

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Wednesday, June 23, 1971

Senate called to order by the President.

Prayer by the Rev. David Dunn of Augusta.

Reading of the Journal of yesterday.

Papers from the House Non-concurrent Matter

Bill, "An Act Relating to the Board of Registration in Medicine." (H. P. 1378) (L. D. 1798)

In the House June 15, 1971, Passed to be Enacted.

In the Senate June 21, 1971, Indefinitely Postponed, in non-concurrence.

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

On motion by Mr. Berry of Cumberland, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act to Establish a Colt Stake Program for Maine Standard Bred Horses." (H. P. 476) (L. D. 837)

In the House April 27, 1971, Passed to be Enacted.

In the Senate June 22, 1971, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference with the following Conferees appointed on its part:

KELLEHER of Bangor

HALL of Windham

JALBERT of Lewiston

Mr. Harding of Aroostook moved that the Senate Adhere.

Mr. Johnson of Somerset then moved that the Senate Insist and Join in a Committee of Conference.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I will ask for a division on the last motion to insist simply for the reason this calls at the present time for \$70,000. I understand it is going to be amended down perhaps \$25,000, but I would say to the best of my knowledge, that there is no money for it, so

I think it would be foolish to insist and go along with a committee of conference.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I somewhat go along with the good Senator from York, Senator Hichens, said about, you know, when we run out of strawberries, that we are good sports and go along with it, but to make this legislature look absolutely ridiculous and absurd, when we have postponed, that we don't have enough money, worthy bills for people that are in need of them, like clinical treatment for rehabilitation of alcoholics, for example, and increasing assistance for war orphans, and it is this type of thing that we passed over because we don't have enough money, then we come along and say well, if somebody wants to breed some horses we have got \$35,000 or we have got \$70,000 for that, this would make us look absolutely ridiculous. As another point, one day I would like to go home, and I hope that you folks would to. This committee of conference nonsense on bills like this would keep us here forever. So, I hope that you would oppose the motion to insist so that we could adhere as we did on the previous bill.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: For the very reasons given by my friend from Aroostook, Senator Harding, that we have had to kill bills here that provide human services, I cannot see putting this money into that kind of program, as much as I would like to if we had the money. I would hope, for those reasons, if we can't provide money for aid to the disabled, if we can't provide money for mental retardation, I don't see how we ought to put some money into this program, as much as I would like to. So, I hope we would vote against the motion by the Senator from Somerset, Senator Johnson.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Somerset, Senator Johnson, that the Senate insist and join in a committee of conference.

A division has been requested. As many Senators as are in favor of the motion to insist and join in a committee of conference will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Seven Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, the motion to insist and join in a committee of conference did not prevail.

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act Relating to the Management of Solid Waste." (H. P. 1383) (L. D. 1803)

In the House June 14, 1971, Passed to be Enacted.

In the Senate June 22, 1971, Indefinitely Postponed, in non-concurrence.

Comes from the House, the Body having Adhered.

Mr. Schulten of Sagadahoc moved that the Senate Recede and Concur.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I notice a price tag of \$146,000 on it, so I would hope that we would not do this, and I would ask for a division.

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

Mr. SEWALL of Penobscot: Mr. President, a parliamentary inquiry sir: What do we do to kill this operation?

The PRESIDENT: The Chair would inform the Senator from Penobscot, Senator Sewall, that the pending question before the Senate would enact the bill. If we recede and concur then we proceed to enact the bill.

If the Senator is desirous of having no further action on this

bill then the Senator could move that the Senate adhere.

Mr. SEWALL: Mr. President, I would so move, and I would just reiterate what my good friend, Senator Dunn of Oxford, has stated, that there is a price tag on this bill of \$146,000. As of this writing, according to my tally, we have about \$2,500 in the general fund which has not been allocated. It is pretty late in the ballgame to start making any amendments, and I would simply suggest that if this bill has merit, and I am sure that it undoubtedly does, that it be brought back in six months. At that time maybe we will have some revenue that we could fund it with. So I hope you will go along with the motion to adhere.

The PRESIDENT: The pending motion before the Senate is the motion to recede and concur. If that motion fails, then the motion to adhere would be in order.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: It is because I recognize that the bill has merit that I have asked that the Senate recede and concur, to point up the dilemma we are in. I think this is one bill, along with a number of others, that are not getting the proper treatment, and I think we should be aware of what we are doing.

The PRESIDENT: Is the Senate ready for the question? As many Senators as are in favor of the motion of the Senator from Sagadahoc, Senator Schulten, that the Senate recede and concur will please say "Yes"; those opposed will please say "No".

A viva voce vote being taken, the motion to Recede and Concur did not prevail.

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act Providing for the Taxation and Preservation of Farm, Forest and Open Space Land." (H. P. 1418) (L. D. 1834)

In the Senate June 16, 1971, Passed to be Engrossed, in concurrence.

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

House Amendment "A" (H-494) in non-concurrence.

On motion by Mr. Violette of Aroostook, Tabled until later in today's session, pending Consideration.

Non-concurrent Matter

Joint Order (S. P. 399) relative to Legislative Research Committee study the proper role of chiropractic in the State of Maine.

In the Senate June 22, 1971, Read and Passed.

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

On motion by Mr. Berry of Cumberland, the Senate voted to Reconsider its action whereby the Joint Order received Passage.

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

Senate Amendment "A" was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY: Mr. President and Members of the Senate: The purpose of this amendment is to take the money off the bill.

Thereupon, Senate Amendment "A" was Adopted and the Joint Order, as Amended, received Passage.

Under suspension of the rules, sent down forthwith for concurrence.

IN MEMORIAM

WHEREAS, the Members of the Legislature have learned of the unexpected death on June 21st of Richard E. Fuller of Windsor; and

WHEREAS, Mr. Fuller was serving as Supervisor of Benefits in the Unemployment Compensation Division of the Maine Employment Security Commission; and

WHEREAS, the loss of the wise and learned counsel of this loyal state servant, after thirty-three years of dedicated public service, is most significant; and

WHEREAS, in recording our sorrow at his passing, let the record show the admiration of all who knew and worked with him and that his contributions to country, community and the State of Maine have been of lasting benefit; now, therefore, be it

RESOLVED: That the Members of the One Hundred and Fifth Legislature of the State of Maine, now assembled on this 22nd day of June, tender their deep sympathy to the bereaved family with assurance of sharing in this personal loss and offer homage of love and reverence to the memory of a true public servant; and be it further

RESOLVED: That a suitable copy of this Resolution be sent to his devoted wife and his father-in-law, Representative Earle R. Hayes, as a token of our esteem. (H. P. 1436)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Communications

State of Maine

House of Representatives

Office of the Clerk

Augusta, Maine 04330

June 22, 1971

Hon. Harry N. Starbranch

Secretary of the Senate

105th Legislature

Sir:

The House today voted to adhere to its action of June 18 whereby Bill "An Act to Revise the Site Location of Development Law" (H. P. 1373) (L. D. 1790) was indefinitely postponed in non-concurrence.

Respectfully

BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Sewall of Penobscot,

ORDERED, the House concurring, that Senate Joint Order S. P. 256, Relative to the Maine Industrial Building Authority, be amended by adding at the end the following paragraph:

"The Chairman, or any member of the committee designated by him, shall have the power to administer oaths and to subpoena and require the attendance of witnesses and production of books, papers, records and other evidence pertinent to such investigation. In case of the failure of any person to comply with any subpoena is-

sued hereunder, or to testify to any matter to which he may be examined, the Superior Court, sitting in any county, or application may issue an order requiring such person to comply with such subpoena and to testify. Any failure to obey such order may be punished by the court as a contempt thereof.

