

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Index

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Wednesday, March 1, 1972

Senate called to order by the President.

Prayer by the Honorable Carroll E. Minkowsky of Lewiston.

Reading of the Journal of yesterday.

**Papers from the House
Joint Order**

ORDERED, the Senate concurring, that we, the Members of the One Hundred and Fifth Legislature of the State of Maine, being ever mindful of certain administrative responsibilities which are prerequisite to establishing an adequate system of compensation, recommend and urge that the Board of Trustees of the University of Maine take immediate and appropriate action to adopt for female faculty members under their jurisdiction both a pay plan and wage levels equal and comparable to the compensation paid those male faculty members of equal training and experience who are performing equal professional duties. (H. P. 1596)

Comes from the House, Read and Passed.

Which was Read.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This came from the other body and I hadn't seen it until just now. I think it proposes a question of equal rights, and I think that basically we all agree. This is an easy order to pass unmentioned, but I think the Senate must realize that in approving the principle it is reasonable to expect that there will be subsequent costs, and I ask the Senate to keep that in mind as you vote on this.

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

Thereupon, the Joint Order received Passage in concurrence.

Communications

State of Maine

House of Representatives

Office of the Clerk

Augusta, Maine 04330

February 20, 1972

Hon. Harry N. Starbranch

Secretary of the Senate

105th Legislature

Special Session

Sir:

The House today voted to adhere to its former action whereby it had insisted on indefinite postponement on Bill "An Act relating to Disclosure of Economic Interests by Legislators and Others" (H. P. 1572) (L. D. 2029)

Respectfully,

BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered Placed on File.

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law" (H. P. 1531) (L. D. 1974), the President appointed the following Conferees on the part of the Senate:

Senators:

DUNN of Oxford

TANOUS of Penobscot

CLIFFORD

of Androscoggin

**Committee Reports
House**

Ought to Pass - As Amended

The Committee on Education on, Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (H. P. 1468) (L. D. 1911)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-555).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and as Amended by House Amendments "A" (H-562) "B" (H-564) "C" (H-566) "D" (H-581) and "F" (H-588).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in Concurrence. House Amendments "A", "B", "C", "D"

and "F" were Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on, **RESOLUTION**, Proposing an Amendment to the Constitution to Reduce the Age of Qualification as a Member of the Maine House of Representatives to Twenty Years. (H. P. 1508) (L. D. 1950)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset
WYMAN of Washington

Representatives:

HODGDON of Kittery
SILVERMAN of Calais
DONAGHY of Lubec
MARSTALLER

of Freeport

STILLINGS of Berwick
SHAW of Chelsea

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

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

FARRINGTON
of Old Orchard Beach
CURTIS of Orono
GOODWIN of Bath
BUSTIN of Augusta
COONEY of Webster

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

Which reports were Read.

On motion by Mr. Clifford of Androscoggin, the Minority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Senate

Divided Report

The Committee on State Government on, Bill, "An Act Providing 4-year Terms for County Attorneys and Full-time County Attorneys for Certain Counties." (S. P. 725) (L. D. 1983)

Reported in Report "A" that the same Ought to Pass in New Draft Under New Title: "An Act Providing for Full-time Elected District Attorneys" (S. P. 773) (L. D. 2053)

Signed:

Senators:

CLIFFORD

of Androscoggin
WYMAN of Washington

Representatives:

FARRINGTON
of Old Orchard Beach
BUSTIN of Augusta
COONEY of Webster

The same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft Under New Title: "An Act to Provide for Full-time County Attorneys" (S. P. 774) (L. D. 2054)

Signed:

Senator:

JOHNSON of Somerset

Representatives:

SILVERMAN of Calais
DONAGHY of Lubec
SHAW of Chelsea

The same Committee on the same subject matter reported in Report "C" that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Full-time Prosecuting Attorneys" (S. P. 775) (L. D. 2055)

Signed:

Representatives:

CURTIS of Orono
HODGDON of Kittery
MARSTALLER

of Freeport

STILLINGS of Berwick

Which reports were Read.

Mr. Clifford of Androscoggin then moved that the Senate Accept the Ought to Pass in New Draft Under New Title Report "A" of the Committee.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: It is obvious that the Committee was not able to resolve anything that would be a solid law or solid bill and, I think, perhaps in fairness to everyone here, I should tell you what each of these three bills do.

The first one, which Senator Clifford has moved that you accept, sets up the district set-up, the district attorney system, in the thirteen judicial areas with thirteen full-time attorneys elected.

The next one retains the present county attorney system, except in six counties, which will be full-time and which counties have the biggest backlog of problems. This is under the present system and the salary has been raised to around \$17,500.

The third bill is just about the same as the first and it is almost identical to the bill that the Governor vetoed, which has the elective process in the thirteen areas.

I hope I have made myself clear, and I would ask for a division on Senator Clifford's motion.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: The other day we were talking about the court bill transferring the expenses of the Superior Court and Supreme Court over to the state, and Senator Berry made the comment that perhaps this bill was one of the most significant that the special session would be hearing. I disagree with that statement. I feel that the bill that is before you right at this instant is the most important bill that we will be considering at the special session of the 105th Legislature.

It was the feeling among the Committee that heard this bill that something had to be done to bolster the prosecution system in this state. I don't think there was one dissenter, as evidenced by the fact that all three reports that are before you today offer a solution to the problem. The disagreement among the State Government Committee came as to what the solution should be. But I think we all felt that the situation, as far as prosecution in the State of Maine was concerned, was critical, and that perhaps in one or two of the counties it is getting to the explosive point. And I speak about the

two counties at the lower end of the state.

I have talked with several county attorneys personally about this matter, and there is a trend developing among the incumbents that they are either quitting their jobs, they are not going to run for re-election, or they are undecided. A good case in point is in Oxford County, where very recently the County Attorney stepped down because of the pressures of his private practice. The criminal case load in that county was such that he could not keep up with it. He stepped down and his assistant took his place.

In Aroostook County funds were recently provided for a second assistant county attorney but no one would take the job so, as a consequence, an assistant attorney general was sent up there to help out.

The County Attorney in Penobscot has indicated, and indicated at the hearing, that he was not going to run for re-election because he couldn't afford the time from his private practice. The same was true of the County Attorney in Kennebec, who is stepping down after ten years, and he happens to be one of the best that we have in the state.

So I think the feeling among the Committee was that something must be done and something must be done now. As to what the solution should be, everybody has his own idea.

As Senator Johnson pointed out, Report "C" calls for the appointment of district attorneys by the Attorney General, with the advice and consent of the Governor. This is the same bill that we had at the regular session of the 105th. It got fairly good support. I voted for it myself, reluctantly. And I say I did it reluctantly because I felt that something had to be done to bolster the prosecution system in this state. As you all know, the Governor vetoed this bill, and I voted to sustain the Governor's veto because over the summer I began to think about this and my feelings, which were reluctant in the spring, became adamant in the fall, and I felt that the prosecution

system belongs to the people, it belongs in the electorate, and this is why I supported Report "A", which is a system for elected district attorneys. I feel that it has certain advantages over the other two plans.

One of the big advantages is this: that it divides the districts which these district attorneys will be responsible for into fairly equal areas, taking into consideration the size of the area and the amount of travelling that a district attorney must do to cover the area that he is assigned to take care of. And because he is elected in that district, naturally, there is a resident requirement. He will be a full-time man, and I feel the consensus of the State Government Committee is that we must move to a full-time prosecution system.

