)

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

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

An Act Relating to the Preparation of List of Prospective Jurors. (S. P. 594) (L. D. 1756)

An Act Authorizing the Piscataquis County Treasurer to Pay over a Portion of the Funds from the Estate of Joseph Masteika to Certain Heirs of Joseph Masteika. (S. P. 595) (L. D. 1757)

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

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

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

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

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

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

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

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

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

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

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

An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of

Cumberland County. (H. P. 1344) (L. D. 1763)

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

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

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

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

An Act Relating to Preserving Historical Materials by the State Museum. (H. P. 204) (L. D. 270)

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

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

An Act Providing for Records of Sales of Used Merchandise. (H. P. 490) (L. D. 631)

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

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

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

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

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

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

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

The President laid before the Senate the matter set aside by Mr. Katz of Kennebec: An Act Relating to Division of Real and Personal Property by the Court under a Decree of Divorce. (H. P. 1353) (L. D. 1769)

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I hope my question is not considered hostile in any way, but this seems to be a sweeping change to an untrained eye in the disposition of property in a divorce action, and before enactment might I ask some member of the Judiciary Committee to explain what the changes are?

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

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: For a long time in the State of Maine and in the nation the female gender has been held to be somewhat of a chattel. In fact, in the old days a man's wife was considered a chattel. We have tried to move away from that theory and try to treat everybody, whether they are a man or a woman, as human beings that are entitled to the same respect and the same consideration under the law.

The law used to be in the case of a divorce that the wife was entitled to one-third of the husband's estate as far as real estate is concerned. We know that in the modern society this is not a fair distribution because in many cases the woman works and she has contributed fully as much to the estate as has the husband. So what this law does is that it assumes that, unless evidence is introduced to the contrary, that the property which the couple accumulated during their marriage is joint property and should be divided equally. That is the presumption. However, evidence may be introduced to show the contrary.

We hope that this moves us out of the dark ages in this respect here as to the division of property. We have already set some precedent in this. I think that in the old days a man had a right to sue for loss of consortium but

the woman did not have that right. Well, we changed that a couple of sessions ago so that they both have the same rights in that regard. So I would hope in this regard that we would move out of the dark ages in this respect and treat everybody the same as it seems that they ought to be treated.

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 matter set aside by Mr. Harding of Aroostook: An Act Revising the Maine Potato Tax Law. (H. P. 1335) (L. D. 1751)

The same Senator then moved that the rules be suspended for the purpose of reconsidering Engrossment.

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

Mr. BERRY of Cumberland: Mr. President, I wonder if I might ask the good Senator from Aroostook, Senator Harding, to explain just what he has on his mind?

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: It is a long way from divorce to potatoes and I hope that I can make the transition.

I am putting on this amendment at the request of some people who are concerned with the potato industry in Aroostook County. It seems that there has been some question about whether the potato tax law would apply when the potatoes are sold for starch and are used in a diversion program, under a federal diversion program. This amendment which I hope to offer is an attempt to clarify that, and the purpose of the amendment would be to provide that grade potatoes under a federal diversion program would be subject to the tax. That is the reason why I would like to reconsider it and that would be the effect of the amendment.

The PRESIDENT: Is it now the pleasure of the Senate to suspend the rules for the purpose of reconsidering our action whereby this bill was passed to be engrossed?

The motion prevailed.

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

Senate Amendment "A", Filing No. S-211, 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 matter set aside by Mr. Tanous of Penobscot: An Act Providing for a Study of Whether Savings Banks Should Offer Checking Accounts. (H. P. 1347) (L. D. 1766)

The same Senator then moved that the rules be suspended for the purpose of reconsidering Engrossment.

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

Mr. BERRY of Cumberland: Mr. President, I wonder if Senator Tanous from Penobscot would explain the intent?

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: My intention for requesting that this matter be reconsidered, whereby we passed it to be engrossed, is for the reason of submitting an amendment, which has been passed around to you under Filing S-229, and which was just passed to you a few moments ago.

Now, the amendment is self-explanatory. It would remove Section 2 from the bill, which calls for a moratorium on savings banks pending the study which is requested under Section 1.

Briefly, if I may have your undivided attention on this bill I would certainly appreciate it. I have sat here silent and mute on this particular bill and listened to all the arguments that have been presented to you. First of all, I feel that there has been a misrepresentation made to this

body regarding this bill, and I make that charge and the accusation with proof. Now, we were told somewhat in a manner that this bill was presented originally by the savings banks of Maine, which is utterly false. It is a misrepresentation. This bill was originally submitted by the trust companies of the State of Maine, and not the savings banks, requesting the right to file with the Commissioner for authority to have the right to have checking accounts in their banks. This bill was filed, I repeat, by the trust companies of the State of Maine, and not by the savings banks as we have been led to believe in this body.

Now this moratorium would put, in my opinion, a restriction upon your savings banks for the benefit of your trust companies. They are in competition, there is no question about that, they are both in the banking business and they are in competition with each other, and it is my feeling that the legislature should not attempt to intervene or to set rules or regulations whereby we would be restricting one institution to give priority to the other. We are interfering with private business for the benefit of another business, and this is not our duty, nor should it be our right to do so.

There is pending in the courts, as has been explained, right now an action commenced by one of our savings institutions in the state. There is a case under deliberation in the Supreme Court to get an interpretation of the present law. Now apparently the trust companies were afraid that this interpretation would come back in favor of the savings banks, so they filed a bill, and the result of that particular bill is L.D. 1769 before us.

