

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Monday, June 7, 1971

Senate called to order by the President.

Prayer by the Rev. William A. Dunstan of Gardiner.

Reading of the Journal of yesterday.

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

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

In the Senate June 2, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed.

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

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: What this bill sought to do was to put into our statutes what the courts have been saying all over the United States. I noticed that the month of May proved to be a bitter disappointment to those who felt that we are licking our highway safety problems but, in view of the overwhelming vote in the other chamber, I move that the Senate recede and concur.

The PRESIDENT: The Senator from Kennebec, Senator Katz, 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 Restricting Use of Certain Campsites." (H. P. 996) (L. D. 1358)

In the Senate May 27, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (H-268) as Amended by House Amendment "A" Thereto (H-281) as Amended by Senate Amendment "A" Thereto (S-185), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by

House Amendment "A" (H-408) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Joint Order

WHEREAS, Allyn Warner was judged to be the fairest and most talented entrant in the Miss Greater Portland Competition; and WHEREAS, she was named Miss Greater Portland of 1971; and

WHEREAS, this talented young lady will now compete in the forthcoming Miss Maine Beauty Pageant; now, therefore, be it

ORDERED, the Senate concurring, that members of the One Hundred and Fifth Legislature commend this young woman on her accomplishment and wish her every success in the Miss Maine Pageant; and be it further

ORDERED, that a duly attested copy of this Order be transmitted forthwith to Miss Warner in token of the sentiments express herein.

(H. P. 1389)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

Communications

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

June 4, 1971

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

Sir:

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

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

Messrs. MARSTALLER

of Freeport

BRAGDON of Perham

Mrs. BERRY of Madison

Bill "An Act relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 994) (L. D. 1356)

Messrs. DAM of Skowhegan

GENEST of Waterville
SILVERMAN of Calais
Respectfully,

(Signed)

BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

Orders

On motion by Mr. Dunn of Oxford,

ORDERED, the House concurring, that Bill, "An Act to Create the Maine Municipal Finance Authority," Senate Paper 457, Legislative Document 1384, be recalled from the legislative files to the Senate.

Which was Read.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I believe I recall this bill. It was heard by the State Government Committee some time ago and was reported out unanimous Ought Not to Pass under Rule 17-A. I don't know the purpose of it being recalled from the files, but I would ask for a division on the vote, that this order not receive passage.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This bill, as many of you know, is an effort to make it a little easier for municipalities to finance projects over a long-term period.

Vermont is the one this is patterned on. They have this bond bank law there and it has been very satisfactory.

There is nothing compulsory on this. If a town can do better and get better interest on their own than they can through this then they are free to do so. But in most cases this will lower the interest to quite an extent.

I have here a copy of one for School Administrative District No. 25, due to the 1st day of June, 1971, and they are paying seven percent interest on school bonds. It seems to me this is an effort in an area where we might be able

to help particularly smaller communities, and I hope you will go along with the order.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I think Vermont had a unique situation, which was brought out at the hearing. They didn't have anything similar to what we have, such as the Maine School Building Authority, and this was the reason why Vermont adopted this plan and adopted this type of bill in their legislature and it apparently worked over there. But the members of the State Government Committee just felt that there wasn't any need, at least at the present time — perhaps in the future, yes — but right now there was no need for such a commission to be set up. This was the reason why unanimously the Committee on State Government voted not to adopt this bill, this L. D. 1384.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I would like to remind the Senate that we have many other needs, and in the next two years there is expected to be spent fifty to fifty-five million dollars in the pollution abatement field. These are long-term expenses and they are terrifically expensive. In the next few years we are going to be doing a great deal of this.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: It is my understanding that this was reported out under Rule 17-A and, although I approve of the intent of the bill, I have a feeling that the adoption of Rule 17-A was one of the few wonderful things that we did this session. Except in an emergency situation, where there is broad and enthusiastic support by all parties concerned, and by joint leadership, I would hate to see us break precedent and bring a bill back that has come out unanimously Ought Not to Pass.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: If I recall correctly, the other day we recalled a bill. I don't know of what magnitude the bill was, but there was no opposition to that being recalled from the legislative files.