The thing that I like most about it though is that it offers some flexibility. In other words, if the district attorney in District 4 is not busy or has a light case load during the month of March, he may move into District 6 to help out there, where the case load is considerably heavier. Now, this is done through a chief district attorney, who will receive an additional \$1,000 over and above the salary, and I believe the salary is \$19,500 or \$18,500. This chief district attorney will be responsible for keeping track of where the heavy case loads are. He will be appointed chief district attorney by the Governor and Council. Now his job, for the additional compensation, will be to assign district attorneys in those areas where they are needed. We think perhaps this will answer the criticism that the district attorney system is not flexible enough. It also has the feature that the electorate will have a say as to who is prosecuting cases within the district.

I also considered early in the session signing what eventually turned out to be Report "B". This is retaining the county attorney and making him full-time in those areas of the six largest counties in the state, and I believe they are Androscoggin, Aroostook, Cumberland, Kennebec, Penobscot and York. This would be my second choice, however, it does not offer

the flexibility which I just mentioned and it is only, as I see it, a temporary measure, temporary relief for the problem that needs a little more farsightedness than Report "B" offers.

So I would urge you to support my motion to accept Report "A" of the State Government Committee which, again, is basically an elected district attorney. It is a new political subdivision within this state, but I don't think there are any problems with that, or at least I have been told by people in the Secretary of State's office that there aren't. Again, I would urge you to support Report "A" of the State Government Committee. Thank you.

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

Mr. KATZ of Kennebec: Mr. President, I would like to direct a couple questions, if I can, to the Senator from Androscoggin about the presentation he just made.

First, on Page 2 of the bill there is a requirement for the candidate for office to be a resident in the district. Was this a casual determination? Are we reasonably certain we can get the competent legal candidate we want within each district who is a resident of the district?

The second question: Why set up a whole new system with a chief district attorney? Was there any thought about retaining the Attorney General as the chief legal officer? He is also involved in the prosecution of certain types of felonies and where there is an overload.

Third: As I read the bill, it provides for the setting up of one full-time or part-time assistant district attorney within each district. This will give us thirteen times two, thirteen district attorneys and thirteen assistant district attorneys, some of whom may be part-time. There is no provision for additional help, except through the ability to transfer. Is it contemplated within this bill that perhaps the Attorney General's office will be called upon to help handle peak loads, as now?

Finally, am I right in presuming that the passage of this bill with

an emergency enactor will contemplate the election of these thirteen district attorneys this year, and those who aspire to the office of county attorney, and who presently are circulating papers, would have them withdrawn and there would be a necessity to establish candidates for the new district seats?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed some questions through the Chair, which the Senator from Androscoggin may answer if he so desires.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I will attempt to answer some of the questions just posed by Senator Katz of Kennebec.

As far as the Attorney General becoming the chief district attorney, it is not my bill, but I think something could be worked out along these lines if he has hesitation about appointing a chief district attorney from among those elected. I think this is a small matter and I think some compromise or some solution can be worked out along these lines.

As I remember another one of his questions, it was why is it necessary to have a district attorney a resident of the district where he will be working. I believe this is very important. I think as long as the bill provides that that district attorney may move to another district and prosecute cases, I think this is all that is necessary, but his main responsibility shall be within the district where he is elected. He will be accountable to the people who elect him, and I think this is very important.

One of his other questions was the emergency feature of the bill. As I stated earlier, I think the situation is critical, I don't think we can wait any longer before we make a move in this direction, and I think the idea of putting the emergency feature on it is to alert people who may be running for county attorney in the areas where they reside now that we are

making this change, we are making it immediately, or as soon as the legislature adjourns, and that those aspirants to the office of county attorney would either run, or those people who might be interested in running for district attorney would run. I would like to see that emergency feature retained.

I think there was another question, but I'm afraid I didn't get it.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I sincerely feel that everyone in this body, as well as the other body, is interested in coming out with a full-time prosecutor bill of some type at this special session. I feel that the time is here and we have got to be responsive to the needs of the people, and we should enact at this special session some legislation for full-time prosecutors.

Now, we had a bill at the regular session that met with the almost unanimous approval of both of these bodies, but apparently the Governor wasn't pleased with it and he vetoed it. So now we are back where we were, trying to come up with a plan that everybody perhaps would favor.

You know, when you are trying to get a full-time prosecutor bill through, there are so many things that come into play. Your county commissioners, for instance, your county government people, are interested in what type of a bill we are going to come out with. Politics enter into it. The parties are interested in seeing what type of a bill we are going to come out with. It is unfortunate that all of these items come into play, but they do, and we must be realistic and we must try to come out with a bill that will meet the objections, or I imagine a majority of them, at least, so that we can enact some legislation in this area.

Now, the present bill which Senator Clifford of Androscoggin speaks of has some very good features to it, and I am quite interested. This is my first knowledge of what the contents of his proposals are.

I do fear though the effective date on it. I think that it is soon. We are going to expect to get candidates in these thirteen districts within 30 days, and this may be an insurmountable task. Sure, perhaps in the vast majority of these districts we could, but I think in your smaller areas you may have some problems. And I don't know whether his bill has a provision for an appointive position in this area.

But I am wondering, you know, this entered my mind and I throw this out merely as something for you to ponder over, and I certainly will go along with accepting his report, with maybe the intent of placing an amendment on it, but I wonder if it might not be feasible at this time to retain the county system which we have for election, and having sixteen full-time county attorneys, with the same provisions which Senator Clifford has in his bill, with a chief attorney who can transfer these county attorneys from county to county to help with the work load. I throw this out as a suggestion that some of you might consider and perhaps get back to some of us who are interested in a full-time prosecutor bill.

The county commissioners and county government people are really interested in retaining the county lines, the county divisions. They are interested in retaining the county attorney system. And I wonder if this may be a possible answer to their problems or their objections to a bill which would divide the county lines. I merely mention it for that purpose, and I do hope that any of you who have any thoughts in this area, please, I am sure that Senator Clifford from Androscoggin or myself, or any of those who are interested in the prosecution field, would like to have your suggestions so we might think about them. Thank you.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that the Senate accept Report "A" of the Committee on Bill, "An Act Providing 4-year Terms for County Attorneys and Full-time County Attorneys for Certain Counties,"

which is Ought to Pass in New Draft Under New Title: "An Act Providing for Full-time Elected District Attorneys."

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 Mr. Clifford of Androscoggin that the Senate accept Report "A" of the Committee.

Second Readers

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

House

Bill, "An Act Relating to Legislative Ethics." (H. P. 1588) (L. D. 2048)

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

House - As Amended

Bill, "An Act Establishing a Forest Lands Taxation Policy Using a Productivity Approach." (H. P. 1577) (L. D. 2034)

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

Senate

Bill, "An Act Implementing to Reorganization of the Department of Environmental Protection." (S. P. 772) (L. D. 2051)

Which was Read a Second Time.

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

Senate Amendment "A", Filing No. S-371 was Read.

The PRESIDENT: The Senator has the floor.

Mr. JOHNSON: Mr. President and Members of the Senate: This amendment merely deletes a word that is redundant and could be misconstrued.

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

Senate Amendment "A" was 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 reported as truly and strictly engrossed the following:

An Act Relating to Clarifying Definitions Relating to the Potato Industry of Maine. (S. P. 762) (L. D. 2033)

An Act Permitting Veterans with Medical Experience to Take the Licensed Practical Nurses Examination. (H. P. 1584) (L. D. 2042)

An Act Relating to Discharge of Waste from Watercraft. (H. P. 1585) (L. D. 2044)

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

Emergency

An Act Relating to Per Diem Allowances and Expenses for Members of the State Board of Barbers and State Board of Hairdressers. (H. P. 1580) (L. D. 2037)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Bill, "An Act Relating to Revenue Sharing and Financial Relief to Counties for Expenses of the Superior and Supreme Judicial Courts." (S. P. 712) (L. D. 1986)

Tabled — February 29, 1972 by Senator Kellam of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I am not going to oppose this bill today, but I did have some thoughts relative to the amendments that have been offered to the bill and I thought I would like to say a few words about them.