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: This order has to do with the Special Legislative Committee authorized by the legislature to look into the facts surrounding the sugar beet loans. The power which is outlined in here, which gives the committee the protection and the help of the Superior Court, if it should so need it, to compel witnesses to testify and to get testimony or documents, was inadvertently left out of the order which was presented last February. Without this, we felt that our hands might be tied, considering some of the people with whom we have to deal in this matter. So I hope this order would receive passage.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

Thereupon, the Joint Order received Passage.

Under suspension of the rules, sent down forthwith for concurrence.

Committee Report House

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 Membership on Board of Registration for Professional Engineers." (H. P. 1322) (L. D. 1734) ask leave to report: that they are unable to agree.

On the part of the House:

McNALLY of Ellsworth
NORRIS of Brewer
CAREY of Waterville

On the part of the Senate:

BERRY of Cumberland
SCHULTEN of Sagadahoc

CLIFFORD

of Androscoggin
Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Enactors

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

An Act Providing for the Protection of Coastal Wetlands. (H. P. 1299) (L. D. 1704)

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

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

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

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

An Act to Establish Stepparents Responsibility to Support Stepchildren. (S. P. 640) (L. D. 1833)

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: When this bill comes up for enactment I would ask for a division and I hope you would vote against it.

I have seen many bills go through this legislature but, in its implications, I don't know of any bill that is any more cruel than this bill is here. If you think, if a child were born and he had three hands, or he had three legs, you would see how tragic it would be. I have the statute here, and no lawyer can deny it, if we pass this bill then stepchildren may have as many as three, four, five, or any number of fathers, all fathers having the same rights with the child. This throws our whole domestic relations thing into pandemonium.

Remember, most stepchildren didn't ask to be stepchildren. They would rather to have been with their natural father. They didn't choose this kind of thing. And most

stepchildren create no problem. They are not on welfare. Their stepparents take care of them and treat them as their own. For this legislature to try to step in here and impose this cruelty on these stepchildren, because some adults are irresponsible in a limited number of cases, is an act of unspeakable cruelty. I would ask you that you vote against this measure when it comes up for enactment.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I must say at the end of the session here I go back in my memory, and I would assume that if the last number on a bill that we have which, according to the present writing, is L. D. 1861, there are in the lexicon of my good friend, Senator Harding from Aroostook, 1861 most important, most vital, bills, I have been waiting until the last day of the session to say this to my good friend because he really deals in superlatives.

I also say he deals in superlatives when he talks about shoes on the children's feet and clothes on the children's back and all the dire consequences that are going to result from this legislature just even looking at one aspect of the welfare program where we know there are abuses. I think he is saying to us that we don't know what we are doing and we do not have the courage to even take a look at the welfare program. I know the members of the Senate have listened to the debate on this with a great deal of interest, and I think when Senator Harding says what he has said he is accusing those of us who know there are problems here, and who want to look at it, he is accusing us of things that no one should be accused of.

There is no one in the legislature who does not have sympathy for these children, and there are no children who are going to be hurt.

Now, we have gross examples where the stepfather is getting a large income and is not contributing to the support of the family. This is what we are talking about, and nothing else but. I hope you will vote for the passage of this.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I support this legislation and, as I listened to the good Senator from Aroostook, Senator Harding, he changed his tune from when he spoke about this bill two weeks ago when we debated it. Last time he was worried that the stepchildren would inherit some money from the stepfathers. That worried him a lot. But this time he has changed his tune a little bit. I mean, he kind of works both ways; he is very smart, able lawyer. When he wants to kill a bill, if it doesn't work one way then he will change it around the other way. I still think it is a very good piece of legislation and we should pass it.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would ask when the vote is taken that it be taken by the "Yeas" and the "Nays".

I have spoken on many bills here, in relation to response from the good Senator from Cumberland, Senator Berry, and many of the bills that have come before Judiciary have been important bills. This bill, however, when the good Senator from Cumberland, Senator Berry, says that I don't want to face this, this is untrue. It is just not a true statement.

This bill does not do what it is intended to do, and that is only to regulate the AFDC. It affects the innocent as well as the so-called guilty.

As far as the remarks of the good Senator from Kennebec, Senator Levine, I will let them stand on their own merit. I have tried in this legislature, from a lawyer's standpoint, to give you the view as I understand the law to be. I have given you the law, and I am quoting it out of Title 19, and no one can deny that what I have told you about the law is true. It is here in the book for each of you to read. So, when the roll call is taken I hope you will vote "No".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I had a rather interesting phone call the other night. I am still a little bit confused, but perhaps I could pose a question to the good Senator from Aroostook, Senator Harding, and perhaps he could explain it in a little bit more detail to me.

It seems that this man got a divorce and ended up paying alimony or support, I guess it is, for three children. His first wife didn't remarry because she apparently draws ADC. Since then he has remarried a woman who had three children previously, and now they have a fourth. I am wondering what the ramifications are for this particular father if this bill is passed.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will 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 Enactment of An Act to Establish Stepparents Responsibility to Support Stepchildren. A "Yes" vote will be in favor of enactment; A "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Hoffsee, Levine, Moore, Peabody, Quinn, Sewall, Wyman, and President MacLeod

NAYS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Johnson, Katz, Kellam, Marcotte, Martin, Minkowsky, Schulten, Shute and Violette.

ABSENT: Senator Tanous.

A roll call was had. Fourteen Senators having voted in the affirmative, and seventeen Senators having voted in the nega-

tive, the Bill Failed of Enactment in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

An Act Relating to Establishment of a State Building Code. (H. P. 1417) (L. D. 1836)

Comes from the House, Indefinitely Postponed.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: It has been repeated time and again that we are trying to close out the session of the legislature. We are quite cognizant of what the body had done at the other end of the hall and, therefore, I would move that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that L. D. 1836 be indefinitely postponed in concurrence.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President, I would ask for a division.

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

A division was had. Sixteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the Bill was Indefinitely Postponed in concurrence.

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

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

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate reconsider its action whereby the bill failed of

enactment. As many Senators as are in favor of reconsideration will please say "Yes"; those opposed will please say "No".

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

Emergency

An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1972 and June 30, 1973. (S. P. 661) (L. D. 1856)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, and 1 in the negative, 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

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

Bill, "An Act Relating to Use of Previous Convictions under the Implied Consent Law." (S. P. 391) (L. D. 1144)

Tabled — June 22, 1971 by Senator Shute of Franklin.

Pending — Passage to be Engrossed.

On motion by Mr. Shute of Franklin, retabled until later in today's session, pending Passage to be Engrossed.

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

JOINT ORDER — Relative to Duties of Clerk of the House and Secretary of Senate when Legislature not in Session. (S. P. 665)

Tabled — June 22, 1971 by Senator Berry of Cumberland.

Pending — Consideration.

On motion by Mr. Berry of Cumberland, retabled until later in today's session, pending further Consideration.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act to Abolish Claim by State Against Estates of Deceased

Recipients of Aid to the Aged, Blind or Disabled. (L. D. 610)

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

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

Committee Report Senate

Divided Report

The Committee on Constitutional State Reapportionment and Congressional Redistricting on,

RESOLVE, Dividing the State into 31 Districts for the Choice of Senators. (S. P. 678) (L. D. 1862)

Acting by the Authority of Joint Order (S. P. 106) reports in Report "A" that the same Ought to Pass.