The PRESIDENT: As many Senators as are in favor of the passage of this Joint Order will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

A division was had. Nineteen Senators having voted in the affirmative, and ten Senators having voted in the negative, the Joint Order failed of Passage.

Committee Reports

House

Leave to Withdraw

The Committee on State Government on, Bill, "An Act Relating to Purpose of Baxter Wilderness Park." (H. P. 443) (L. D. 565)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act Relating to Executive Reorganization." (H. P. 469) (L. D. 597)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Providing for the Prerental Inspection of Certain Property." (H. P. 882) (L. D. 1203)

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.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to the Housing Needs of People Who Pay Rent." (H. P. 881) (L. D. 1202)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1386) (L. D. 1809)

Signed:

Senators:

TANOUS of Penobscot
HARDING of Aroostook

Representatives:

HEWES

of Cape Elizabeth

LUND of Augusta

WHITE of Guilford

WHEELER of Portland

KELLEY of Caribou

ORESTIS of Lewiston

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

Signed:

Senator:

QUINN of Penobscot

Representatives;

BAKER of Orrington

PAGE of Fryeburg

HENLEY of Norway

CARRIER of Westbrook

Comes from the House, Reports and Bill Indefinitely Postponed.

Which reports were Read.

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

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act Relating to Cutting of Trees Near Public Highways." (H. P. 684) (L. D. 925)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Regulating Roadside Clear Cutting Practices" (H. P. 1354) (L. D. 1770)

Signed:

Senators:

SCHULTEN of Sagadahoc

VIOLETTE of Aroostook

Representatives:

KILROY of Portland

AULT of Wayne

MacLEOD of Bar Harbor

BROWN of York

WHITSON of Portland

SMITH of Waterville

CURRAN of Bangor

CUMMINGS of Newport

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

Signed:

Senator:

GRAHAM

of Cumberland

Representatives:

HERRICK of Harmony
HARDY of Hope

Comes from the House, the Majority Ought to Pass in New Draft report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendments "A" (H-330) and "D" (H-414).

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

House Amendments "A" and "D" were Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Senate**Leave to Withdraw**

Mr. Greeley for the Committee on Transportation on, Bill, "An Act Relating to Interstate Highway No. 295." (S. P. 504) (L. D. 1487)

Reported that the same be granted Leave to Withdraw.

Mr. Greeley for the Committee on Transportation on, Bill, "An Act Relating to Interstate Highways No. 95 and 295." (S. P. 505) (L. D. 1488)

Reported that the same be granted Leave to Withdraw.

Which reports Were Read and Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Relating to the Maine Turnpike Authority." (S. P. 507) (L. D. 1489)

Reported that the same Ought to Pass.

Signed:

Senators:

JOHNSON of Somerset
KELLAM of Cumberland

Representatives:

BARNES of Alton
HALL of Windham
KEYTE of Dexter
DUDLEY of Enfield
LEBEL of Van Buren

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

Signed:

Senator:

GREELEY of Waldo

Representatives:

CROSBY of Kennebunk
McNALLY of Ellsworth
WOOD of Brooks
LEE of Albion
FRASER of Mexico

Which reports were Read.

On motion by Mr. Berry of Cumberland, 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 Permitting the Liquor Commission to Issue Liquor Licenses to Public Golf Courses." (S. P. 450) (L. D. 1296)

ask leave to report:

that the Senate recede from acceptance of the Majority "Ought Not to Pass" report; accept the Minority "Ought to Pass" report, and Pass the Bill to be engrossed.

that the House recede from Passage to be Engrossed; recede from the adoption of House Amendment "A" and indefinitely postpone same; recede from the adoption of House Amendment "B" and indefinitely postpone same; and Pass the Bill to be Engrossed, in concurrence.

On the Part of the Senate:

SHUTE of Franklin
FORTIER of Oxford

On the part of the House:

GOOD of Westfield
STILLINGS of Berwick
KELLEHER of Bangor

Which report was Read and Accepted.

Thereupon, the Senate voted to Recede from its prior action whereby the Ought Not to Pass Report of the Committee was Accepted and, subsequently, the Ought to Pass Report of the Committee was Accepted and the Bill Passed to be Engrossed.