We have discussed this session and last session, in fact, for quite

a period of time, the fact that the court system should be taken out of the county operations, insofar as the expenses go, and be funded by the State of Maine. I feel this is a very worthwhile and almost essential goal to be working toward, since we do have a situation that arises occasionally in all of the counties where there is a large unanticipated expense due to some criminal activity, obviously, which puts a considerable burden on the respective counties.

My apprehension in this particular bill is that I do not like the idea of tying the funding of the court processes in with the collection of fines and costs. I have some reservations about this. Of course, this is the system that is used in the District Court now, and the bill, as amended, would merely extend this to the state-wide system. I just feel that the administration of justice should be financed from the general fund of the state and that all fines and costs collected would, of course, go into the general fund. And it may very well be, in the orderly course of business, that the fines would exceed the costs of the court system. But I do dislike the idea of setting up a fund from the fines in which the amounts that are paid in are readily ascertainable in relation to the cost of the system, because it does put an onus, to some extent, upon the collection of fines in that it gives somewhat the appearance that the court has to earn its own pay when it assesses fines. Of course, I just feel that the administration of justice should not have that particular feature any place within it and, although I don't feel that the individual justices are going to, of course, consider this particular matter very heavily when they do assess a fine, it does give somewhat that appearance, so it is a reservation that I have about the bill.

I just wanted to make those comments today but, as I say, I am going to make no fight against the bill because it would probably result in a better system than what we have now.

The PRESIDENT: Is it now the pleasure of the Senate that this

bill, as amended, be passed to be engrossed?

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

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

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

Bill, "An Act Relating to Reporting Tumors and Establishing a State-wide Tumor Registry." (S. P. 766) (L. D. 2043)

Tabled — February 20, 1972 by Senator Marcotte of York.

Pending — Enactment.

Mr. Schulten of Sagadahoc then moved that, under suspension of the rules, the Senate reconsider its action whereby the Bill was Passed to be Engrossed.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: I oppose this motion to reconsider. We have thoroughly discussed this bill and yet, the other day, having heard that there might be some objection to the bill on religious grounds, I asked to have the bill tabled so that persons who failed to attend the hearing could have a chance to explain their objections.

Indeed, I received some scolding from my supporters for not running with the ball when we had an open field, but I was loathe to ignore the feelings of a minority, however small. Having listened carefully to the proponents of this amendment, I feel they are straining at gnats. There is nothing in this bill that requires faith healers, for whom I have the greatest respect to report cancer, nor anything pertaining to an establishment where healing is accomplished by prayer. This bill refers to hospitals and physicians, two words that are clearly defined by law, requiring them to report on the cases of cancer to the tumor registry which this bill sets up. And it stipulates that the reports must be made in such a manner as to insure confidentiality.

This bill does not make treatment of cancer mandatory. It does

not prescribe any treatment. It simply makes cancer a reportable disease, reportable when diagnosed by a hospital or physician. Is this a violation of religious freedom or civil rights? I can't see it. Many contagious diseases are now reportable, and nobody objects to this, so why does it become a violation of civil rights and religious freedom when we make one more disease, namely, cancer, a reportable disease. Ah, but cancer is not a contagious disease, the objectors say. Who knows? TB was once not regarded as contagious. Perhaps cancer, now thought to be a virus, is contagious. This registry will help us find out. So I urge you to reject this motion for reconsideration.

Cancer is the enemy. We must collect all relevant information regarding cancer in order to fight it. Yet the proposed amendment not only opens a big loophole in the bill, it would swing the bill into possibly a dog fight in the other body and thus destroy it. It is one thing to give the minority every consideration, but quite another thing to let a minority dictate to the majority. I hope you will vote against reconsideration of this bill.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: At this particular point I have not changed my feelings about this particular bill, and I do not intend to change them, but I look at this amendment as a very, very constructive and very logical way of handling this particular circumstance.

It was further brought to my attention this morning, under a publication heading here, "Further Facts About This Particular Bill", and I would like to read these particular facts into the record:

"No. 1, this bill is not a crusading or innovative bill, but an expedient to circumvent an existing law, 1969, which might provide privacy of privileged communication between physician and patient.

"No. 2, the bill extends unnecessarily the field of mandatory

reportable diseases formerly reserved for contagious diseases.

"No. 3, the bill violates individual rights to pursue statistical research.

"No. 4, such a bill does not, to our knowledge or research, exist in any other state, although registries are reported to exist in about seven other states.

"No. 5, the bill has no penalties and it does not appear to be enforceable.

"No. 6, we would think that the purpose of this bill could be carried out on a voluntary basis without a compulsory aspect.

"No. 7, this bill contains nothing necessary to the general health and welfare of the public. Other mandatory reporting by statute is limited to a disease that is communicable or injurious to the general public."

I would hope that the Senate would adopt this particular amendment to be presented by Senator Schulten, and allow this to go through as it is, with this amendment.

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

Mr. GRAHAM of Cumberland: Mr. President, I ask for a division.

The PRESIDENT: There will be a division on the suspension of the rules.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I must say that I am rather surprised at the intensity of the opposition to this amendment I am offering. I had hoped that a matter such as this that touches on religious freedom, regardless of how you care to cloak it, would receive the understanding acknowledgement of those people who are here in the legislature to pass on matters that affect our people. However, it looks like we will have to call a spade a spade, and I am perfectly willing to do so.

Frankly, as I look at the bill, I can see absolutely no excuse, no justification, at all for this bill, 2043, to be in a special session, an emergency session, of the legislature. I would object just

slightly to that. In addition, I feel that this is an effort to computerize, to systematize, actually to dehumanize, the people of the State of Maine. And, as a minority, perhaps I object to this but, even more basic, and this is what I want to talk to, I think this is an effort on the part of some to abrogate the rights of religious freedom that are guaranteed to all of us by the Constitution of the United States, and I would like to read you just the Amendment 1 that relates to freedom of speech.

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." I submit, members of the Senate, that this is prohibiting the free exercise of religion as understood by those who have authored this amendment.

I would further ask you to stay with me for a moment while I read to you the State Constitution that applies to these sort of things and religious freedom under the Declaration of Rights, Article 1 of the Constitution of the State of Maine: "Religious Freedom, Section 3. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested, or restrained in his person, liberty or estate from worshipping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments, provided he does not disturb the public peace nor obstruct others in their religious worship, and all men and all persons demeaning themselves peaceably, as good members of the state, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law."

I submit to you that this bill, which I object to on all grounds now that I can possibly think of, L. D. 2043, is an effort by some to further socialize our whole fabric of democracy, as I know it. And ladies and gentlemen, I would submit right here and now that we are in danger enough of weakening our very fabric of

constitutional government if we even consider passing a bill like this without full consideration of the rights of a minority, and I am standing here as a minority representing a minority of religious people, Christian Scientists, and I say to you that on this amendment we are offering to this bill, we respect the rights of others, we ask and demand that others respect our rights under the Constitution, and there is nothing in our amendment that could possibly harm anyone else. So I am asking this body to support my motion and uphold my amendment, Senate Amendment "A", and to include this amendment.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I find it unfortunate that again we are debating the merits of the bill. The bill had pretty clear sailing the last time around. It seems to indicate that the group representing the Christian Science Committee again failed to do some of their homework.

I have been here three sessions, and I can recall a bill I sponsored last session that had pretty clear sailing, and the group failed to attend the public hearing, however, did approach me later with an amendment precisely as this one here reads. I listened to their side of the story, I submitted the amendment, this Senate adopted it and the bill went on its way until it met a detrimental fate on the Appropriations Table. However, in the last three sessions this amendment has been before us a number of times on a number of bills, and all the time I have been here I have never heard of any complaints following the adoption of such an amendment.