I agree with the study. I think we meant to have a study, but in the meantime I don't think that the state should intervene with private business unless there were unusual circumstances that were placed before us. And I saw nowhere in any argument presented by the proponents of this bill that there existed any circumstances in the State of Maine that warranted the action of the legislature in this manner. Now, right-

fully so, we should have the study but I think, in good conscience and in justice, we ought to remove the moratorium, and I ask you to join me in my request to reconsider this matter so that I may submit an amendment removing the moratorium from that part of the bill, and to permit private businesses to compete with themselves on the same basis rather than asking the legislature to intervene and create an inequity in the balance of equality. I ask you to join me in reconsidering this matter. Thank you.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: No less than ten employees of two trust companies in Ellsworth have asked me to support this bill. I shall rely on their judgment and vote accordingly.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Senator Tanous of Penobscot is quite correct in his statements that we are interested in free enterprise, however, I would point out that one of our mostly closely regulated activities under the state is our banking business, and quite correctly so.

I think it is a little premature for a debate in depth on the role of the savings bank and the role of the commercial bank because, very briefly, I feel that if we are going to be asked to change the role of the savings bank, and we are, that it should receive a great deal of study. Those of us who have been in the legislature for some time have seen various efforts by the savings banks, in particular, to broaden their scope of activities, and maybe rightly so, because perhaps the business climate and conditions are not the same now as they were when the savings banks were formed many, many years ago. The basic principle and need for the savings bank is to provide long-term debt, and I would like to very strongly emphasize, for the community. The role of the commercial bank is to

fulfil the balance of the banking needs of the community.

Through the years, as I indicated, there has certainly been a change in the role of the savings banks. I think that they find themselves restricted more and more, and it is getting more difficult to, what we might say, earn a living. However, I am opposed to suspending the rules, as I say, because we are being asked to make a very significant decision here this morning, and certainly I for one do not feel that I am either qualified or have the facts necessary to make such a decision.

Now, if we do remove the moratorium feature we, of course, would permit continued activity on the part of the savings banks. I think if we in the legislature could be sure that there wouldn't be a wholesale rush in this direction that removal of the moratorium would be inoffensive, but I do feel that without the moratorium that we would see a precipitant rush into the field of commercial banking by the savings banks. I repeat again, I take no position on this. Maybe it is right and maybe it is wrong, but it is a complex question: how would savings banks be taxed if they get into checking services? Are they going to get into other commercial bank activities such as trust activities?

I think in fairness to everybody we should let the legislation remain in its present condition, and I would hope you would vote against suspension of the rules.

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

Mr. SCHULTEN of Sagadahoc: Mr. President, I feel that there has been a rather serious charge here of misrepresentation made, and I wonder if it would be permissible to inquire through the Chair just where in the record this misrepresentation occurred?

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

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the

Senate: Last week it was my understanding in the debate of this bill, or at least through some lobbying that I received, at least, or the intention that was formulated in this body, was that the savings banks had presented this particular bill, the original bill — not the one that the committee came out with, but the original bill that was presented to the legislature and sent to this committee for study, that it was backed by the savings banks of Maine, and this is not so. It was my understanding, from the information I received, and the debate that I heard last week, it gave us the impression that the savings banks were the ones that presented this bill. I certainly didn't think it was right that that impression should remain in the minds of some legislators. I talked to some of you and you felt that the savings banks were behind that bill, and I felt that if an impression had been created to that effect that it ought to be straightened out.

Now, with reference to Senator Berry from Cumberland on his remarks, I agree with him. We should let the situation remain as it is on our books. Why should we at this time pass a bill to change the present circumstances and place a moratorium on the savings banks pending a study? I see no need for a moratorium. There is a need for a study perhaps, but I see no need for a moratorium. Why should there be a moratorium to begin with? I see no reason why we should have a moratorium of any kind on savings banks or any other business. Why should we place our controls upon private industry when no need has been shown? The legislature should not act in matters of this nature, and I repeat, unless the circumstances are such, unless they are unusual. And I ask you to support me so that we may remove this moratorium bit from this bill and permit the matter to be studied, and studied in depth, and then they can report to us at the next session as to what we should do in this area. But in the meantime I ask you, and I plead with you, let us not tie their hands. Let us not create a moratorium and let us not place an undue restriction upon

private enterprise. I ask you again to join me, and you are perhaps aware that I need a two-thirds vote to reconsider this matter so that I may present my amendment. Thank you.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I feel that possibly I am on a single track here, but I am feeling rather deeply that the question I asked through the Chair has not been sufficiently answered as to misrepresentation. I feel that there is an attempt to impugn the character of someone in the Senate body, and I think at the moment this is the most important matter before us. I don't think the Senate body is a place where we allow loose talk to go unansw ered because we are on record, and until this matter is cleared up I shall pursue the matter to great depths because I know that a lot of effort and a lot of lobbying has gone on, possibly on both sides, in this affair, but I have no record nor does this blanket that I have been following show any misrepresentation of facts as they were presented to this body. Now, what goes on out in the hall between this end of the State House and the other end of the State House I do not feel should be brought into this body and passed off as fact, and I don't like the word "resent" but I think this is a very serious matter. It is very easy to get excited and upset about this because, after all, gentlemen and the gentlewoman from Cumberland County, we don't have a great deal to talk about, we don't have a great deal to stand for, except the character that we build over the years, and when this comes to a point when someone through loose talk, and without the ability to come forth and lay facts on the table, when this happens then I think we are in serious trouble, and I for one feel that if this is coming from out lobbyists then I would be very happy to institute and bring in an order that would prohibit these lobbyists from having the benefit of our ear at their pleasure. I think we have bent over backwards to help these

people, and as a result they have just become abrasively arrogant to the point where they feel that the tail is now wagging the dog and, as a Senator, I perhaps would just like to point out to them that this is not the case, and I would be very happy to make a fight on that issue any time that they want.