Signed:

Senators:

BERRY of Cumberland
MOORE of Cumberland
WYMAN of Washington
TANOUS of Penobscot

Representatives:

LUND of Augusta
FINEMORE

of Bridgewater
PRATT of Parsonsfield
EMERY of Rockland
MORRELL of Brunswick

The same Committee on the same subject matter reports in Report "B" that the same Ought to Pass, under title of: "Resolve, Dividing the State into 33 Districts for the Choice of Senators." (S. P. 679) (L. D. 1863)

Signed:

Senators:

VIOLETTE of Aroostook
CONLEY of Cumberland
CLIFFORD
of Androscoggin

Representatives:

STARBIRD

of Kingman Township
COTE of Lewiston
KELLEHER of Bangor
MARTIN

of Eagle Lake
McTEAGUE of Brunswick

The same Committee on the same subject matter reports in Report "C" that the same Ought to Pass, under title of: "Resolve, Dividing the State into 33 Districts

for the Choice of Senators." (S. P. 680) (L. D. 1864)

Signed:

Representatives:

BIRT of East Millinocket
CURTIS of Orono

Which reports were Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: We now have before us the plans, unfortunately in the plural, for the mandatory redistricting of the Maine State Senate. The several plans have been worked on for almost six months. It was hoped that accommodations could be made between opposing views but, primarily due to the lateness of the hour, it has been impossible.

Unlike the constitution provisions for the reapportionment of the House, which does not necessarily need to be done, this must be done by this session and if within ninety days of adjournment, hopefully tomorrow, if we have not acted before tomorrow, the court will do it for us. This action I regret. I was very much opposed the last time it was done for several reasons. First, it established a precedent and got the court into the political arena and, instead of being a judicial body, we forced the court into the position of being operational.

You have before you three plans: The first is the Republican plan, the second the Democratic plan, and the third is a modified American plan, with all respect to the good Representative Birt, who has done more work on the reapportionment deal than any other person.

Report "A" provides for a Senate of 31 members, and I can assure my Democratic colleagues that the Republicans have leaned overboard to be sure that they, the Democrats, have every possible political break that we could give them. I am not saying in which direction the break is. And, as usual, the Republican Party is charging into new areas with new philosophies and onward, upward-looking ideas, and we are proposing a Senate of 31 members. Ever mindful of the economy, the need for conserving

money, and for streamlining state government and efficiency, we are proposing that instead of going to 33 which is, of course, wasteful and extravagant and so forth, we are going to 31, which is just the opposite.

I could dwell on the Democratic report, but I wouldn't want to deprive some of my good friends from the chance to get back at us, so I will leave that. That is the old-fashioned way of doing it. the easy way, 33. Representative Birt likes the 33 Republican Plan, so that is Report "C".

I am going to move, Mr. President, without further embellishments, that the Senate accept Committee Report "A".

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate accept report "A" of the Committee on State Reapportionment and Congressional Redistricting.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President, do we have the L. D.'s?

The PRESIDENT: The Chair would inform the Senate it has not yet been printed.

Mr. VIOLETTE: Mr. President, I don't know if our Senators know what the 31 so-called Report "A" does. We have seen the 33 plan, but we have not seen the 31 plan, so I don't know all of the embellishments that this holds forth for us. We would have to be able to look at the L. D. before we vote on this matter.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I believe that the Majority Floor Leader is just getting a little bit too progressive.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session, pending the motion by that Senator to Accept the Ought to Pass Report "A" of the Committee.

Out of order and under

suspension of the rules, the Senate voted to take up the following:

**Papers from the House
Joint Order**

ORDERED, the Senate concurring, that Bill "An Act relating to Certain Laws Relative to Great Ponds" (H. P. 1374) (L. D. 1791) be recalled from the Engrossing Department to the House. (H. P. 1438)

Comes from the House, Read and Passed.

Which report was Read.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I wonder if someone here could enlighten us as to why at this eleventh hour this order should be put in recalling this bill from the Engrossing Department?

The PRESIDENT: The Senator has posed a question to any member of the Senate who may answer if he desires.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: In response to the question of the Senator from Aroostook, Senator Harding, I perhaps should have jumped to my feet sooner to say that this particular bill has been passed. It is down in the Engrossing Department with two amendments which are in direct conflict with each other, so that the bill cannot be engrossed. It is with the purpose of taking these amendments off the bill and substituting a new amendment, which will be legal and constitutional, and I am sure will meet with the Senator's approval since it will be quite according to law and to Hoyle.

Thereupon, the Joint Order received Passage in concurrence.

On motion by Mr. Hoffses of Knox,
Recessed until 2 o'clock this afternoon.

(Senate in Recess)

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

Orders of the Day

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

Bill, "An Act Relating to Use of Previous Convictions under the Implied Consent Law." (S. P. 391) (L. D. 1144)

Tabled — Earlier in the day by Senator Shute of Franklin.

Pending — Passage to be Engrossed.

On motion by Mr. Shute of Franklin, retabled until later in today's session, pending Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side with reference to Senate Paper 665, Joint Order, Relative to Duties of Clerk of the House and Secretary of Senate when Legislature not in Session, I move the Senate reconsider its action whereby this Joint Order was indefinitely postponed in non-concurrence.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby Joint Order, Relative to Duties of Clerk of the House and Secretary of Senate when Legislature not in Session, was indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on further motion by the same Senator, the Senate voted to Adhere.

Under suspension of the rules, sent down forthwith for concurrence.

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

Relative to Duties of Clerk of the House and Secretary of Senate when Legislature not in Session. (S. P. 665)

Tabled — Earlier in the day by Senator Berry of Cumberland.

Pending — Consideration.

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

Under suspension of the rules,

sent down forthwith for concurrence.

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

Bill, "An Act Providing for the Taxation and Preservation of Farm Forest and Open Space Land." (H. P. 1418) (L. D. 1834)

Tabled — Earlier in the day by Senator Violette of Aroostook.

Pending — Consideration.

The same Senator then moved the pending question.

Thereupon, the Senate voted to Recede and Concur and, under suspension of the rules, sent forthwith to the Engrossing Department.

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

Senate Reports — from the Committee on Constitutional State Reapportionment and Congressional Redistricting Reporting in Report "A" ought to Pass under title of Resolve, Dividing the State into 31 Districts for the Choice of Senators. (S. P. 678) (L. D. 1862); reporting in Report "B" ought to pass under title of Resolve, Dividing the State into 33 Districts for the Choice of Senators. (S. P. 679) (L. D. 1863); reporting in Report "C" ought to pass under title of Resolve, Dividing the State into 35 Districts for the Choice of Senators. (S. P. 680) (L. D. 1864).

Tabled — Earlier in the Day by Senator Berry of Cumberland.

Pending — Motion by Senator Berry of Cumberland to Accept Report "A".

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

Mr. VIOLETTE: Mr. President and Members of the Senate: I hope you will bear with me if I don't let this go without saying a few words. I know that in making the motion this morning to accept Report "A" by the Senator from Cumberland, Senator Berry, he told us what a virtuous bill Report "A" was, all the goodies that were in it and so forth, but I finally have been able to look at it and I guess it doesn't do that much for the Democrats, I am sorry to confess. I wouldn't really have ex-

pected differently, because I suppose that is in the nature of things.