They are a very small minority and perhaps that is why, financially, they can't attend some of the hearings, and perhaps that is why they are not getting some of their homework done in time. But we have debated the merits of the bill, and I hope the merits of the bill will stand the way they are. I think this amendment here is

justifiable and will certainly hurt no one.

Now, a question arises, and it is a rather embarrassing question: If the Christian Science people wish to practice their religion in such a way that perhaps they aren't attended by doctors, why is the amendment needed at all? It appears that perhaps they are under pressure from relatives in the final stages to perhaps approach a doctor. In that case they should, of course, have the right to deny the reporting of the information on to the registry. I shall certainly continue to support their ideas, and I hope that all of you will vote for the amendment.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: Let me say first that this amendment is considered both by hospitals and physicians to gut the bill. They feel if you make exceptions like this that you leave the thing wide open.

Now, it has been suggested that there are no other such registries in the United States; that is not true. There are several in the United States and our own neighbor, Connecticut, passed a mandatory tumor registry bill, or mandatory cancer registry bill, in 1969.

I would like to say that if the proponents of this amendment choose to stay outside the domain of medical science, by all means, let them do so. This bill in no way coerces them into violating their religious beliefs. But, on the other hand, let me ask you: is it fair for them to dictate to medical science, telling the majority who believe in medical science that they cannot adopt a procedure that medical science believes to be of a help in fighting cancer? That is why we want this bill to go through as it is. We feel that it is essential in the fight against cancer to have a cancer registry bill, an unvitiated bill, an ungutted bill.

The PRESIDENT: The pending question before the Senate is whether the Senate should suspend

the rules for the purpose of reconsideration.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate. Quite the contrary to gutting the bill, we, as proponents of the amendment, feel that we will strengthen it and that you would have better participation in a bill by those who happen to believe in this particular type of preventive medicine.

All we are saying is that we are asking this on the basis of strong religious convictions and, contrary to anything that the Senator might have implied or said, we respect the rights of others, whether they be a minority or a majority, and that we have no wish to interfere with medical science even though we have no wish — I will stay out of that. But this amendment is based on solid religious conviction gained through metaphysical healing of disease and, guaranteed by the Constitution are the rights of the people to practice their religion as they understand it, we understand the healing power of Christian Science, and we ask that we be upheld here in this body. And I would ask, Mr. President, that when the vote is taken that it be taken by the Yeas and Nays.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I wish to make a few comments on the motion to suspend the rules, of course, purely in my position as a member of this body and not in any other guise.

I think basically we must face the fact here that we are dealing with an amendment which, if it is passed, renders the bill completely ineffectual and, if this is successful, the bill should be killed because it would be completely useless legislation to put on the books. Why is this the case? It is because what we are dealing with here is purely a statistical method which will be used in helping to possibly determine, we pray, the causes and determine

possibly, we pray, a cure for this disease.

My position is very much in the middle. I have members of my family who subscribe to the faith of Senator Schulten, and Mrs. Berry has had the privilege for the second year of being the Statewide Chairman of the Cancer Drive. So I see, I hope, both positions involved here.

Now, the basic bill itself says that if you go to a physician, or if you go to a hospital, that the fact that you have cancer will be reported. In listening to Senator Schulten's comments, and keeping what I just said in mind, I must honestly say I fail to see the abrogation of any constitutional rights of free speech, the exercise of religion, or anything. These statistics are vital. Probably literally billions of dollars have been put into cancer research, and I think us laymen have the feeling that we are not making much progress in the field. I think, as laymen, we may think that the possible solution to this disease is going to be based on the statistical analysis of all the facts involved: who has it, where do they live, what do they do, what are their habits. Now, if we remove from this bill a segment of the statistical background and information on which such statistics are going to be based, even such a small part as the State of Maine, we are rendering the main fabric of these statistics useless, and this is what is involved.

I really think that no one is going to be hurt. We are not talking the healing here, we are not talking any repression to these people, and I do believe that a dispassionate analysis of this would indicate that we should not adopt the amendment, so I would urge your vote against suspension of the rules.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like to take issue with a couple remarks the Senator from Cumberland made about the statistical value of this bill with the amendment tacked on.

I don't know how large a group we are talking about because the figures have never been released to me. What are we talking about, one percent of Maine's population, two percent, three percent, perhaps enormously four percent? But the thing I can't subscribe, and here I part with the Senator from Cumberland, Senator Graham, to whom I look as the most consistent spokesman day and night, seven days a week, for the rights of minorities, that aren't we taking a paternalistic attitude: "We know what is good for you. Don't worry, this isn't going to harm you. This is not in violation of your conscience"? How can we, in conscience ourselves, tell a group that says "This violates our religion, it violates our conscience", how can we say to them "You are in error"? Isn't this a subjective determination?

I am for the bill, but I have a feeling that without the amendment on we are going to lose some support. So I hope we will permit the amendment to go on and then rally the support and enact the bill, as amended, recognizing the prerogatives and the rights of a group that say they are being offended.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: May I say that the supporters of this bill do feel that the amendment would destroy the bill.

Now, let me repeat: This bill does not require registration by a person who does not believe in going to a doctor or a hospital. There is no coercion there. And if the person is reported to have cancer, there is no coercion as to the treatment. He can accept any kind of treatment he wants, and he does not have to go to a hospital or a doctor. There is no coercion in this bill whatever.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten, who asks permission to speak a fourth time. Is there objection? The Chair hears none. The Senator may proceed.

Mr. SCHULTEN of Sagadahoc: Thank you, sir. Mr. President and Members of the Senate: I would just like to very briefly comment on the very balanced exposition given by our Majority Floor Leader. I think it was very fair, however, I think he touched on one point that goes to the very heart of this issue.

While I can't quote him exactly, he said something to the effect that billions of dollars are spent or have been spent on this tremendous problem that faces the nation. I don't disagree with that because I can read the newspapers too, and I know of the various programs. However, I do basically disagree that you can evaluate and equate religion with dollars, and this is what we are talking about. Dollars are not a part of the Christian Science belief, and I would just like to make that point clear.

Thank you, Mr. President, for allowing me to speak.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Sagadahoc, Senator Schulten, that the rules be suspended. 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 Sagadahoc, Senator Schulten, that the Senate suspend its rules. A Yes vote will be in favor of the suspension of the rules; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Hichens, Hoffses, Johnson, Katz, Minowsky, Moore, Peabody, Violette, Wyman, and President MacLeod.

NAYS: Senators Anderson, Berry, Carswell, Chick, Clifford, Conley, Danton, Dunn, Fortier, Graham, Greeley, Harding, Kellam,

Marcotte, Martin, Quinn, Shute, and Tanous.

ABSENT: Senator Levine.

A roll call was had, 13 Senators having voted in the affirmative, and 18 Senators having voted in the negative, with one Senator absent, the motion did not prevail.

Mr. Sewall of Penobscot then moved that the Bill be placed on the Special Appropriations Table.

On motion by Mr. Hichens of York, a division was had, 27 Senators having voted in the affirmative, and one Senator having voted in the negative, the motion prevailed.

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

Bill, "An Act to Revise the Site Location of Development Law."

Tabled — February 29, 1972 by Senator Moore of Cumberland.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed.

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

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

Bill, "An Act Reallocating Funds for Professional Contractual Employees for the Joint Standing Committees of the Legislature." (H. P. (H. P. 1450) (L. D. 1893)

Tabled — February 29, 1972 by Senator Graham of Cumberland.

Pending — Passage to be Engrossed.

Mr. Chick of Kennebec then moved that the Senate reconsider its action whereby Committee Amendment "A", as Amended by House Amendment "A" thereto, was Adopted.