In the meantime, on L. D. 1766, you were kind enough to hear me in full the other day. I will not bore you with details. I think the very arguments that the Senator from Penobscot has offered, that this will go to a legislative study and the 106th Legislature will have the opportunity to pass judgment on this, in accordance with the guidelines of the Presidential Commission's study, the Hunt Commission's study, is exactly what we are saying. And I don't know of any legislation that we pass except emergency legislation, that becomes effective until ninety days after the legislature adjourns.

Now, actually this bill is very, very simple. It asks for study, and it is asking for study on the most complex issue probably that the State of Maine will face for a long time to come because it deals with dollars and cents, and in some way we are all involved every day of our lives in dollars and cents.

The Bank Commissioner was very much opposed to the original bill, however, I have talked to the Bank Commissioner - and on the original bill, let me say that we are not discussing that. People keep throwing that up or passing it off as a red herring. The only thing we are discussing is L. D. 1766, which deals with a legislative study tied to a moratorium which does nothing more than pass this off to the 106th Legislature for their action as they see fit. But at that time they will have the guidance of the Hunt Commission report. They will also have the guidance of the Bank Commissioner of this state, who will then know exactly what changes there are in the banking laws in this country.

As far as the constitutionality of L.D. 1766, and this has been brought up again and again, once again I checked the Attorney General's office this morning, and there is no constitutional problem.

And I discussed the subject of the moratorium with the Bank Commissioner and he has absolutely no objection. I would be very happy, if anyone has any questions on this, to ask for a recess in order that the Bank Commissioner may be contacted. But I feel that we have had a thorough discussion on this. The other body has now debated this matter three times. Each time they have had a roll call and they have not debated or changed the bill at all. The first time they voted 102 to 33 to pass the bill, to preserve it. The second time it was 88 to 30 to pass the bill. And on Friday, after another long, long debate, they passed the bill 107 to 27, which is four to one, minus one vote. So gentlemen, I say this is legislation that will help the State of Maine, it will protect all of us until the guidelines are laid down by the government and our own Bank Commissioner. I join with Senator Berry from Cumberland in asking that the motion to reconsider does not prevail.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Certainly my remarks were not directed at my good friend, Senator Schulten from Sagadahoc. In explanation of my statement, I talked to a few members of this body regarding this bill, and the answer that I received from these gentlemen was to the effect "Well, that is a savings bank bill." Certainly if that impression was created in their minds then certainly there was some misinformation being spread in this body, and perhaps in the other body. This is the reason I made that statement of misrepresentation, not that the Senator from Sagadahoc misrepresented anything to this body.

Now, I feel that the members of this body were under the impression that this was a savings bank bill, that is, L.D. 1516, the original bill which says, "An Act Authorizing Savings Banks to Convert to Trust Companies to Issue Checking Accounts." Now the title itself is misrepresentative of who

sponsored it, as well as some of the remarks that I have heard from some members of this body, and I was led to believe that somewhere along the line a misrepresentation had been made to you people relative to the origin of this bill. I know that it was sponsored by the trust companies because I was asked to sponsor the bill myself, and I refused to do so. I don't speak loosely. I was asked to sponsor this particular bill myself and it was the trust companies' lobbyist that asked me to sponsor the bill.

Further, I have raised some questions which have not been answered relative to this legislation interfering with private industry unless we have been shown a need to do so, and I have yet to see where a need has been shown to place a moratorium on a particular segment of our private business and industry. And I ask you in all good conscience to join me in removing the moratorium part of this bill and permitting it to go to study which it perhaps ought to have. Thank you.

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

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: I would like to take issue with one statement that was made here this morning with reference to their being no real reason for a moratorium on this bill. I feel that there is a very definite reason for a moratorium on the basis that I believe it is generally accepted, although I am no attorney and cannot explain the details to you, that there are very definite differences in the administration of our mutual savings banks and our commercial banks in the field of reserves and also in the processes and methods of reporting for income tax purposes.

Now, I fail to see where the proponents of the original bill, or the proponents of these people who would eliminate the moratorium, have offered any suggestion at any time to equalize this. I also feel that most trust companies and so-called commercial banks are perfectly willing to go along with the principle of having mutual savings

banks have checking accounts, providing that the public is protected by the same rules and regulations which they now are. Now, if the moratorium was removed from this bill, it would mean that assuming that the Supreme Court would decide that it is constitutional for the Bank Commissioner to issue permits for the savings banks to issue checking accounts, they might be allowed to do that without the restrictions and without the safeguards for the general public that have been built into the checking accounts of our trust companies and our commercial banks. I do hope that you will vote against the present motion so that we can give the public those safeguards.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the rules be suspended for the purpose of reconsidering our action whereby this bill was passed to be engrossed. As many Senators as are in favor of suspending the rules will please rise and remain standing until counted.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President, it is very obvious that I must again ask permission to abstain.

The PRESIDENT: The Senator from Cumberland, Senator Carswell, asks permission to abstain from voting. Is there objection?

There being no objection, permission to abstain from voting was granted Senator Carswell.

Thereupon, a division was had. Ten Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion to reconsider did not prevail.