In a more serious vein, I know we haven't had that much time to look at it. I know that our people worked on a 33 district Senate for quite a long while and, as was expressed by the Majority Leader this morning, it is unfortunate probably that we did not all have more time to work on our final reports and see what areas could possibly be worked out. But I would say that Report "B", in our judgment, is more equitable, and I think it is a better balanced Senate. It does contain two more Senators than Report "A", but I don't think that 33 Senators in Maine is too large a number. I think it is a very, very workable number. We have 32 now, and I don't think that the addition of one Senator would really add that much more to the Senate, and I think it would still make an extremely well workable body. I think it makes for a better balanced body, in my judgment, and I would be very hopeful that this is what we would try to strive for.

In the light of that, I would oppose the motion for accepting Report "A", and I would ask for a division when the vote is taken.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: In the last 20 or 30 minutes I have had an opportunity to look at a photo copy of Report "A". Although the printing is not too good, it is somewhat legible.

I would say that it appears to me that after working for six months on a reapportionment plan we could come out with something a little better than this. I attribute it primarily to the fact of having served in several sessions of the legislature with the good Senator Berry from Cape Elizabeth, it does appear that towards the end of the session his sense of humor does come to the fore and he does make various proposals. I feel, myself, that the 31 plan that is presented is quite a poor plan, although it does give an opportunity for those of us who live along the shore to

visit in the mountains during our campaign time and travel the state a little more extensively than we might otherwise do.

I say myself that since we are faced with the prospect of apportioning the Senate into either 31, 33 or 35 members, we should try to look at the merits of the various possibilities. I personally feel there is some considerable merit to the 35 number. I did yield to the others who say that 33 would be the most appropriate, and at least 33 is a number which, I feel, more workable in conjunction with other districts that might be made. So, consequently, I personally would be the least happy with the 31 plan, not solely because this one was drafted by the people it was drafted by. I feel that the 33 or 35 is a more acceptable number to the group, and I don't feel that the adding of one more chair, or the taking away of a chair is of any great significance. So, I hope we would turn down the 31 plan and then look seriously at the prospects of apportioning the Senate agreeably within ourselves. I personally feel that the reapportionment is a legislative matter and that we should, if we could, avoid the service of the courts. If we are completely unable to then, of course, we would have to go to court on the matter.

We do have, I feel, considerable time in which to do this, although we do not have it today and tomorrow. There is nothing which requires the Senate to be reapportioned now or six months from now, so we could work on this further if it is the mind of the Senate to face up to its responsibilities and actually try to make a fair and equitable reapportionment plan. And when I say "fair", I mean with reference to the citizens of the State of Maine, and not necessarily the Senators who presently occupy these chairs.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I find myself in a funny position here. The good Senator from Aroostook, Senator Violette, said that Plan "A" is going to be bad

for all Democrats. I consider myself a very good Democrat and it is a very good plan, as far as I am concerned.

Plan "B" does a good job as far as that district is concerned, but it does enlarge the district. The district now comprises, I guess, five or six miles, and I wouldn't mind if they changed it either way; there are enough people around us to change it in either direction, but Plan "B" goes out on one side 50 miles and on the other side 35. If a man wants to burn gasoline and pay more taxes it would be a good thing.

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 the Senate accept Report "A", Ought to Pass, on Resolve, Dividing the State into 31 Districts for the Choice of Senators.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President, I move we have a roll call.

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

Obviously more than one-fifth having arisen, a roll call is ordered.

The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate accept Report "A", Ought to Pass, on Resolve, Dividing the State into 31 Districts for the Choice of Senators. A "Yes" vote will be in favor of accepting Report "A"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

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

ABSENT: Senator Tanous.

A roll call was had. Eighteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with one Senator absent, the motion to Accept Report "A" prevailed and the Bill was Read Once.

Under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed.

Under further suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act Relating to Benefits for Widows of State Police Officers. (H. P. 9) (L. D. 9)

The same Senator moved the pending question.

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

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side with reference to Senate Paper 665, Joint Order, Relative to Duties of Clerk of the House and Secretary of Senate when Legislature not in Session, I move the Senate reconsider its action whereby this Joint Order was indefinitely postponed in non-concurrence.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby Joint Order, Relative to Duties of Clerk of the House and Secretary of Senate when Legislature not in Session, was indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on further motion by the same Senator, the Senate voted to Adhere.

Under suspension of the rules,

sent down forthwith for concurrence.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Appropriations Table:

RESOLVE, to Reimburse Ripley & Fletcher Co., of South Paris for Gasoline Shrinkage. (L. D. 476)

The same Senator moved the pending question.

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

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriations Table:

An Act Removing Tolls from Bangor-Brewer Bridge. (L. D. 25)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: If I remember right, it was twenty years ago last month that I took this bill off the table for enactment to build this bridge. Little did I ever realize that twenty years later I would be up here taking the tolls off the bridge.

The financing of this bridge was set up on the easy payment plan, \$50,000 retirement each year for 50 years. The first \$300,000 of bonds that were sold were sold for 3 percent. The next \$700,000 of bonds that were sold were sold for 1½ percent, and the balance, \$1½ million, were sold at 1-¾ percent. I think if we were paying the regular interest today on these bonds, I doubt if the bridge would be a profit-making deal. I move the pending question.

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

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

On motion by Mr. Berry of Cumberland,

Senate in Recess pending the sound of the bell.

(After Recess)

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

Papers from the House

Non-concurrent Matter

Bill, "An Act Relating to the Control of Dogs." (H. P. 270) (L. D. 359)

In the House April 2, 1971, Passed to be Enacted.

In the Senate June 22, 1971, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Berry 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

BERRY of Cumberland
CONLEY of Aroostook
HARDING of Aroostook

Non-concurrent Matter

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

In the House May 28, 1971, Passed to be Enacted.

In the Senate June 22, 1971, Indefinitely Postponed, in non-concurrence.

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

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

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

Senators

SEWALL of Penobscot
JOHNSON of Somerset
VIOLETTE of Aroostook

Non-concurrent Matter

Bill, "An Act Relating to Regional Facility for Mentally Retarded Children in Aroostook County." (H. P. 487) (L. D. 628)

In the House May 3, 1971, Passed to be Enacted.

In the Senate June 22, 1971, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Sewall of Penobscot, the Senate voted to Recede and Concur.

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.

Joint Order

WHEREAS, a young man and a young woman from each state have been selected by the Commission on Presidential Scholars for academic excellence, leadership activities and potential for future accomplishment; and

WHEREAS, on Monday, June 7 the Honorable Richard M. Nixon, President of the United States, named Miss Catherine E. Turner of Orono and Mr. Charles W. Rissel of Hallowell Presidential Scholars for 1971; and

WHEREAS, Miss Turner and Mr. Rissel have brought great honor and credit to themselves and their state by this national achievement which is worthy of legislative recognition; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the Senate and House of Representatives of the 105th Legislature of the State of Maine extend our warmest regard to Miss Turner and Mr. Rissel for their outstanding scholastic achievement and share the pride of their proud parents in recognizing these two Presidential Scholars representing the State of Maine; and be it further

ORDERED, that duly attested copies of this Joint Order be transmitted forthwith to Miss Turner and Mr. Rissel, their parents and their high school principals, in token of our esteem. (H. P. 1439)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, the citizens of Maine have a vital interest in any development of facilities associated with the transportation, storage and refining of oil and oil products

within the boundaries of the State; and

WHEREAS, it is the policy of the State to preserve and enhance its natural environment; and

WHEREAS, one of the major burdens placed upon industrial, governmental and residential consumers in all of the New England states is their dependency upon a sufficient supply of petroleum products at competitive prices; and