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

Mr. BERRY of Cumberland: Mr. President, merely in the spirit of expedition, I wonder if we might ask Senator Chick to explain perhaps what he has in mind.

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

Mr. CHICK of Kennebec: Mr. President, I have two rather serious objections to the House Amendment. No. 1, we have, I think, had quite a bit of discussion on the inability of perhaps middle aged family men to attend the legislature on account of the low pay of the legislature. Now, if that is a valid position, then we should not restrict the amount of money that such a person would receive during a regular session of the legislature. So, if we are going to raise the salary to \$3,500, then that should be available to that person during the regular session. This amendment puts \$1,000 into the second year, when he will be receiving it at a time when perhaps he is working at his full employment and will not need it as much as during the regular session of the legislature. That is the first reason why I oppose the amendment.

Now, the second reason: I do not think it is good legislation to have \$1,000 during the second year when the legislature is not in session. It looks to me that we are in the position of voting ourselves, if this is passed, \$1,000 during the off-season year when we cannot justify receiving such. Also, in addition to that, I believe that if you do have a special session of the legislature, the legislators will be receiving the amount stipulated for their attendance at those sessions in addition to the \$1,000. So, it is for those reasons I oppose and hope you will reconsider the adoption of House Amendment "A" to Committee Amendment "A".

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

On motion by Mr. Conley of Cumberland, a division was had. Nine Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion to reconsider did not prevail.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

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

Bill, "An Act to Revise the Maine Land Use Regulation Com-

mission Law." (S. P. 709) (L. D. 1890)

Tabled — February 29, 1972 by Senator Schulten of Sagadahoc.

Pending — Passage to be Engrossed.

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

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

Bill, "An Act Implementing the Reorganization of the Department of Educational and Cultural Services." (S. P. 721) (L. D. 2010)

Tabled — February 29, 1972 by Senator Kellam of Cumberland.

Pending — Adoption of Senate Amendment "B" to Committee Amendment "A". Filing S-377.

Thereupon, Senate Amendment "B" to Committee Amendment "A" was Adopted and Committee Amendment "A", as Amended by Senate Amendment "B" Thereto, was Adopted.

The PRESIDENT: Is it now the pleasure of the Senate that this bill, as amended, be passed to be engrossed and, under suspension of the rules, be sent down forthwith for concurrence?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am in favor of this motion, of course, but I just wanted the record to show that there was a little omission in the statement of facts that I would like to have in the legislative record.

The Museum Commission, the Arts and Humanities Commission and the Library Bureau are intended that they will carry out their internal managements as they have in the past, and each of these agencies will continue their present functions of being the sole state agency to administer funds received from the federal government for the purposes consistent with their respective acts.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill, as amended, be Passed to be Engrossed?

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

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

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

JOINT ORDER — Relative to Legislative Ethics Committee Study Provisions of Bill, "An Act Relating to Disclosure of Economic Interest by Legislators." (H. P. 1572) (L. D. 2029)

Tabled — February 29, 1972 by Senator Clifford of Androscoggin.

Pending — Passage.

Which received Passage in concurrence.

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

HOUSE REPORT — Ought to Pass in New Draft (H. P. 1587) (L. D. 2046) from the Committee on Natural Resources on Bill, "An Act Relating to the Management of Solid Wastes." (H. P. 1497) (L. D. 1940)

Tabled — February 29, 1972 by Senator Schulten of Sagadahoc.

Pending — Acceptance of Report.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I was in here the other evening reading over that bill, and there were quite a few questions that came to mind in reading through it.

I wonder if any of you have considered what the ultimate cost of this bill will be to each municipality in your Senate District. There is going to be a substantial cost, I would think, to abide by the provisions of this bill. I just bring this out to you as to whether any of you have considered the ultimate cost to each municipality that you represent. I think this is a fair question that I perhaps ought to pose to the proponents of the bill and also perhaps to every one of you. I know that I have 39 towns in my district and I am sure that each one of them are concerned with the ultimate cost that would be attached to this bill.

I also understand that the state funds have been pulled back from the assistance which originally had been planned to provide for the requests made under L. D. 2046. I just bring this out as a point of inquiry to you people and wonder if it raises the same concern as it does to me. Thank you.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I am opposed to this legislation at this time for several reasons. I think the previous speaker has brought out the fact that there is no money attached to this bill, but it looks to me like it is going to cost the municipalities a great deal of money in the future.

Before we face up to that, I think that we should wait. They have a pilot test going on now in Washington County with federal funds to try to determine what the costs may be to some of these small communities, and I don't think that this is an emergency situation right now; that we can well wait for the regular session to see if we will have some information from this pilot study. For that reason, I move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Chick, moves that Bill, "An Act Relating to the Management of Solid Waste", be indefinitely postponed.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: The purpose of L. D. 2046 is manifold in that it is partially a housekeeping bill to clarify previous legislation. It is also a bill to clarify existing statutes. But it is also designed primarily to start to help answer the tremendous problems that will be generated by the elimination of solid waste.

This is perhaps the most expensive item that the future legislatures will have to consider. No one at this moment knows what the total cost will be, but it will be astronomical, and there is no way we can avoid it, as far as we know. On that basis, the primary purpose

of the bill is to set up the authority of the Health and Welfare, which eventually will come under the EIC, the Environmental Improvement Commission, to set up guidelines so that if a regional approach of the elimination of solid waste is the best answer this will be approached then, and this department will be able to help and offer guidelines to these municipalities which are facing these staggering problems. The problem won't go away.

There is no money connected with this bill, at the moment because it is not needed, but to say that we should postpone action for planning is really to bury our heads in the sand at a time when sound planning is the most important thing that the State of Maine has to do at this point. So, on the basis of that, that this is designed to help each and every municipality in the State to understand, to evaluate, the problem they have as it relates to solid waste, on that basis I would ask that you do not indefinitely postpone this measure, but rather you vote to accept it.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I didn't want Senator Schulten to be the only one who is going to be placed on the ground and run over with a steamroller today, so I want to stand up and support him wholeheartedly.

I think this is the third session that I have seen the Maine Municipal Association cut this bill right down and kill it. The only sense of humor that I can find in the situation are the remarks I remember that the good Senator from Penobscot made, Senator Tanous, when he did the same thing at a previous session that he has done today, and with a telling argument he said: "What would we talk about at town meeting, if we didn't have the dumps to talk about?"

Of course, Senator Schulten is right, and everything that he has said is right. I assure Senator

Schulten that I am with him, perhaps alone.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I, too, would support the good Senator from Sagadahoc, Senator Schulten. I think that this bill is so important that I am going to ask for a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of 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 Kennebec, Senator Chick, that Bill, "An Act Relating to the Management of Solid Wastes", be indefinitely postponed. A Yes vote will be in favor of indefinite postponement; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Martin, Minkowsky, Moore, Shute, Tanous and Wyman.

NAYS: Senators Anderson, Bernard, Berry, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Katz, Kellam, Marcotte, Peabody, Schulten, Violette and President MacLeod.

ABSENT: Senators Levine, Quinn, and Sewall.

A roll call was had. Twelve Senators having voted in the affirmative, and seventeen Senators having voted in the negative, with three Senators absent, the motion did not prevail.

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

Reconsidered Matter

Mr. Clifford of Androscoggin moved that the Senate reconsider

its action whereby Bill, "An Act Relating to Penalty for Sale of Certain Drugs", (H. P. 1582) (L. D. 2040), was Passed to be Engrossed.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would oppose this motion. There is no need to go over this ground that has been covered for some eight legislative days here. I would reject the attempt on the part of our good Senator from Androscoggin to present the amendment that was discussed yesterday by Senator Tanous and when the vote is taken. I would ask that it be taken by the Yeas and Nays.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: Senator Shute is right, I intend to offer an amendment, which I believe has been distributed, Senate Amendment "B" to L. D. 2040, which is under Filing Number 381.