The Bill was then 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 Ida M. Reiss of Andover for Well Damage Resulting from Highway Construction. (S. P. 281) (L. D. 815)

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

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

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

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

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

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

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

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

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

Emergency

An Act Appropriating Funds for Drug Abuse. (S. P. 341) (L. D. 1012)

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

Emergency

An Act Appropriating Funds for Staffing and Operation of the Residential Facility for Mentally Retarded Children in Aroostook County. (H. P. 636) (L. D. 866)

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

Emergency

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

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.

Orders of the Day

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

Papers From the House House Papers

Bill, "An Act to Incorporate the Jackman Water District." (H. P. 1372) (L. D. 1794)

Comes from the House, referred to the Committee on Legal Affairs and Ordered Printed.

Which was referred to the Committee on Legal Affairs and Ordered Printed in concurrence.

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

JOINT ORDER — Relative to Joint Standing Committee on Appropriations and Financial Affairs report out a bill relating to benefits payable to recipients of old age assistance and aid to the blind. (H. P. 1369)

Tabled — May 28, 1971 by Senator Berry of Cumberland.

Pending — Passage.

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

Mr. BERRY of Cumberland: Mr. President, I direct a parliamentary question to the Chair. The substance of the joint order, House Paper 1369, appears to be quite specifically covered in L. D. 61 and L. D. 62. L. D. 61 is entitled "An Act Relating to Amount of Aid for the Aged, Blind or Disabled." L. D. 62 is entitled "An Act Relating to Budgets of Recipients of Old Age Assistance." The statements of fact of both are in principle the same. The statement of fact on L. D. 62 says "The purpose of this bill is to prevent a decrease in old age assistance to those who obtain an increase in social security benefits or who live in public housing."

Both of these bills were reported out of committee Ought Not to Pass and are in the legislative files, and my query is: Is this Joint Order, House Paper 1369, germane?

Thereupon, the President ruled that the Joint Order was out of order and not germane because of Joint Rule 17-A.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate:

Mr. KATZ: Mr. President and Members of the Senate: We have just gone through a long Memorial Day week-end, and perhaps it is timely that Memorial Day week-end is the specific time that the so-called lobbyist bill has been killed finally this session this morning in the other House.

Perhaps it was expecting too much that we could have gotten legislation on the books this session, but through a jungle of parliamentary maneuvering, and some pretty vigorous debates in both ends of the corridor, the bill is dead. I want to thank those of you who thought as I did that the time had come for sticking to your guns right up to the end.

Reconsidered Matter

Mr. Johnson of Somerset moved that the Senate reconsider its action of yesterday whereby on Bill, "An Act Relating to Compensation for Minors Delivering Newspaper Supplements", (H. P. 944) (L. D. 1356), the Senate accepted the Majority Ought Not to Pass Report of the Committee.

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

Mr. TANOUS of Penobscot: Mr. President, may I ask the report of the committee, the individual members on the report please?

The PRESIDENT: The Secretary will give the report of the committee.

The SECRETARY: The Majority Ought Not to Pass Report was signed by Senators Tanous, Levine, and Marcotte, Representatives Bustin, Lincoln, Lee, Bedard, and Good. The Minority Ought to Pass Report was signed by Representatives Rollins, Simpson, Genest, and Kelley of Machias.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: This bill had a thorough hearing. It was

well attended and well debated in the Labor Committee. As you see, the Majority Ought Not to Pass Report was nine to four. I realize that this is insignificant in this body, but I would ask that you oppose the motion of my good friend, Senator Johnson of Somerset.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: One of the interesting parts of this debate, I am sure, and I call to your attention, is the art work that was passed around here this morning and, although I am in opposition to this motion, I thought that the Senate might be interested to know that this art work was done by Jack Havey, who certainly must be one of the most talented artist in the United States. And at the risk of being commercial, I will say that his firm Ad-Media is ably staffed, and the top staff member is the very, very talented daughter of the Senator from Somerset, Senator Johnson. At least it gives us an opportunity to see the talent that there is in the State of Maine.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I certainly appreciate those kind remarks of the good Senator from Kennebec. I didn't hear any debate on this bill. I missed the debate in the House, or I heard part of it upstairs, but it would seem to me that this bill perhaps has a little more merit than a lot of us realize. I guess we are picking on the giants, or someone would say we are picking on the newspapers, but I don't think that is the point. I think we are talking about the advertising that comes in from out of state, it is printed elsewhere, there is no sales tax paid on it, and actually in certain areas people are annoyed with this extra thing that falls out every Sunday morning or whenever it does fall out. Of course on advertising, if you don't advertise why you would be out of business in no time, but I would like hear

some debate on this bill, so I move that we do accept the reconsideration motion, then perhaps someone would table it and we might get an amendment on this bill which would make it a little better.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would like to wholeheartedly support the position of Senator Johnson, and I would inform him that he missed nothing because there was no debate on the subject.

I think that we have a very interesting thing here. As a matter of fact, I was wondering why we couldn't put a five percent sales tax on the advertising value of the content of these inserts. So, I would say let's reconsider this.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Somerset, Senator Johnson, that the Senate reconsider its action whereby the Senate accepted the Majority Ought Not to Pass Report on Bill, "An Act Relating to Compensation for Minors Delivering Newspaper Supplements", will please say "Yes"; those opposed "No".

A viva voce vote was taken, and the Chair being in doubt ordered a division. Fifteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion to reconsider prevailed.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I will ask for a division on it. I oppose the motion before us, and I remember once earlier this session I opposed a bill that was courageously defended by the Senator from Cumberland, Senator Carswell, on behalf of some very needy blind people down in Portland, and I think I am on probably similar shifting sands. But if you take the emotion out of it, and look at what the bill proposes to do, it goes within a business and

says, over and above any other compensation that the employer pays, they will pay additional compensation for a specific additional task.