WHEREAS, it was estimated, during a recent petroleum shortage, that price increases would cost State Government and the University of Maine nearly a quarter of a million dollars and that the total cost of price increases to Maine people and industry would reach five million dollars; and

WHEREAS, the unemployment rate for the State of Maine stands at 8.4 percent and Washington County is an economically depressed area with the highest rate of unemployment in the State; and

WHEREAS, the Canadian Maritime Provinces, particularly New Brunswick, have developed fuel oil facilities which can handle tankers of greater size and capacity than those which can now be handled at Maine ports having petroleum unloading facilities; and

WHEREAS, the development and maintenance of comparable facilities in the Eastport area of Washington County suggests great economic advancement, and satisfaction of a critical need worthy of investigation; and

WHEREAS, it is desirable and in the best interest of the State that the Legislature make an independent study to determine under what conditions, if any, legal, ecological or otherwise, development of such facilities would be acceptable and in the best interest of the State; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to conduct an independent detailed survey of the feasibility of developing facilities associated with the transportation, storage and refining of petroleum and petroleum products within the vicinity of Eastport in Washington County and to determine what

financial impact, if any, such a development would have upon the economy, home owners, industry and the government of this State and under what terms and conditions, if any, legal, ecological or otherwise, development of such facilities would be acceptable and in the best interest of the State of Maine; and be it further

ORDERED, that the Committee shall report the results of its study at the next special session, or if there be no special session, at the next regular session.

(H. P. 1440)

Comes from the House, Read and Passed.

Which was Read.

Mr. Berry of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-317, was Read and Adopted and the Joint Order, as Amended, received Passage in non-concurrence.

Sent down for concurrence.

Communication

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

June 23, 1971

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

Sir:

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

Bill "An Act to Provide for Full-time County Attorneys in Certain Counties and Four-year Terms for all County Attorneys" (S. P. 657) (L. D. 1845)

Messrs. LUND of Augusta
CURTIS of Orono
HENLEY of Norway

Respectfully,

(s)

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 the Joint Rule num-

ber 20 of the 105th Legislature be amended to read as follows:

20. Conference Committees. Committees of Conference shall consist of three members on the part of each house, representing its vote, and their report, if agreed to by a majority of each committee, or unable to agree shall be made **within 10 legislative days** to the branch asking the conference, and may be either accepted or rejected; but no other action shall be had except through another committee of conference; and be it further

ORDERED, that this amendment shall not become effective until adjournment of the 105th regular legislative session.

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Clifford of Androscoggin,

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, directed to study the subject matter of the Bill: "An Act Broadening the Scope of the Uniform Agricultural Cooperative Act," Senate paper No. 669, Legislative Document No. 1860, introduced at the regular session of the 105th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee report its findings and recommendations at the next Special Session of the Legislature.

Which was Read.

The same Senator then moved that the Joint Order be tabled until later in today's session, pending Passage.

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

Mr. Chick of Kennebec then moved that the Joint Order be Indefinitely Postponed.

A division was ordered by the Chair. Twenty-two Senators having voted in the affirmative and three Senators having voted in the nega-

tive, the Joint Order was Indefinitely Postponed.

Committee Reports House

Ought to Pass

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to the Department of Health and Welfare." (H. P. 1437) (L. D. 1861)

Reports 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 and the Bill Read Once.

Under suspension of the rules, the Bill was then given its Second Reading and Passed to be Engrossed in concurrence.

Under further suspension of the rules, sent forthwith to the Engrossing Department.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Providing for a Full-time County Attorney for Cumberland County." (H. P. 194) (L. D. 332)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-389).

Signed:

Senators:

TANOUS of Penobscot
HARDING of Aroostook

Representatives:

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

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

Signed:

Senator:

QUINN of Penobscot

Representatives:

LUND of Augusta
ORESTIS of Lewiston
CARRIER of Westbrook

Comes from the House, the Majority Ought to Pass as Amended report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amend-

ment "A" (H-389) and House Amendments "A" (H-495) "B" (H-498) and "C" (H-504).

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

Committee Amendment "A" was Read and Adopted in concurrence. House Amendments "A", "B" and "C" were Read and Adopted in concurrence and, under suspension of the rules, the Bill, as Amended, given its Second Reading.

Mr. Clifford of Androscoggin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-315, was Read.

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

Mr. KATZ of Kennebec: Mr. President, I think this is a proper time, not to question the amendment, but to ask the implications of this bill with these many amendments on it. Just what have we done here, please?

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: What these various amendments do, let me start at the beginning, this bill started out with a full time county attorney for one county and that was Cumberland, at a salary of \$18,000. The Committee Amendment and House Amendments added three more counties, the three largest counties York, Aroostook and Penobscot. My Senate Amendment "A", which is Filing 315, would make the County Attorney of Androscoggin a full-time county attorney.

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

Mr. BERRY of Cumberland: Mr. President, I would like to pose a question to the Senator from Androscoggin. We took some action in the closing days of the 104th Legislature which we couldn't get back fast enough to cancel, and I wonder are we going to fall into this trap again?

The PRESIDENT: The Senator from Cumberland, Senator Berry,

has posed a question through the Chair which the Senator from Androscoggin may answer if he desires.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: Later in today's calendar you will see there is a Committee of Conference Report on full-time county attorneys on Page 9. What that bill does is revive L. D. 701, which is the attorney general system, which attorney general system would be responsible for the prosecution of all crimes throughout the state. Now, I am perfectly willing that this bill become enacted and become law, but in the event that it does not become law I want to be in a position where I feel something should be done for these five counties in making the county attorneys full-time. I am perfectly willing for this one as amended to become law, however, I present this amendment to protect myself in the event that it doesn't.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I hope that in the interest of time you will go along and pass to be engrossed this bill which the good Senator from Androscoggin, Senator Clifford, has offered the amendment to.

Personally I do not favor this approach. I favor the approach of the attorney general system with assistant attorneys general throughout the state, and there is a Conference Committee Report to that effect. So what I would be hopeful what we might do is pass both of these bills to be engrossed, and then at the enactment stage decide which one of them this legislature would buy. But I plead with you that we do need to do something about this prosecution system because with the backlog in these major counties it is desperate, and the crimes are not being prosecuted because they simply do not have the staff. So I would beg of you at this time to go along, if you would, and let

both of these bills be passed to be engrossed, and then we will dispose of them at the enactment stage.

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

The motion prevailed.

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

Under suspension of the rules, sent down forthwith for concurrence.

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 Voluntary Surgery at Public Expense for Qualifying Parents." (H. P. 928) (L. D. 1282)

Ask leave to report that they are unable to agree

On the part of the House:

CUMMINGS of Newport

MCCORMICK of Union

COTTRELL of Portland

On the part of the Senate:

TANOUS of Penobscot

CARSWELL

of Cumberland

VIOLETTE

of Aroostook

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Committee of Conference Report Senate

The Committee of Conference on the Disagreeing action of the two branches of the Legislature, on

Bill, "An Act to Provide for Full-time County Attorneys in Certain Counties and Four-year Terms for all County Attorneys." (S. P. 657) (L. D. 1845)

Ask leave to report: that the Senate recede from its action whereby it Passed the Bill to be Engrossed; recede from its action whereby it accepted the Ought to Pass in New Draft report; substitute Bill, An Act Relating to Powers and Duties of the Attorney General (S. P. 240) (L. D. 701) for the report; adopt Conference Committee Amendment "A" submitted herewith; and Pass the Bill to be engrossed, as amended by

Conference Committee Amendment "A" (S-316).