I would like to explain very briefly what the amendment does. It is designed to get at the pusher. I think that everyone in this body is in agreement with that one purpose, that L. D. 2040 was designed to put the pusher of these hard drugs behind bars. But it makes mandatory penalties for the pusher, but the pusher only, and it confines these state prison sentences to those people that we all want in jail. This amendment defines who that pusher is. He is, number one, a person acting in concern with others. And, number two, he is a person occupying a position of management.

This type of law has precedent in our federal statutes, under the Food and Drug Statutes and, as has been said before in the rather lengthy debate on this bill, the federal law did have such a statute on its books at one time such as L. D. 2040, and subsequently it was repealed. But they did retain a law such as is set forth in Senate

Amendment "B", which you have before you for your consideration.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I would rise to oppose the proposed reconsideration of the good Senator from Androscoggin, Senator Clifford, and I would just like to make one comment. I am in possession of a letter from the Chief Police from Lewiston, Chief Longtin, and there is one section of the letter I would like to quote.

"We have been told by some of the persons arrested that they feel if the possibility of a suspended sentence or a probation exists they will be tempted to chance it." In other words, they are going back on the streets and are going to repeat what they have been doing. For that purpose, I feel the proposed amendment would gut the bill.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: Just one brief word in relation to what the good Senator from Androscoggin said: The law now is that you only have once chance, whether you are a possessor or whether you are a seller, even on the lowest level, then it is a mandatory sentence. That is already the law.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: The Senator from Aroostook is entirely correct that it is the law. It is under Title 17, and under "Second Offense" the pusher has a mandatory sentence before him.

I think we all agree now, at last, lawyers and laymen here, that we are trying to throw the book at the sellers of LSD and heroin. We all agree, but if you adopt this amendment you will be diluting the effectiveness of L. D. 2040. This is why I opposed it yesterday, and I oppose it again today.

Just for the edification of all of the members of the Senate, and particularly the Senator from

Androscoggin, Senator Clifford, an article in last night's Lewiston Evening Journal has the County Attorney, John Beliveau, advocating throwing the big book at sellers of LSD and heroin. "The County Attorney supports Mr. Jalbert's bill presently before the Legislature in special session, which would impose mandatory jail sentences for those convicted of selling or offering to sell hard drugs. Probation, it is my experience as a prosecutor, has no deterrent effect, Beliveau explained. Holding their hand and coddling them is not going to work."

Pass L. D. 2040 to be engrossed, and let's send it down to the other body and have it come back here for enactment without this restrictive amendment. I ask you to vote against reconsideration.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Androscoggin Senator Clifford, that the Senate reconsider its action whereby Bill, "An Act Relating to Penalty for Sale of Certain Drugs", was Passed to be Engrossed.

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 Androscoggin, Senator Clifford, that the Senate reconsider its action whereby Bill, "An Act Relating to Penalty for Sale of Certain Drugs", was passed to be engrossed. A Yes vote will be in favor of reconsideration; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Carswell, Chick, Clifford, Conley, Dunn, Graham, Harding, Katz, Kellam, Martin, Minkowsky, Tanous, Violette and President MacLeod.

NAYS: Senators Anderson, Bernard, Danton, Fortier, Greeley, Hichens, Hoffses, Johnson, Mar-

cotte, Moore, Peabody, Schulten, Shute, and Wyman.

ABSENT: Senators Levine, Quinn and Sewall.

A roll call was had. Fifteen Senators having voted in the affirmative and fourteen Senators having voted in the negative, with three Senators absent, the motion to reconsider prevailed.

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

Senate Amendment "B", Filing No. S-381, was Read.

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

The Chair recognizes the Senator from Franklin, Senator Shute.

On motion by Mr. Shute of Franklin, a division was had. Fourteen Senators having voted in the affirmative, and Sixteen Senators having voted in the negative, Senate Amendment "B" was not adopted.

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

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action whereby Bill, "An Act Reallocating Funds for Professional Contractual Employees for the Joint Standing Committees of the Legislature," (H. P. 1450) (L. D. 1893), was Passed to be Engrossed.

The same Senator then moved that under suspension of the rules, the Senate reconsider its action whereby Committee Amendment "A", as Amended by House Amendment "A" Thereto, was Adopted.

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

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: I wonder if sufficient thought has been given to this bill to really realize what it is doing. I appreciate that I am probably speaking for myself, but I am also speaking for a considerable number of the legislators.

If the \$3,500 salary was approved today to be paid the first year, it would mean that everybody drawing Social Security would be

giving this extra thousand dollars to the federal government, plus having to pay any income tax, any retirement system, or any other fringe benefit involved, out of his own pocket. In other words, anyone drawing Social Security, far from being an increase of \$1,000, would not even break even. And I see the possibility of having to pay possibly \$200 or \$300 out of my pocket on account of this raise and, if we are going to have that kind of a raise, I would prefer not to have it, so I would urge you to vote against reconsideration.

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

Thereupon, on motion by Mr. Moore of Cumberland, tabled until later in today's session, pending the motion by Mr. Berry of Cumberland to suspend the rules.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Recessed until 2 o'clock this afternoon.

(After Recess)

Called to order by The President.

On motion by Mr. Hoffses of Knox,

Recessed until the sound of the bell.

(After Recess)

Called to order by the President.

Orders of the Day

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

Bill, "An Act Providing 4-year Terms for County Attorneys and Full-time County Attorneys for Certain Counties." (S. P. 725) (L. D. 1983)

Pending — the motion by Mr. Clifford of Androscoggin to Accept the Ought to Pass in New Draft Report "A" of the Committee.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would hope that we would be able to work out meaningful compromise amongst the three bills here. It would seem to me

that Report "C" came out of the Governor's office, as I recall it, with five objections to it, and it is my understanding that this bill now has had four of the five objections removed. I am wondering if perhaps the acceptance of Report "C" eventually might not be the most expeditious manner of handling this problem, so perhaps we could compromise on the remaining point in that bill. Unless there is a lot of feeling to the contrary, I hope that we would defeat Senator Clifford's motion, and then accept Report "C".

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would hope that the Senate would accept Report "A". I think we have an expression here or feeling of opinion regarding these three reports.

I note there are nine signers of Report "A" and Report "B", which apparently are in favor of electing our prosecution system, and we have four signers of Report "C", which is the identical report which the Governor vetoed.

I think certainly there may be room for compromising or arriving at some possible compromise with regard to the first two reports or possibly of electing the prosecuting attorneys in the court districts, as Report "A" does, and possibly placing in the Attorney General, or leaving the authority with him, in case of emergencies to move the prosecuting attorneys possibly from one district to another, if there was any need for assistance from one district to another.

But it is my judgment that it would be an exercise in futility to go to Report "C" because undoubtedly, while there were several factors raised in the Governor's veto with regards to this bill, the most serious and the most important objection was that it was removing the prosecution from the electorate system. This was the key objection to that bill, and it remains now, as far as many of us are concerned, because of that. I would think it would be a hopeless situation to try to pass Report "C".

I think there is a very good possibility and I am very hopeful that, recognizing this, we would go forward and enact an elective prosecution system which will fulfill the needs of our state. I think Report "A" offers the best vehicle to do this, and I would be very, very hopeful that this is the report that we would accept. Recalling a very well written editorial in last Sunday's Portland Sunday Telegram which spoke to this effect, recognizing the need to improve our prosecution system, and leaving our prosecution system in at the electorate level of our people, I think Report "A" does this, and I am very, very hopeful that this legislature would enact a bill along this line. So I hope we would accept Report "A".