Perhaps I have an orientation to my own business, but I think I compensate my people fairly, and it is like saying to me that over and above any other compensation that might be agreed between me and my employees that if an employee is required to gift wrap packages that they will receive compensation amounting to a penny additional for every package they gift wrap, except these are news boys and subject to a lot more identification, emotional identification. But this is pretty much what we are saying. On the face of it, regardless of our espousal of the rights and privileges and the benefits accruing to newsboys, I think we are getting into a very sticky area. I would oppose the bill and consequently ask for a division.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would rise in support of my good friend and seatmate, Senator Katz. I think perhaps we should point out one or two other matters on this particular subject, namely: these inserts that there seems to be so much concern about, first of all, let me say that when I pick up the daily paper or the weekly paper the first thing I do is to throw out all of the inserts into the circular file under the desk, and then I proceed to read the paper. So I can appreciate the fact that these boys be getting compensated for this trash, with all due respect to you, Senator Katz, and your inserts if you use them.

But anyway, if you will read this bill and the amendment which is attached thereto, you will find that this bill applies only to daily papers. Now, it does not apply to weekly papers, it does not even apply to the Maine Sunday Telegram. You might give that some consideration. It does not apply to any weekly papers whatsoever; it applies only to the daily papers.

Now, I raise this question for consideration: If we pass this bill demanding that the newspapers shall compensate their newsboys one cent additional, my question is are we getting into a labor relations situation whereby that they will no longer be the little private individual business of the newsboy delivering his paper, receiving his compensation, as a great many of you people here have done in your youth? I live so far out in the country that we didn't have neighbors enough to deliver a daily or a weekly paper thereto, but I raise this question: Are you getting into a labor problem when you are stipulating as to just exactly what the newspapers shall be compensating the newsboys for these inserts?

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

Mr. HICHENS of York: Mr. President and Members of the Senate: This is one of those bills you don't hear much about until after you have let it go through under the hammer or perhaps sometimes debated on it, but I did hear about this when I went home last week-end.

I have mixed emotions on this bill. It used to be that when our mail was delivered that I didn't have any trouble having the mail brought into the house because my folks were looking for the advertising sheets that came in along with the personal mail. Then all of sudden their direction changed to the newspaper and whereas I use to have difficulty getting hold of the newspaper because someone wanted to keep up with the funnies or the sport page, all of a sudden I have the news sheet to myself because the rest of the members of the family are all fighting over the advertising papers that are included with it. Usually I have to hide the keys to the car because immediately they are taking off for Fields, the Mammoth Mart or Kings, or whatever, because there is a bargain that they want to take advantage of before the place is overcrowded.

But I do feel in all sincerity this morning that these youngsters should get that extra cent compen-

sation for these advertising sheets. We have often seen them, and I think it is a different situation than gift wrapping a package in the warmth and the light and so forth that we have in a department store as compared with the inclement weather that these youngsters go about in delivering our papers. So, in all fairness to these youngsters, and I have been a newspaper delivery boy in the past, I feel that they should be compensated for this extra delivery.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I have just been handed three inserts that were put in this morning's Bangor paper. I multiply this by one hundred and these poor carriers are really having a tough time and not getting paid for it.

When someone says that we are getting into the labor relations field, I think we are into it all of the time. We are raising employers' tax in this area and every other area, workmen's compensation, unemployment compensation and so forth, and somehow or other it would seem to me that the papers might even voluntarily agree to give these boys that one cent. I know it is hard to get some of these good newsboys, and here is a chance to get to it.

However, to go a step further, I think there ought to be a sales tax on this stuff. Where it is printed I don't know, but it comes in apparently in ample time to reach the purchasers, and it might be a good idea if we tabled this bill to amend it to include this.

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

A division was had. Twelve Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Commit-

tee was Accepted in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Judiciary on Resolution, Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses. (H. P. 852) (L. D. 1165) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — May 28, 1971 by Senator Katz of Kennebec.

Pending — Motion by Senator Katz of Kennebec to Reconsider acceptance of Majority Ought Not to Pass Report.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This went very quickly under the hammer the other day, and I moved to reconsider.

I call the Senate's attention to the fact that it is a constitutional amendment and, as such, would have reference to the people in the state. There is a very real concern all over the United States that many of the crimes, and serious crimes, that are being committed today are being committed by people who have already been arrested and are out on bail. I recognize the fact that the people who have been arrested and are out on bail have not been found guilty of a crime, but the pattern is very clear. The bail is being used for those who do not march to the same drum as the rest of society, who are responsible for many of the offensive crimes that are being committed in the United States and certainly in the State of Maine. My neighbors are very concerned, concerned as to our inability to control the rate of crime.

I noticed that this came before the Committee on Judiciary, there was support from the Chiefs of Police, the Attorney General's Office and other groups, and there wasn't any opposition at the hearing. The major offenses in Maine have been so dramatically on the increase; there were over fifty-two hundred major offenses in 1960,

and double that number in 1969. 1970 showed another increase, including burglary, larceny, and aggravated assault.

Prior to this session today I had a very difficult conversation, difficult for me, with the Senator from Aroostook, Senator Harding, who pointed out some of the pitfalls of accepting this constitutional amendment. They made an impression on me, and I thought it might be wise for the Senate to get the benefit of debate on this so that the Senate could make up its mind rather than let the bill go down the drain under a hammer.