That the House recede and concur with the Senate.

On the part of the Senate:

TANOUS of Penobscot

HARDING of Aroostook

QUINN of Penobscot

On the part of the House:

LUND of Augusta

HENLEY of Norway

CURTIS of Orono

Which report was Read and Accepted.

The Senate then voted to recede from its action whereby the Bill was Passed to be Engrossed and, subsequently, receded from Acceptance of the Ought to Pass in New Draft Report of the Committee.

Bill, "An Act Relating to Powers and Duties of the Attorney General" (S. P. 240) (L. D. 701) was then substituted for the Report. Conference Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

Enactors

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

An Act Revising the Implied Consent Law for Operators of Motor Vehicles. (H. P. 1027) (L. D. 1422)

Mr. Harding of Aroostook moved that the Bill be tabled and Tomorrow Assigned, pending Enactment.

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

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

An Act Authorizing the Bureau of Public Improvements to Assist Municipalities and School Administrative Districts in the Construction

of School Buildings. (H. P. 1115) (L. D. 1534)

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I don't think this is a necessary bill at all. In fact, I have heard a lot of opposition to it from the Department of Education. Everyone that I have spoken to that has been over here is opposed to it. I believe it would just create another bureau for each town, municipality or school district to go to. After clearing with the Department of Education they would have to go to the Department of Public Improvements. I think it would be just another obstacle and there is absolutely no reason for it. I would move that it be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Moore, moves that An Act Authorizing the Bureau of Public Improvements to Assist Municipalities and School Administrative Districts in the Construction of School Buildings be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I was tempted to have this item sat aside while the Secretary was reading it because I wanted to get up and say that of the accomplishments of the 105th I felt this was one of the more noteworthy. So when my good friend, Senator Moore, gets up and moves for indefinite postponement I am almost speechless. However, that is an affliction which has not visited me very often, so I find myself opposing his motion wholeheartedly, unfortunately.

Actually, the situation we have is this: The Deputy Commissioner in the Department of Education is the individual who must pass upon school building construction plans from a technical standpoint. And amongst the many instances I recall where this has proven a stumbling block, the City of South Portland was constructing a school where all children walk home to lunch. They just have to; they all live within a very few feet of the school. But it was impossible to

get these plans approved by the Department of Education until feeding facilities were included, a gross misuse of public funds.

Now, the Bureau of Public Improvements has a staff of people. They say that for \$6,000 the first year, and \$8,000 the second year, if my figures are correct, they can do this work. We are not embarked upon the large construction program we have had in previous years, and they feel they can handle it. They have got experts in heating and electrical work, plumbing, construction, all the technical parts of construction that are involved in school construction. And to take this away from the Board of Education, and give it to somebody who knows what they are doing and will do it, and do a good job, I honestly feel is a step forward, and I hope you won't vote for Senator Moore's motion.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This was a bill that came out of the Education Committee. It does not take the problem of approval of school construction away from the Department of Education, but it supplements it by putting BPI into it.

I supported this bill, and I guess I am going to support it, with some reluctance, now. It is not a blueprint for solving all the problems of the world. The problems of school construction are far too massive to be solved this way. Most of the problems of school construction comes from the local areas with well-meaning, good hearted citizens who really get put on school building committees and don't know much about building schools, and perhaps this might be a small step in protecting local taxpayers from making mistakes at the local level. Although I don't have the burning hope that the Majority Floor Leader has, I think perhaps, with some reluctance, it is a step in the right direction, and I would urge the Senator from Cumberland, Senator Moore, to reconsider his motion.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I will withdraw my motion, but under the original bill which was passed, and it was amended the other day here, they were asking for two more people in the Bureau of Public Improvements to work on something which would occur maybe once a month or maybe once in two months, and if we pass this bill here today, which is perfectly all right with me, we are going to, in the next special session or the next regular session, be faced with them asking for more people in the Bureau of Public Improvements to take care of the school buildings.

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.

An Act to Relieve Certain Elderly Householders from the Extraordinary Impact of Property Taxes. (H. P. 1400) (L. D. 1817)

Which 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 Broadening the Scope of the Uniform Agricultural Cooperative Association Act. (S. P. 669) (L. D. 1860)

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: Reluctantly I stand up to speak about this bill and what went on concerning it. It isn't a very easy job when your friends, the farmers, are sitting right here and want this piece of legislation. But, I mean, you have got to be honest with yourself and know what this legislation is for, what it is doing, is it needed right now, and what kind of legislation it is.

We have a problem in the State of Maine where the growers are boycotting or striking one of the chicken plants. They went to court a while ago and I guess they lost

out, but I don't know, I am not a lawyer and I am not a judge. So they came up with this piece of legislation.

I do know a little bit about relations between management and workers and management and customers. I offered to the farmers to go down and take with me Senator Chick to straighten out this matter and settle it, so it would be all taken care of. Reluctantly, I have to say that they refused to go with me. They didn't want to settle it because they felt they would have a law passed putting the chicken industry in a strait jacket. I don't think that is the right approach to take. Even if you had the votes, it might backfire.

What we are interested in is keeping a healthy farming industry in the State of Maine and a healthy poultry industry in the State of Maine. I always found out that by compromising, by taking and giving, that you come out on top. I mean, by just feeling that you have got the votes, that you can put through legislation that will put somebody in a strait jacket, in the long run you don't win because they might find avenues by which to go around you. We saw what happened a few years ago in the western states when farmers were shooting at trucks that were hauling milk. However, I do have respect for the Maine Farm Bureau, but I think they got into it a little bit too deep, and I don't know if they want to back out or what they want to do, but I don't feel that pride is always the most important thing.

This is a very complicated piece of legislation. If this legislation is signed, then no owner of any chicken slaughtering plant will dare to talk with any producer who belongs to the association. If they do, and they said something wrong or said something by implication, they can be taken to court and prosecuted. And the penalty can go as high as jail. So I feel they should try to reason, go down and see the slaughterer there, straighten things out with him, and have a study group look into what this bill can do to both of them. They shouldn't feel that the only thing they can do is put them in

the wrong place because they might be put in the wrong place.

I am a friend of farmers; I always worked for them. When there was a bill in the legislature to abolish the Milk Control Board, and I felt it was going to hurt the farmers, I fought for them and I helped them. I feel honestly that this might backfire on them. I never won out on anything by trying to be a smart guy and saying "I can put you in a corner." I never won out. I always came out all right by reason. And reason is the only logic that we ought to use.

They say this bill is a small bill. I have talked to a few lawyers, and they tell me it is the harshest bill that we have before this legislature. It looks naive, that the only thing you are doing is recognizing them as a bargaining agent. O.K., you recognize the Maine Farm Bureau as a bargaining agent for their members. Then there might be five or six other organizations that can come in and be recognized as bargaining agents too, so you will have seven or eight. Then who are they going to talk with? Each time they will have to look to somebody else to talk to.

I would go along if they would have a study group, if they would get a majority of the producers for a certain plant, if they would agree to join them, I would be willing to go along with that. And they don't have to have a closed shop, neither of them, and that would be a reasonable deal. But the way this bill is, it is not reasonable and nobody knows how far it will go. It might put people in jail for just saying something they didn't mean, and it is wrong to do it.