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I move that when the vote is taken it be taken by the Yeas and Nays, and I would like to make just one comment to add to what I said this morning. That is that in only four other states in the United States do we have an appointive district attorney system. In all other states, with the exception of these four, we have elected district attorney systems somewhere along the line. Now, you can take that for what it is worth, but I think that is some indication as to the trend, at least, in this country of our prosecution systems.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I think everybody knows here how strongly I felt about a full-time prosecution system, and I believe that law and order in the State of Maine faces breakdown in many areas because we do not have full-time prosecutors.

You will recall that I was willing to compromise insofar as the appointment was concerned, however, I can tell you that this is a deep-seated feeling on the part of the Governor. I have had many conversations with him, and all I

can say is this: that if we do go along with Report "C", it is an exercise in futility, that we will come away with no full-time prosecuting system.

If we go with Report "A", I believe the only thing that is really different in Report "A" from Report "C" is the elective part of it. We are also willing to compromise, even in Report "A", and let the Attorney General make the assignments in case of emergencies or overload. Again, I can only plead with you. I mean, this is a desperate situation in many of the counties and we just have to do something. I would hope that we would go in the area where we would be able to accomplish something, and that involves Report "A", in my opinion.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The only argument I have heard so far against Report "C" is that the Governor would veto it. I don't think this is a very valid argument. Aren't we supposed to be passing legislation based on its merit, and can't the sweet voice of pure reason reach every ear?

Now, to discuss the merit or lack of merit of Report "A", some of the things I hear continually mentioned by our legal brethren is flexibility, caseload, and adapting our prosecution system to the judicial work load. Now, if we are going to have thirteen elected district attorneys, who will receive salaries on the order of \$18,000, I don't think you need to be a prophet to predict a built-in resistance to any future change. I think we would have people on the public payroll, granted that they are elected, who would be very happy with their jobs, and I think we would remove completely the possibility of future flexibility.

Now, the bill itself says that a district attorney shall have his principal and primary duty in the district to which he was elected. Any district attorney can throw this up in the face of his superior and say this is my primary duty here in Oshgosh County, and I am not going to go outside because

I don't know when the telephone is going to ring and I might have a real serious case. So Report "A" does build in inflexibility. And, of course, this is the objection to Report "B", which would provide in our six larger counties full-time county attorneys. I think we are pretty well agreed that if we do build in six full-time county attorneys at the two salaries of \$17,500 in all the counties except Androscoggin, and Androscoggin, having major problems, would get \$18,500, I think when we build this in that we are preventing future change. So "A" and "B" are inflexible to this extent.

Now we are told that because the Governor will veto Report "C" it cannot be the vehicle for compromise, but I think it can be, and I would hope that we wouldn't vote for Report "A" so that eventually we would vote for Report "C" and see if we can't work it out.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: This question of reason prevailing, and what not, I think is pure rhetoric. I think that there is a tremendously important reason for retaining the prosecution system at the electorate level, and this is supported certainly by people other than myself and other than the Governor.

The Senate Intergovernmental Relations Committee in the last few years has undertaken a very comprehensive study of the judicial systems and prosecution systems in this country. Of course, this Committee is made up of people from the United States Senate of both parties, people from the House of Representatives in Congress of both parties, representatives from state legislatures throughout the country of both parties, people from the cities and from the academic systems of our country, from our universities and colleges, who specialize in this type of work. Their study has brought out the fact that it is exceedingly important that the prosecution system remain as close to the people as it possibly can, because it is the

only part of our system of justice which remains within the elective process, and I think this is a very, very fundamental of our government structure.

This is the reason that I support Report "A", number one, and, if that should be unsuccessful, I am also willing to support Report "B". But I think it is a fundamental principle, as far as I am concerned, that we continue to elect our state prosecutors, and this is where I am. I am sorry that I must depart from wanting to support Report "B". It is not a matter that it is going to be vetoed; that is not the matter at all. I think it is what kind of concept we are going to adopt and, if there are some inadequacies in some of those bills as we go along, we ought to be willing to correct them. But I think it is exceedingly important if we start out under a prosecution system, at the outset, that it remain at the elective level and within the elective process of our government. That is the reason I support Report "A", and I am hopeful that it will be accepted.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that the Senate accept Report "A", Ought to Pass in New Draft on Bill, "An Act Providing for Full-time Elected District Attorneys."

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 Chair will state the question once again. The pending question is the motion of the Senator from Androscoggin, Senator Clifford, that the Senate accept the Ought to Pass in New Draft Report of the Committee, Report "A", on Bill, "An Act Providing for Full-time Elected District Attorneys." 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 Carswell, Clifford, Conley, Danton, Fortier, Graham, Greeley, Harding, Katz, Kellam, Marcotte, Martin, Minkowsky, Tanous, Violette, and Wyman.

NAYS: Senators Anderson, Berry, Chick, Dunn, Hichens, Hoffses, Johnson, Moore, Peabody, Quinn, Schulten, Sewall, Shute, and President MacLeod.

ABSENT: Senators Bernard and Levine.

A roll call was had, 16 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the Ought to Pass in New Draft Report "A" of the Committee was Accepted, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate the second matter tabled earlier in today's session, by Mr. Schulten of Sagadahoc:

Bill, "An Act to Revise the Maine Land Use Regulation Commission Law." (S. P. 709) (L. D. 1890)

Pending — Passage to be Engrossed.

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

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

Bill, "An Act Reallocating Funds for Professional Contractual Employees for the Joint Standing Committees of the Legislature." (H. P. 1450) (L. D. 1893)

Pending — the motion by Mr. Berry of Cumberland that, under suspension of the rules, the Senate reconsider its action whereby Committee Amendment "A", as Amended by House Amendment "A" Thereto, was Adopted.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: If the rules are suspended, I propose to introduce Senate Amendment "A" to Committee Amendment "A", which merely

emphasizes the fact that the legislation is intended to continue the present practice of paying per diem to members of the legislature in special session, and not confuse the issue with any increase in pay and when that increase is paid. I hope you will support the motion to suspend the rules for introduction of this amendment.

The PRESIDENT: Is it now the pleasure of the Senate that the rules be suspended for the purpose of reconsidering the action of the Senate whereby Committee Amendment "A", as Amended by House Amendment "A" thereto, was adopted?

The motion prevailed.

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

Senate Amendment "A", Filing No. S-378, to Committee Amendment "A" was Read and Adopted.

Mr. Graham of Cumberland then presented Senate Amendment "B" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "B", Filing No. S-380, to Committee Amendment "A" was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: This amendment merely raises the salaries of the two Indian Representatives from \$650 a year to \$1500 a year. It seems to me if we can raise our own salary that we ought to raise the salary of these representatives.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "B" to Committee Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I move the indefinite postponement of this amendment.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Senate Amendment "B" to Committee Amendment "B" be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: This item merely tacks \$1700 to the budget. I think it is very important to give these people a feeling of being accepted and being appreciated in this legislature, and I ask for a division.

The PRESIDENT: A division has been requested. Is the Senate ready for the question?

As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that Senate Amendment "B" to Committee Amendment "A" be indefinitely postponed will please rise and remain standing until counted.

The Chair recognizes the Senator from Cumberland, Senator Graham.

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

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would withdraw my motion for indefinite postponement, but would oppose the motion of Senator Graham and request a roll call.

The PRESIDENT: The Senator from Cumberland, Senator Berry, withdraws his motion whereby the Senate would indefinitely postpone Senate Amendment "B" to Committee Amendment "A". The pending question is the adoption of Senate Amendment "B" to Committee Amendment "A". A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: May we have some reason for the opposition to this amendment by Senator Berry from Cumberland?