I am deeply concerned. I know that you share my concern, and I think we all want to do the right thing, and that was the basis that I asked for reconsideration, so that we could talk about it.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I am sure that everybody in this Legislature shares the views of the good Senator from Kennebec, Senator Katz, that we want to deter crime. We are all agreed on that. There are certain limitations which we have and certain protections which we have, however, and regardless of what the other body may do on certain things, I am somewhat relieved that we have this body which I believe can be responsible when a responsibility is pointed out.

We have heard, of course, you remember George Wallace standing in a doorway down in Alabama because the legislature passed certain laws which were contrary to the Federal Constitution. They do that in Mississippi, but in Maine, at this point at least, we have recognized that what happened in 1860 is to be, that is, the Federal Constitution is paramount, and we can't defy the Federal Government. Now, under the Federal Constitution we are given equal protection under the laws, and each person is entitled to be bailed on an offense, unless it is a capital offense. Now, this is a right which is imposed upon the

states, and we agreed to abide by the Federal Constitution when we joined the union.

Now, this bill is sponsored by a member of my own party but, contrary to what has been sometimes alleged, it has never been my position to support a bill because it is sponsored by a Democrat or oppose it because it is sponsored by a Republican.

To the contrary, I think you will find that I have made more speeches this time in support of Republican bills than I have on the Democratic bills. It is the merit of the bill which counts. On this bill we asked the former Majority Leader, Harrison Richardson, we said "Will you go ahead and draft something which might be usable to try to reach the problem which Mrs. Boudreau has in mind?" He worked on it for several months and he hasn't come up with anything yet.

Not a single lawyer on the Judiciary Committee supported this bill because it does, it defies the Federal Constitution. Now, whether we like it or whether we don't, I mean the legislature at points is not held in high regard by the people of Maine for the irresponsible actions which it takes, I would hope that so clearly on a bill like this, which defies the Federal Constitution, which no lawyer in the legislature will support, would not receive the endorsement of this legislature. So I hope that you would oppose with me the motion of my good friend, the Senator from Kennebec, Senator Katz, for reconsideration, because you did the right thing on Friday.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I rise to bring just one point to your attention in regards to the Federal Constitution and constitutionality of this bill. It is my understanding that the State of Arizona ratified this same language last November in referendum, so the State of Arizona apparently is in defiance of the Federal Constitution, or else they feel that this is constitutional.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: Not being a lawyer, I don't fear to support the motion of the good Senator from Kennebec, Senator Katz. Rather I am listening to the many people in my district who are very much concerned with the activities of various people who are out on bail. I think it is too bad that we pass a bill that there is some question as to the constitutionality of a law, however, I do think that the time is fast approaching when both in Maine, as well as in Congress, at the federal level, more effort should be made to protect the law-abiding citizen and not be so much concerned with passing legislation which might be harmful to the person or persons who are so actively breaking various laws, both state and federal. I hope that the motion to reconsider does prevail, and I shall vote for the bill.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: Once again I am listening to the claimed merits of a bill being debated by a group of very learned lawyers. It appears that if such a bill could be passed it probably would prevent additional crimes by people who seem to be falling into that category. Having had previous experience with the young lady who sponsored the bill, I certainly would extend to her every courtesy to send this bill back to the other branch, and I know that she would apply the question to the courts, and I am sure the other branch will allow her sufficient time to do that. I certainly like the concept of the bill and I will go along with it.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: I would like to go on record as being strongly opposed to this bill. I find its provisions most repugnant. It has been the proud

boast of our system of law that a man is innocent until he is proved guilty. But under this bill if a man is charged with a felony and is bailed, then in the meantime happens to be charged with another felony, he is then jailed. In other words, he is guilty until he is proved innocent. If he is even charged with two felonies then it is assumed that he is guilty. I find this most repugnant to our system of Anglo-Saxon law.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I hesitate to rise in opposition to that motion, because someone will say here is another lawyer, and I speak solely as a Senator from District 24. But when you read a section of this, which this attempts to do, and perhaps there may be some other ways of accomplishing this, but I submit to anybody who is going to interpret this of how they are going to get by the legality of such a provision.

What this adds to the constitution is this: "or any felony offense committed when the person charged is already admitted to bail on a separate felony charge, and where the proof is evident or the presumption great as to the present charge." Who is going to get behind this clause? In effect, what you are doing is trying a man on a second charge on a bail consideration. As much as I might like to consider what is trying to be accomplished here, I would like someone to answer this question for me if they can. You are, in effect, trying a man and making a determination as to his guilt on consideration of bail prior to any hearing or prior to any determination of his guilt. I am not a bleeding heart for criminals, but I just don't see how anyone can get by this clause in considering the constitutionality of this.

If anybody can say that this is within the constitutional provisions, why I will certainly be willing to give it consideration, because I know the problems we have with regards to criminal matters, but as long as this language is in here

I cannot go along with this bill for the reason that I stated.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am sure that other members of the Senate have read some of the speeches that have been made by our Chief Justice, Warren Burger of the U.S. Supreme Court, that he has advocated in many of his speeches that this same type of legislation has got to be enacted to take these criminals off the streets because in some areas, and I don't know how long they might be on bail in Maine, but long periods of time, that they are free to go out and commit more crimes, earn more money by crime, while the public is suffering. I am in complete agreement with this with the constitutional change, and allow the people to vote on it as to how they feel about it, and I am sure that it would pass by a tremendous majority. If we are representing what our people want I am sure that we would support this type of legislation. I hope that the motion for the Senate to reconsider prevails.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: If a division has not been asked on this, I ask for a division when the vote is taken.