I don't know if any of you realize that when a union organizes that is the worst time to talk to any of the people who are working for you because the National Relations Board will always vote against you. If people try to organize in your plant, and you try to go and talk to the people who are working for you, no matter what you say you are wrong. The only thing for you to do is stay away from them or hire a lawyer to talk to them. If you do any talking to them, right

off the National Relations Board rules against you and you have lost right off. This bill here does about the same thing. Just as soon as you talk to any of them there, and things get twisted a little bit, you are in contempt right off, they will take you to court and you can be jailed for it.

I feel we need some kind of legislation. This one here is a little bit too hard. We should have a hearing where both sides should be able to come and present their views so we can see how they feel about it. Then the committee should be able to make up their minds after listening to both sides. I mean, if anybody goes out on strike, the first thing they will do is come to the legislature and put in a bill to put us on their side, and the only thing we will do is pass a law and that's it, that will take care of it. And I think that is going a little bit too far, so I would move that this legislation and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Levine, moves that An Act Broadening the Scope of the Uniform Agricultural Cooperative Association Act be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Chick.

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: We have been in contention with the poultry processors, I would say, a good part of the winter. I personally have urged the processors to sit down with representatives of the growers and discuss their mutual problems. This they have refused to do.

One of the processors did maintain, at least he told me, that the only reason he didn't sit down with them was because his lawyer told him that it would be illegal. I didn't think he was right because we have had this uniform cooperative act on the books for a good many years. I think it was first passed back in the 30's, and nobody had raised the question that their lawyer raised here last week.

It appeared that I was wrong because they did have a ruling from Judge Webber. I will read part of it: "One June 16, 1971, Honorable Donald W. Webber,

Justice, Supreme Judicial Court, Androscoggin County, ruled that contract broiler growers cannot continue to use a co-op law as a bargaining instrument because the law does not, in his opinion, apply to producers who do not own the commodities they produce.' ' Consequently, as I said before, this processor was correct in his assumption that it was illegal for them to meet with their producers.

So, what we have done here is introduce a bill which simply defines "producers." It states that producers includes independent agricultural contractors. Now, this is to conform with the opinion that was rendered by Judge Webber.

Now, there is nothing in the uniform cooperative act that makes it compulsory for anyone to bargain with the cooperative. It must be a mutual affair. I think the previous speaker did mention that if they wished to they could bargain with any cooperative, any other cooperative, or they could form a cooperative of their own growers and bargain with them. This is not mandatory at all; it is just simply allowing the contract growers to form a cooperative under the uniform cooperative act to comply with the ruling which has been rendered.

Now, there has been contention here that it is illegal for the poultry processor to talk to any poultry producers if this act is passed. That is not so, because all we will be doing by passing this bill is to put the contract poultry producers in exactly the same fix as, for instance, our blueberry growers, our milk producers and apple growers, or any other agriculture commodity, now is under the cooperative act. So I hope that the motion to indefinitely postpone does not prevail.

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

Mr. LEVINE of Kennebec: Mr. President, I withdraw my motion, and I would like to pose a question through the Chair to the good Senator Chick on whether I invited him to go down with me to see the producer and straighten things out in Belfast?

The PRESIDENT: The Senator

from Kennebec, Senator Levine, withdraws his motion.

The Chair recognizes the Senator from Kennebec, Senator Chick.

Mr. CHICK of Kennebec: Mr. President, I will answer the question that the Senator asked. His request to go down to Belfast was made after this ruling. And unless we pass this bill to make it legal for the contract growers to form a cooperative they would not be able to negotiate or sit down with the processors. So I hope the bill does pass.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I hope you would vote against enactment of this L. D. 1860. I think this is a very complicated matter, and it has come to our attention very late in the session, which will end either very late this week or early next week, hopefully this week.

The matter had no hearing. The people, the opponents of this bill, have not had the opportunity to voice their opinions against this measure.

What, in effect, you are doing is forcing a union relationship on the poultry processors. I think this would have a very far-reaching effect. I think the matter needs study, it needs a hearing, and I don't think we, as responsible legislators, should be shooting from the hip. I don't think that we should let emotion be our guide in this particular problem. I think we might be damaging, and here I say "damaging" — I don't know, and I don't think anybody here does know what the impact on the processing industry will be, and I think for this reason this bill should be postponed until the next special session of the legislature, and give the Legislative Research Committee a chance to study the matter. I think we are talking about a six-month period of time. If after study they say the bill should be enacted then I will be the first one to vote for it. But I think at this point we are groping in the dark, we don't know what we are doing, and I don't know what the effect will be on our processors. So I hope you would vote against enactment.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I share the extreme confusion of the body on this bill. I originally felt very hostile to it because it hasn't had a public hearing, and because legislative procedures are meant to protect the public against intemperate acts by the legislature.

I have spent the last two days asking questions and talking to as many people as I can. For example, without the passage of this today, can a processor under state law legally talk to his growers and attempt to arrive at an understanding of working conditions and compensation? The Senator from Kennebec, Senator Chick, says no. I wandered down to the Attorney General's office and asked the same question, and the answer was different. The answer is that under existing law yes. It was not a very weighty opinion, and it was not in writing, and I don't hold that much more weight for the opinion of the Attorney General's office than I do Senator Chick's opinion at this stage of the game.

I spoke to one processor and said, "Under federal law are you precluded from negotiating with your employees?" And he said no. Then a little later apparently another processor was brought into the picture and I got the answer "Yes, under federal law we are precluded, irrespective of state statute, from negotiating on this basis."

I have done everything I could to arrive at a meaningful vote on this legislation, and I have to admit that my vote on this is not going to be knowledgeable. I have listened to the debate today, and not much light has been shed on it one way or the other and, as the man says, this is a heck of a way to run a railroad.

I think it would be a bitter pill for the growers to swallow if they had to wait a few months for a decision from the legislature, and I know that they are deeply emotionally involved in this bill. But, in all honesty, thinking in terms of my constituency in

general, I don't have the information to vote on this. Maybe some of you are a lot brighter and a lot more knowledgeable than I but, under the circumstances, and it has been a difficult decision, I cannot vote for enactment at this time.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I feel if we come up with some legislation we could live with, and I will emphasize, that the farmers can live with too, they shouldn't be sorry afterwards. Of course, all of us, in anger and in haste, once in a while we will say a man is drowning and he is trying to catch a straw to save himself, but it doesn't usually work.

Whenever we have come up with legislation that pertains to farmers, I have always voted for them and I will vote for them again. But I don't feel that we are voting on the right bill at the right time, and we should wait for the next special session, and I think it will be for the benefit of the farmers to do so.

The PRESIDENT: A roll call has been requested. 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 is the enactment of Bill, An Act Broadening the Scope of the Uniform Agricultural Cooperative Association Act. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Carswell, Chick, Conley, Danton, Dunn, Fortier, Graham, Greeley, Harding, Hichens, Hoffses, Johnson, Kellam, Marcotte, Martin, Minkowsky, Moore, Peabody, Quinn, Schulten, Sewall, Shute, and Violette.

NAYS: Senators Clifford, Katz, Levine, and President MacLeod.

ABSENT: Senators Bernard, Tanous and Wyman.

A roll call was had. Twenty-five Senators having voted in the affirmative, and four Senators having voted in the negative, and twenty-five being more than two-thirds of the entire elected membership of the Senate, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. HARDING of Aroostook: Mr. President, having voted on the prevailing side, I now move that we reconsider our action, and I would ask that you all vote against my motion.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that the Senate reconsider its action whereby it passed Bill, An Act Broadening the Scope of the Uniform Agricultural Cooperative Association Act. As many Senators as are in favor of the motion to reconsider will please say "Yes"; those opposed, "No".