Final Report

The Joint Standing Committee on Business Legislation submitted its Final Report.

Which was Read and Accepted.

Sent down for concurrence.

Second Readers

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

House

Resolution, Proposing an Amendment to the Constitution Relating to the Disposition of Increased Gasoline Taxes. (H. P. 1105) (L. D. 1511)

Which was Read a Second Time.

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

On motion by Mr. Hichens of York, a division was had. Twenty-three Senators having voted in the affirmative, and six Senators having voted in the negative, the Resolution was Indefinitely Postponed in concurrence.

House — As Amended

Bill, "An Act Relating to Destruction of Vending Machines." (H. P. 228) (L. D. 310)

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

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

Bill, "An Act to Authorize the Construction of a Toll Bridge Across the Kennebec River between the Municipalities of Waterville and Winslow." (H. P. 753) (L. D. 1022)

Bill, "An Act Revising the Laws Relating to the Deposit of Oil, Forest Products Refuse and Potatoes in Waters of the State." (H. P. 1076) (L. D. 1468)

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

Bill, "An Act Revising Certain Safety Laws in the Department of Labor and Industry." (H. P. 1363) (L. D. 1780)

Bill, "An Act Relating to Qualifications for Municipal Law Enforcement Officers." (H. P. 1379) (L. D. 1799)

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

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

On the matter previously set aside at the request of Mr. Tanous of Penobscot, Bill, "An Act Relating to Prevention by Landowners of Acquisition of Rights-of-way, Easements and Public Rights by Dedication", (H. P. 708) (L. D. 954), the Senate voted to reconsider its prior action whereby House Amendment "B" was Adopted.

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

Senate Amendment "B", Filing No. S-248, to House Amendment "B" was Read and Adopted and, subsequently, House Amendment "B", as Amended by Senate Amendment "B" thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On the matter previously set aside at the request of Mr. Graham of Cumberland, Bill, "An Act Revising the Laws Relating to the Deposit of Oil, Forest Products Refuse and Potatoes in Waters of the State", (H. P. 1076) (L. D. 1468), the Senate voted to reconsider its prior action whereby Committee Amendment "A" was Adopted.

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

Senate Amendment "A", Filing No. S-252, to Committee Amendment "A" was Read.

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

Mr. KATZ of Kennebec: Mr. President, I wonder if somebody could explain the effect of this bill as amended, if we adopt this amendment.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: This amendment merely redefines the word "refuse."

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

Mr. KATZ of Kennebec: Mr. President, might I repeat the ques-

tion. I wonder if somebody would explain the effect of the bill and the amendment.

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

Thereupon, on motion by Mr. Violette of Aroostook, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A" to Committee Amendment "A".

Senate

Bill, "An Act Relating to Defenses for Holders of a Retail Installment Sale Agreement." (S. P. 616) (L. D. 1801)

Bill, "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1971." (S. P. 625) (L. D. 1807)

Bill, "An Act to Revise the Environmental Improvement Commission Laws." (S. P. 623) (L. D. 1806)

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

Reconsidered Matter

On motion by Mr. Martin of Piscataquis, the Senate voted to reconsider its prior action whereby Bill, "An Act to Provide for the Taxation of Pulpwood and Logs in Place Where Situated", (S. P. 622) (L. D. 1805), was recommended to the Committee on Taxation.

On motion by the same Senator, the Senate voted to reconsider its action whereby the Senate substituted the Bill for the Ought to Pass in New Draft Report of the Committee.

On further motion by the same Senator, the Ought to Pass in New Draft Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Enactors

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

An Act Relating to Oral Settlements or Releases from Injured Persons Confined to Hospitals. (S. P. 251) (L. D. 758)

An Act Relating to Public Intoxication. (S. P. 607) (L. D. 1786)

(On motion by Mr. Hichens of York, tabled and Tomorrow Assigned, pending Enactment.)