Someone made the suggestion at the beginning of this session that if a bill were put in to repeal the bill of rights before this legislature that this legislature might very well enact it. I still do not believe that is true, but when I hear some of the debate here today in relation to this bill I just wonder whether or not it might pass. Remember, the people that have lost their liberties have lost it under the pretext that someone was going to bring them law and order. In Germany in the thirties, the same western type nation which we have, the very same western culture, same Christian background, this is what was used there. "We will give you greater protection, and we will prevent the crime from being

committed." As a result of that did they have less crime in Germany? Not by any means; the greatest crimes ever committed in all the history of mankind were committed there.

Now, this bill here, we have the presumption in our law that you are innocent until you are proven guilty. Here you would be denied bail even though just two charges were brought, and they might be brought on a same type of offense, of the same occurrence, and yet there would be two charges, which are very often brought. Sometimes you will have four charges that are brought, but this person would not be bailed.

This goes to the heart of what we are talking about here of equal protection under the laws. I am sure that this bill would be ruled unconstitutional if we were able to ask our federal courts for an opinion on it.

If I can just address myself one more time to the real thing which we need in Maine, and which I pleaded with you a few weeks ago for, and that is that we need prompt administration of justice, that it is unfortunate that in many of our counties that you have to wait a year for trial. This is what is wrong. We should have it provided so that when a person is charged with a crime that very soon thereafter he is brought to trial and he is either convicted or he is found innocent, but what is wrong now is not our system as such but just that we have clogged it up with this type of thing until we have a backlog of about a year in some of our counties. This has to be changed and I pray that the legislation which was introduced, and which was defeated by this body, will be introduced at the coming session and that we will get this backlog disposed of so that these people will not be out on bail for an extended period of time.

That is what we should be addressing ourselves to, because in New York State and some of the other states - I mention this again to you - in effect, people are not permitted to have bail because the bail is set so high that they just can't get it. The jails are over-

crowded. They have three or four times as many people in jail as they have room for. The result of it is that the innocent and the guilty alike stay in jail for about a year, no matter how serious a crime is, because they have such a backlog in their court dockets that they just give them a plea bargain and they get out after a year. So, this is following in the same line of reasoning. If this ever were voted by the people, it certainly would be challenged in the federal court, you have your writ of habeas corpus, you would have a good deal more hearings, and this would be setting our whole administration of justice back. I don't know of a single lawyer in this legislature who endorses this piece of legislation.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I hesitate to get into a battle among attorneys or with attorneys, but could somebody answer this question: Are capital offenses bailable? In other words, are people innocent until they are found guilty or are capital offenses bailable.

The PRESIDENT: The Senator has posed a question through the Chair which any Senator 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: When our Constitution was adopted, and it is the same in the Federal Constitution with all of the states, a capital offense, once a person has been charged with murder, that is not a bailable offense. It is the only offense, however, under both the Federal and State Constitutions which is not bailable.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I wouldn't want to disagree with my good friend, Senator Harding, but I think you will find that the proof has got to be very evident that a person charged with a capital offense has committed the

capital offense. I have personally represented people charged with capital offenses who have been bailed.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I am told by the sponsor of this bill that Arizona has passed a bill and it went to referendum, the people voted for it and it is on the books now, that it has been there since last November.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Resolution, Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses.

A division has been requested. As many Senators as are in favor of the Senate reconsidering its action whereby it accepted the Majority 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. Twenty-one Senators having voted in the affirmative, and eight Senators having voted in the negative, the motion to reconsider prevailed.

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

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

Bill, "An Act to Encourage Aquaculture in Maine's Marine Waters." (S. P. 408) (L. D. 1242)

Tabled — May 28, 1971 by Senator Graham of Cumberland.

Pending — Adoption of Committee Amendment "A" Filing S-221.

On motion by Mr. Bernard of Androscoggin, retabled and Tomorrow Assigned, pending Adoption of Committee Amendment "A".

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

Bill, "An Act Relating to the Conduct of Hearings Required by the State's Environmental Laws." (H. P. 1246) (L. D. 1555)

Tabled — May 28, 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 fifth tabled and specially assigned matter:

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)

Tabled — May 28, 1971 by Senator Violette 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: I was having a necessary amendment prepared, and the Attorney General's Department is working on this. They did not have it in time to offer this morning, and I would hope that someone would be good enough to table this one more day for me.

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

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

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

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

Tabled — May 28, 1971 by Senator Tanous of Penobscot.

Pending — Motion by Senator Katz of Kennebec to Indefinitely Postpone.

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

Mr. KATZ of Kennebec: Mr. President and Members of the

Senate: I believe that this was an enactor the other day when we questioned it. What it seems to do is to segregate property, summer camps, I would presume, in the unorganized territory and make them subject to treatment as personal property, provided in the lease there is a statement that indicates they are not to be used year around.

I understand, and so do you, I think, that there are inequities all up and down the state in taxation of properties, but this is so broad a change in the law, a law we passed only four or five years ago, that it would seem to me to give tax relief to one particular kind of property owner in one particular part of the state. It seems to give, to a great extent, something of a freer ride to people who own summer property in unorganized territories at the very time when we are looking for more equity in our taxation laws. I have had a lot of time to think about it over the weekend, and I adhere to my motion, move the pending question, and ask for a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act Relating to Taxation of Building on Leased Land in Unorganized Territory", 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. Twenty Senators having voted in the affirmative, and six Senators having voted in the negative, 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 (H. P. 1340) (L. D. 1752) 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 28, 1971 by Senator Dunn of Oxford.