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

An Act to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based upon the Productivity of Various Classes of Forest Lands. (H. P. 1419) (L. D. 1837)

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I am very strong against this bill. This bill, as mentioned the other day, assures special treatment for a certain few. It has many ramifications favoring a certain few at the expense of others.

I don't think at this time it is necessary to go into the complexities of this bill. It is very complicated, it involves changes in many statutes, and I think most of you understand what it means. But, again, I tell the members of

this Senate that this bill is just like buying a pig in a bag. There are too many unanswered questions. I will leave you with this thought: Beware of a person who comes bearing gifts. This is an industry bill. So I move, Mr. President, for indefinite postponement of this bill, and I would request a roll call.

The PRESIDENT: The Senator from Piscataquis, Senator Martin, moves that Bill, An Act to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based upon the Productivity of Various Clases of Forest Lands, be indefinitely postponed.

A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of 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.

Less than one-fifth having arisen, a roll call is not ordered.

Thereupon, on motion by Mr. Hichens of York, a division was had. Thirteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, 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 Bill, "An Act Relating to Use of Previous Convictions under the Implied Consent Law." (S. P. 391) (L. D. 1144)

Tabled — Earlier in Today's Session by Senator Shute of Franklin.

Pending — Passage to be Engrossed.

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

Mr. SHUTE of Franklin: Mr. President, with great reluctance, I move the indefinite postponement of one of my children.

The PRESIDENT: The Senator from Franklin, Senator Shute, moves that Legislative Document 1144 be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, I pose a question to the good Senator from Franklin through the Chair: Is this his child or his stepchild?

The PRESIDENT: The Senator from Aroostook, Senator Harding, has posed a question through the Chair to the Senator from Franklin, who may answer if he desires.

Is it now the pleasure of the Senate that this bill be indefinitely postponed in non-concurrence?

The motion prevailed.

Sent down for concurrence.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: We just passed a piece of legislation and I am glad we had a roll call on it. I know more about it than some of the members as to what the consequences will be, and that is why I offered to go and be a mediator to straighten it out.

Most of the chicken slaughterers raise their own poultry. At the hearing we had some of the growers testify, and we asked them if it was profitable for, say Mr. Lipman or Penobscot, or somebody, to build a building and grow poultry. The growers themselves told us, and Senator Chick is right here now so if I am wrong he will correct me, that within ten years, figuring interest money at 10 percent, they can build their own buildings and pay for it.

What we have done now, we have tried to be nice to the farmers to put them out of business. We have done the same same job in Aroostook too for the people. What we have done is that we drove out the farmers from Aroostook from business. We used to sell 70 per cent of the potatoes in the United States. We went downhill years ago to 30 per cent, and now we are selling 15 percent of the potatoes used in the United States from the State of Maine, because we didn't follow logic. People didn't want to have their potatoes inspected. They wanted to ship them out uninspected to save a little money. I feel it would have

been cheaper for the State of Maine to pay to be graded U.S. and kept our good name that we had on potatoes. But we didn't follow it. We went through the same thing that we did today, and I hope I am wrong, but we have damaged the farmers in the State of Maine. Like I just mentioned, I am glad we had a roll call, because time will tell.

On motion by Mr. Berry of Cumberland,

Senate in recess, pending the sound of the bell.

(After Recess)

Called to order by the President.

Papers from the House Non-concurrent Matter

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

An Act to Correct Errors and Inconsistencies in the Public Laws. (S. P. 479) (L. D. 1594)

In the Senate June 22, 1971, Passed to be Engrossed as Amended by Senate Amendment "A" (S-312).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" as Amended by House Amendment "A" Thereto (H-503) in non-concurrence.

Thereupon the Senate voted to Recede and Concur.

Under suspension of the rules, sent forthwith to the Engrossing Department.

(Senate at Ease)

Called to order by the President.

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

Enactor

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

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

Comes from the House, Indefinitely Postponed.

Which was Passed to be Enacted in non-concurrence.

Unders suspension of the rules, sent down forthwith for concurrence.

Papers from the House

Bill, "An Act to Validate a Referendum Vote on the Town of Brunswick." (H. P. 1441)

Comes from the House, Passed to be Engrossed.

Which was Read Once and, under suspension of the rules, given its Second Reading and Passed to be Engrossed in concurrence.

Under further suspension of the rules, sent forthwith to the Engrossing Department.

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 Licenses and Fees under the Dog Laws." (H. P. 1321) (L. D. 1733)

ask leave to report: that the House recede from passage to be engrossed, adopt Conference Committee Amendment "A", submitted herewith and pass the Bill to be engrossed as Amended by Conference Committee Amendment "A";

that the Senate recede and concur in the acceptance of the "Ought to Pass in New Draft" report (H. P. 1321) (L. D. 1733) adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as Amended by Conference Committee Amendment "A" in concurrence.

On the Part of the House:

KELLEY of Southport
EVANS of Freedom
MANCHESTER

of Mechanic Falls

On the part of the Senate:

BERRY of Cumberland
CONLEY of Cumberland
HARDING of Aroostook

Comes from the House, Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-505) in non-concurrence.

Which report was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur in Accepting the Ought to Pass in New Draft Report of the Committee. Conference Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Passed to be Engrossed in concurrence.

Under suspension of the rules,

sent forthwith to the Engrossing Department.

Non-concurrent Matter

Bill, "An Act Relating to Certain Laws Relative to Great Ponds." (H. P. 1374) (L. D. 1791)

In the Senate June 18, 1971, Passed to be Engrossed as Amended by House Amendment "C" (H-458) as Amended by House Amendment "A" Thereto (H-464) and as Amended by Senate Amendment "A" (S-297) in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-297) as Amended by House Amendment "A" Thereto (H-506) in non-concurrence.

On motion by Mr. Schulten of Sagadahoc, the Senate voted to Recede and Concur.

Thereupon, under suspension of the rules, sent forthwith to the Engrossing Department.

Non-concurrent Matter

Bill, "An Act to Establish Step-parents Responsibility to Support Stepchildren." (S. P. 649) (L. D. 1833)

In the House, Passed to be Enacted, June 22, 1971.

In the Senate June 23, 1971, Failed of Enactment.

Comes from the House, that Body having Insisted.

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

Mr. Conley of Cumberland then requested a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President, may I pose an inquiry to the Chair? What is the motion now before us?

The PRESIDENT: The motion now before us is to recede and concur with the House. If the Senate recedes and concurs with the House the bill will be up for enactment in the Senate.

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 Cumberland, Senator Berry, that the Senate recede and concur.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President, there seems to be a lot of confusion with these white papers flying back and forth, and I would just like to inform the body that I hope we will take the same position that we took earlier this afternoon and vote against the motion to recede and concur.

The PRESIDENT: 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, Berry, Chick, Dunn, Greeley, Hoffses, Levine, Moore, Peabody, Quinn, Schulten, Sewall, and President MacLeod.

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

ABSENT: Senators Bernard, Danton, Hichens, Shute, Tanous, and Wyman.

A roll call was had. Thirteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with six Senators absent, the motion to Recede and Concur did not prevail.

The PRESIDENT: Is it now the

pleasure of the Senate that the Senate Adhere?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

Non-concurrent Matter

Resolve Reimbursing Donald F. Bartlett for Damage Due to Highway Maintenance. (H. P. 301) (L. D. 401)

In the House Finally Passed, March 11, 1971.

In the Senate June 22, 1971, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

The Senate then voted to Recede and Concur.

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

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 tomorrow morning.