An Act Revising the Laws Relating to Credit Unions. (H. P. 580) (L. D. 775)

An Act Relating to Appointments to the Portland Renewal Authority. (H. P. 779) (L. D. 1045)

An Act to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers. (H. P. 1330) (L. D. 1744)

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

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

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

An Act Permitting Indian Homes to be Licensed as Foster Homes. (H. P. 1358) (L. D. 1774)

An Act Levying a Tax for Research and Promotion of Maine Wild Blueberries. (H. P. 1368) (L. D. 1785)

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.

Emergency

An Act Relating to Certain Emergency Powers Concerning Radiation Hazards. (S. P. 570) (L. D. 1716)

This being an emergency measure and having received the affirmative votes of 26 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Relating to Testing of Private Water Supplies by Department of Health and Welfare. (H. P. 1264) (L. D. 1668)

Comes from the House, having Failed of Passage to be Enacted.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate:

This Bill provides for charging for water examinations, which is done by the state laboratory in the division of sanitary engineering. Up to now there has been no charge, and as a result on the inadequate personnel and equipment in the laboratory there has been a tremendous delay. Legislation was introduced provided for the department to be able to set charges for this based on their cost. Some people have objected to this and a figure of \$3 per exam was placed in the bill. There is still objection, and I propose to offer an amendment this morning which would reduce this to \$2.

Mr. President, I move the rules be suspended and the Senate reconsider its action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate suspend its rules for the purpose of reconsideration whereby Legislative Document 1668 was Passed to be Engrossed. Is this the pleasure of the Senate.

The motion prevailed.

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Passage to be Engrossed.

Emergency

Resolve, Providing Minimum Retirement Benefits for Certain Teachers. (H. P. 1361) (L. D. 1776)

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

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans for Housing for Indians. (H. P. 402) (L. D. 51)

This being a Constitutional Amendment and having received the affirmative votes of 24 members of the Senate, with one voting in the negative, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Secretary of State.

Orders of the Day

The President laid before the

Senate the first tabled and specially assigned matter:

Bill, "An Act Clarifying the Statute Relating to Realty Subdivisions." (H. P. 1034) (L. D. 1425)

Tabled — June 4, 1971 by Senator Clifford of Andorscoggin.

Pending — Consideration.

On motion by Mr. Tanous of Penobscot, retabled and Tomorrow Assigned, pending Consideration.

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

Bill, "An Act to Limit the Tax Exemption for Certain Corporations Which Conduct Their Operations Primarily for the Benefit of Nonresidents of the State." (S. P. 621) (L. D. 1804)

Tabled — June 7, 1971 by Senator Moore of Cumberland.

Pending — First Reading.

Thereupon, the Bill was Read Once and Tomorrow Assigned for Second Reading.

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

Bill, "An Act Increasing the Gasoline Tax." (H. P. 403) (L. D. 516)

Tabled — June 7, 1971 by Senator Berry of Cumberland.

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 fourth tabled and specially assigned matter:

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

Tabled — June 7, 1971 by Senator Hoffes of Knox.

Pending — Motion by Senator Graham of Cumberland to Reconsider Action Whereby Bill was Passed to be Engrossed.

Mr. Graham of Cumberland then withdrew his motion to Reconsider.

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

House Report — Ought to Pass in New Draft (H. P. 1374) (L. D.

1791) from the Committee on Natural Resources on Bill, "An Act Relating to Certain Laws Relative to Great Ponds." (H. P. 538) (L. D. 711)

Tabled — June 7, 1971 by Senator Moore of Cumberland.

Pending — Acceptance of Report.

On motion by Mr. Berry of Cumberland, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

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)

Tabled — June 7, 1971 by Senator Dunn of Oxford.

Pending — Passage to be Engrossed.

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

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

Bill, "An Act to Provide for New Ferry Landings at Cousin's Island or Littlejohns Island and Chebeague Islands." (S. P. 400) (L. D. 1175)

Tabled — June 7, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Conley of Cumberland, the Bill was Indefinitely Postponed.

Sent down for concurrence.

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

Bill, "An Act Revising the Air Pollution Laws." (H. P. 1127) (L. D. 1557)

Tabled — June 7, 1971 by Senator Berry of Cumberland.