Pending — Acceptance of Report.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This bill, this rewrite, seemed to have a little bit of difficulty in some of the interpretation, and this morning an order has been introduced and passed in the other body directing the Research Committee to study this cost of school construction aid. I would like to emphasize the need for something of this sort. I think we are several years too late.

Here the construction cost in 1967-68 was a low in Scarborough, \$11.06 a square foot to a high in SAD 27 of \$25.95. In 1968-69 Biddeford had a low of \$11.06, and SAD 64 a high of \$24.92. In 1969-70 in Dresden, a low of \$16.59, Augusta \$23.07, and SAD 72, \$24.27, which by the way happens to be my district. I think there is a real need for something to be done in this area. Perhaps the best solution is to allow the Research Committee to study this and come forth with something that will cover it and really do a good job, so I would move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that Legislative Document 305 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 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 28, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Johnson of Somerset then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-225, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. JOHNSON: Mr. President and Members of the Senate: At the time this bill was passed I guess there was some doubt in some of our minds whether it would get through. We had a sum of money attached to the bill which requires the state to put something up for the study. It has now been resolved, the state will not have to put up any money and probably never will, but there will be funds available, and the State Planning Office will make the survey and the study. We have included buses to be included in there, something that gives great improvement to the original bill.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: As one of those who signed the Ought Not to Pass Report, I would like to give you a couple of reasons why I signed it. I don't want you to think I am taking this bill too serious, but I will give a little explanation. One of them was that I didn't think I possessed the right kind of imagination to make myself believe that the railway passenger service was coming into its own in the near future. Another one was a cartoon I saw in the paper. There were a couple of bums that were in jail and one of them had been reading the paper concerning railroads, so he says to his colleague, who is his cellmate he says, "Did you ever believe you would ever see the day that you would be better off financially than the Pennsylvania Railroad?" Well, this bill is shaping up pretty good right now. When I signed it Ought Not to Pass it had an appropriation of \$500,000 coming out of the highway fund. Then they amended it down to \$75,000 out of the general fund. Now they have it down to no appropriation at all. So this is on the par with the fellow I heard was in the business of selling lobster traps. This happened on a Thursday, and his friend came along and he says "Well, how is business?" He says, "Well, I will tell you. I didn't sell any traps Monday. Tuesday I sold ten

traps. Wednesday the fellow brought them back, he returned them." He says, "Today up to now I haven't sold any traps, so I guess you will have to call Tuesday my best day."

They have also mentioned in here about high speed bus service. I happened to be thinking that that could cause some troubles too. We have quite a lot of high speed right now on the highways. What I am thinking of is the farmer who was driving his cows down the road, and there was a fellow from the city came down the road hot-rodding and hit one of the farmer's cows and knocked the cow end over end and rolled her over, and finally she did get up onto her feet and she stood there. So the hotrodder put his car in reverse and backed up to where the farmer was and he says "Well, I guess I didn't hurt her any." Well, the farmer says "If you think it helped her any I will be glad to pay you."

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I am sure we all appreciate the pleasant stories from the distinguished Senator from Waldo County; I hope it doesn't damage the bill. We have reached an age where we have got to do something. I think all of us here will agree we have got to start to get moving, and we should have started a few years back perhaps. We are reaching a stage where the day is coming when we will have more automobiles than we will have people. For example, right now I think there is around almost six hundred thousand vehicles registered, and we still have only about nine hundred and ninety thousand residents in the state. So you can see that the time is coming when our roads are going to run out, and we have got to move people fast and adequately.

It would seem, aside from the humorous aspect, I agree perhaps Senator Greeley would now almost feel that it is a lot better bill than it was when we started, and is something that we had deleted the

funds, which was the big objection, if anyone recalls the five hundred thousand. I think people thought, well we will get it on the appropriation table, if it goes, then we will kill it there, which is logical in their thinking. However, we have amended it down. We thought \$75,000 might do it, and then we tried to figure where we could get the money, and we understand now that there will be federal funds available for this. The State Planning Office will do it, so let's get it done. That would be my opinion. I think it is an important thing for all of us in the State of Maine to have some study so we will know where to proceed in the future.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: It is a doubtful thing to follow the act of the Senator from Waldo, Senator Greeley, but I say why not have a study? It is not going to cost us anything, and we do know that railway provides the safest and most economical way of moving large numbers of people. In this bill no money is required and, therefore, why should we go on without even making a study, building more and more highways, subsidizing the automobile, for it really is a subsidy, and we who are against pollution know that it is the automobile that provides from sixty to eighty percent of the air pollution. Therefore, I say let's go along with this study. It will cost us nothing and it may turn up something very valuable for the state.

The PRESIDENT: As many Senators as are in favor of the adoption of Senate Amendment—"A" will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twenty-three Senators having voted in the affirmative, and four Senators having voted in the negative, Senate Amendment "A" was Adopted.

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

Sent down for concurrence.

The President laid before the Senate the ninth 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 28, 1971 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

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

Bill, "An Act to Regulate Industrialized Housing under the Maine State Housing Authority." (H. P. 1345) (L. D. 1764)

Pending — Passage to be Engrossed.

Mr. Johnson of Somerset then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-230, was Read.

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the table An Act Relating to Use of Electronic Recording Equipment in the District Court and before Administrative Agencies, (S. P. 298) (L. D. 855)

The same Senator then moved the pending 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.

(Off Record Remarks)

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