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 ninth tabled and specially assigned matter:

Bill, "An Act to Authorize Bond Issue in the Amount of \$5,940,000 for the Development and Improvement of State Park Facilities, Improvements to Various Airports, Equipment and Exhibits for Cultural Building, New State Office Building, and Maintenance Building at Augusta and State House." (H. P. 176) (L. D. 234)

Tabled — June 7, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Sewall of Penobscot, the Senate voted to reconsider its action whereby it Adopted Committee Amendment "A".

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

Senate Amendment "A", Filing No. S-251, to Committee Amendment "A" was Read and Adopted and subsequently Committee Amendment "A", as Amended by Senate Amendment "A" thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Joint Order — Relative to Members and Legal Clerks of Joint Standing Committees on Judiciary and Legal Affairs Receiving Revised Statutes.

Tabled — June 7, 1971 by Senator Tanous of Penobscot

Pending — Passage.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: For many years it was the custom of the legislature to reward members of the Legal Affairs Committee and the Judiciary Committee by giving each of them a set of annotated copies of the revised statutes. The present cost of one of these sets is \$175.00. This order would limit it to those who have not had them

previously. This means that we are authorizing by the passage of this motion an expenditure of twenty times \$175.00.

The last session of the legislature, I think, successfully got rid of a procedure that we should have gotten rid of a long time ago. I can think of no possible justification for this expenditure, and I hope that the action of the 104th Legislature will be upheld and continued by this one. I move the indefinite postponement of this Joint Order.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Joint Order be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: When the vote is taken, I ask for a division on the motion of Senator Katz from Kennebec.

There are some new members on the Legal Affairs Committee and the Judiciary Committee, new members to the legislature, who have worked hard, put in many hours of work, and in a way I assume that this is sort of a reward for some of the work that they have done for the legislature.

It has been the tradition of the legislature ever since its inception, to my knowledge, that these committees do receive a set of the annotated statutes rather than the green statutes, the unannotated set. I think the annotated statutes speak for themselves insofar as the committee members are concerned in doing research work in their duties as members of this committee. I was here the last time, I am not a new member, this is for the new members strictly, and I don't know where Senator Katz from Kennebec gained his count as to the number of members that would be permitted to receive these statutes. It appears that he uses the figure of twenty, but I doubt that the figure is that high because on the Judiciary Committee, to my knowledge, everyone on that committee, with the exception of two members, have been in this legislature before. I don't know about the Legal Affairs Committee, but I doubt that all thirteen of them are new members.

So, I would hope that you might vote against the motion of Senator Katz and permit this resolution to be adopted. Thank you.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I would like to be excused from voting on this matter because I am a new member of the Legal Affairs Committee.

Thereupon, there being no objection thereto, permission was granted Senator Clifford of Androscoggin to abstain from voting.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I want to apologize to the Senator from Penobscot, Senator Tanous, for the inaccuracy of my original statement. The number of members who would be authorized is not twenty but twenty-one. This was researched, by the way, and it is an accurate figure. When I multiply \$175.00 by twenty-one, I find out that this Joint Order is going to cost the taxpayers of the state \$3,675, and I honestly feel that if we would like to reward members of the legislature we should do it in the nature of better compensation for all of us rather than the benefit of a few.

But coming to the annotated revised statutes themselves, the reason we killed it last time, and hoped that we had killed it once and for all, is because to a layman these volumes were of no lasting significance. You all, and I am included, have one of the copies of a non-annotated, and that is good enough for the layman's purpose.

I do not in any respect cast any aspersions on the motivations of the Senator from Penobscot, who is reflecting the will of his committee, but you know, we talk about saving money and reviewing old procedures, and this is a wonderful chance to keep something dead that presently is dead.

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

Mr. BERRY of Cumberland: Mr. President and Members of the

Senate: I sit here completely amazed at the arguments of my good friend, Senator Katz from Kennebec. I think he just introduced an order which received quite a lot of attention, and the purport of the order was that it was going to satisfy a long-felt need for the legislature that we were inadequately staffed, totally ill-prepared to handle responsibilities in our job, and here he is standing up today trying to take away some of the tools that are needed.

I am a layman, as lay as they come, I guess you might say, but I find that the annotated statutes are of considerable use to someone as ill-versed in legal procedure as I am. And I object to Senator Clifford being excused because of conflict of interest; I see none.

There is no reason at all why something like this should be talked of in terms "reward." There is no reward in owning a set of statutes of our state. They are the tools of our trade. Everybody is given a set when he becomes elected to the legislature. I hope you vote against this motion.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I request a roll call.

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

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President, may inquire if anyone is knowledgeable about whether or not the regular green covered statutes are available to members of the legislature? I know that when I was in the 103rd these copies were made available, and regular additional packets were made available each year. I make constant reference to these unannotated, if that is the word,

copies at my home regularly, and this seems to suffice with me for my purposes. The annotated versions are much more expensive, and those who make reference to case law would need to use the annotated version, but does anyone have any knowledge of whether the green unannotated versions are available?

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: One set of these is given to every legislator upon his initial election to the legislature.

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

Mr. TANOUS of Penobscot: Mr. President, in further explanation to answer Senator Shute's question, the unannotated set, so to speak, is a useful tool to a lawyer as well as a legislator, but it doesn't give the information we are really looking for when we want to research a particular question of law. The annotated set gives us a history of the statute, it gives us the case law that has been handed down by the Supreme Court, it gives us examples, and it boils it down in many instances to a layman's way of understanding things. It gives us areas where to research a particular statute. The unannotated set, in researching a particular question, is almost useless to a member of either committee, so we do need the annotated set of statutes to really research and do a good job in our work. Thank you.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I just heard a perfect justification for issuing these annotated sets to members of these two committees during the session. But I can't extend this in my own mind to an advantage to give to them to take home during the summer and during the off-season. I am not quite sure what researching the legislature is going to do when it is not in session, and I don't look upon this as an effective

tool for each of us to have at home when it involves an expenditure of funds that is greater than some of these little things that we have been turning down for the benefit of Maine people during the session. Some of the bills that we have been turning our backs on for two, three, four and five thousand dollars to fill human needs seem to be a heck of a lot more important than the privilege of having these expensive volumes to fill our libraries up unused at home.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This is news to me that we go into a state of limbo or hiatus when we adjourn here at the end of this session, hopefully in a couple of weeks. I seem to get calls at 9:30 at night or 10:00 o'clock at night, on Saturdays and Sundays, and they involve questions that frequently I would like to have reference for. Now, if I were a member of the Legal Affairs or Judiciary Committee, I think it would be very useful to the citizens of the State of Maine that I have these references back home.

I think this is very good legislation, it is progressive. We have been talking about adequate staff and so forth, so I hope you would vote "No" when the roll is called.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Joint Order Relative to Members and Legal Clerks of Joint Standing Committees on Judiciary and Legal Affairs Receiving Revised Statutes be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Carswell, Chick, Dunn, Fortier, Graham, Hichens, Katz, Levine, Marcotte, Martin, Minkowsky, Moore, and Shute.

NAYS: Senators Berry, Conley, Danton, Greeley, Harding, Hoffses, Johnson, Kellam, Peabody, Quinn, Tanous, Violette, and President MacLeod.

ABSENT: Senators Anderson, Schulten, Sewall, and Wyman.

A roll call was had. Fourteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with four Senators absent, and Senator Clifford abstaining, the motion to Indefinitely Postpone prevailed.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am glad that we reaffirmed the action of the 104th Legislature. I would hate to see this come up again, so I would move that the Senate reconsider its action whereby this bill was indefinitely postponed and I hope, without any further tabling or anything, that you would support my motion and vote against reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz moves that the Senate reconsider its action whereby this Joint Order was indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. Tanous of Penobscot then moved that the Joint Order be tabled and Tomorrow Assigned, pending the motion by Mr. Katz of Kennebec to reconsider.

On motion by Mr. Katz of Kennebec, a division was had. Eight Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion to table did not prevail.

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

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

An Act Relating to Testing of Private Water Supplies by Department of Health and Welfare. (H. P. 1264) (L. D. 1668)

Pending — Passage to be Engrossed.

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

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.