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: As a responsible legislator, I must rise to the obvious point that I don't believe that these Indian Representatives, from their activities here in the legislature, need any more money. I think this is, quite frankly, a waste. I appreciate the sentiment that may be involved here that we should do something to help the Indians out but I think in this particular instance this is money that is not needed. I don't observe their activities on the floor of either house, and I think the compensation, expenses and so forth that they receive are quite ample for their duties.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I would like to say that I have been around here since 1957 and, as much as I hate to make this remark, I think that other legislators could be compared to some of the Indians. So let's not discriminate. I mean, there are legislators who come to the legislature and sit and collect their paycheck, and sometimes don't say a word but just press a button to vote. I don't think we should take it out on the Indians. I have known the Indians to do a tremendous amount of work.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: I think it also should be pointed out that the Indians do not have seats in our legislature and are not allowed to speak, therefore, if their presence is not very obvious, that is a very good reason for it. I also, again, would like to repeat that it seems to me it is somewhat of a sneaky attitude for us to raise our own salaries and not raise the salaries of these very deserving people.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I agree with the position

of the good Senator from Cumberland, Senator Graham, that we ought to support his motion and I hope you will vote yes on the roll call. After we have been so generous to ourselves here to vote, for those of us who run for re-election, another thousand dollars, I hope the word won't go out that this Senate has voted that the Indians will bite the dust. So, I hope you will vote yes.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I am in the dark about this. I certainly would like to know from some member of this body who is a proponent of this amendment to at least let me know what they do here for duties so that I might be able to decide better which way to vote.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I think, again, we can ask that about many other legislators, what they do here. After all, we have a law on the books that sends them down here as representatives. Now, if we are going to question why they are here, I think, as I said before, we can question why some of the others are here. I don't think that is a fair question.

The PRESIDENT: In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those 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 adoption of Senate Amendment "B" to Committee Amendment "A". A Yes vote will be in favor of the adoption of Senate Amendment "B" to Committee Amendment "A"; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Carswell, Chick, Clifford, Conley, Danton, Fortier,

Graham, Greeley, Harding, Hichens, Kellam, Marcotte, Minkowsky, Peabody, Quinn, Schulten, Shute, Violette and President MacLeod.

NAYS: Senators Anderson, Berry, Dunn, Hoffses, Johnson, Katz, Martin, Moore, Tanous and Wyman.

ABSENT: Senators Bernard, Levine and Sewall.

A roll call was had. Nineteen Senators having voted in the affirmative, and ten Senators having voted in the negative, with three Senators absent, Senate Amendment "B" to Committee Amendment "A" was Adopted, and Committee Amendment "A", as Amended by House Amendment "A", Senate Amendment "A" and Senate Amendment "B" Thereto, was Adopted.

The PRESIDENT: Is it the pleasure of the Senate that this bill, as amended, be passed to be Engrossed in non-concurrence?

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: In order to be consistent with my voting, I feel the same way with the rest of the bill as I do with this amendment. As all of you know, I won't be here the next session but I acted this way at the past session when there was a pay increase for members of the legislature. I, therefore, move that this bill be indefinitely postponed, and I request a roll call.

The PRESIDENT: The Senator from Piscataquis, Senator Martin, now moves that Bill, "An Act Reallocating Funds for Professional Contractual Employees for the Joint Standing Committees of the Legislature", 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 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 less than one-fifth having arisen, a roll call is not ordered. As many Senators as are in favor of the motion of the Senator from Piscataquis, Senator Mar-

tin, that the bill be indefinitely postponed will please say Yes; those opposed No.

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

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

Papers From The House

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

Joint Orders

WHEREAS, the sport of snowmobiling is one of the newest and fastest growing forms of outdoor recreation during the winter in Maine; and

WHEREAS, this Legislature and Maine's citizens have an increasing concern for our environment; and

WHEREAS, this Legislature desires to encourage this new sport and it also desires to adequately protect the rights and property owners, non-snowmobilers and our natural resources; and

WHEREAS, if properly provided for, the sport of snowmobiling can be an increasingly healthful, enjoyable family-type activity; now, therefore, be it

ORDERED, the Senate concurring, that a Special Interim Study Committee be created consisting of 2 members of the Senate, to be appointed by the President, 4 members of the House of Representatives, to be appointed by the Speaker, and 6 other members as follows: the present President and Past President of the Maine State Snowmobile Association, the Snowmobile Coordinator of the Park and Recreation Commission, the Director of Snowmobile Registration and the Deputy Chief Warden of the Warden Service, Department of Inland Fisheries and Game, and a legal counsellor of the Maine Municipal Association to study the sport of snowmobiling as it applies to the State of Maine for the purpose of determining necessary and possible improvements. Such study shall include, but not be limited to, the operation, regulation and licensing in this and other jurisdictions, costs and other factors which may lead to general improvement and

control of the sport; and be it further

ORDERED, that the members of the Committee shall serve without compensation, but shall be reimbursed for their expenses incurred in the performance of their duties under this Order; and be it further

ORDERED, that the Committee shall have the authority to employ such professional and clerical assistance as it deems necessary within the limits of funds provided; and be it further

ORDERED, that there is allocated to the Committee from the Legislative Account the sum of \$2,000 to carry out the purposes of this Order; and be it further

ORDERED, that a report of such study, together with legislation to implement any recommendations deemed necessary, be made to the 106th Legislature.

(H. P. 1598)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

WHEREAS, the Redskins of Wiscasset High School are the winners of the 1972 Western Maine Class D Basketball Championship; and

WHEREAS, this spirited group of courageous young men have demonstrated a style of sportsmanship and skill only possessed by champions; and

WHEREAS, the Towns of Alna, Dresden, Edgcomb, Westport and Wiscasset can be justly proud of this winning team and its individual stars; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 105th Maine Legislature now assembled in special session, take this opportunity to commend the Redskins of Wiscasset High School and coach, Loren Sibley for winning the Eastern Maine Class D Basketball Championship for 1972 and wish them continued success in the field of sports; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the respective towns, principal and coach of Wiscasset High School.

(H. P. 1599)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

WHEREAS, the legislative branch of State Government is the principal instrument for the exercise by the people of their constitutional right to govern themselves; and

WHEREAS, the basic structure and procedure under which the Maine Legislature operates has remained largely unchanged since the Constitution was adopted in 1820; and

WHEREAS, during the past 152 years the amount of public funds the Legislature is responsible to raise and appropriate, like its duties and burdens, has multiplied many hundreds of times; and

WHEREAS, the role of the Federal Government has taken significant new paths in recent years which profoundly affect and overshadow virtually all aspects of our Legislature; and

WHEREAS, the Legislature must blueprint a way to reform itself in order to offset or retard the growth of federal power and to fulfill its role as a full partner in our state-federal system; now, therefore, be it

ORDERED, the Senate concurring, that there is created a special interim committee to be composed of 3 members of the Senate, to be appointed by the President of the Senate; 5 members of the House of Representatives, to be appointed by the Speaker of the House and 7 additional members to be appointed by the Governor with the advice and consent of the Executive Council to represent the following areas: Municipal government, county government, industry, labor, agriculture, finance and tourism. Not more than 3 legislators from the House nor 2 legislators from the Senate shall be of the same party on the Committee and the Committee shall elect a chairman who shall serve as such at the pleasure of the Committee. It shall be the purpose of the Committee, among any others, to make such studies and evaluation of the structure, functions and

responsibilities of the Maine Legislature as it considers necessary, to review and make recommendations on any changes in the numerical size of the Legislature, levels of compensation for Legislators, legislative staffing and the present and future role of the Maine Legislature in the federal system and all other related matters which will strengthen and improve the legislative process in the State of Maine; and be it further

ORDERED, that the Committee is authorized to accept, at no cost to the State, the research staff and services of Eagleton Institute of Politics at Rutgers University under a grant from the Ford Foundation of \$715,000 to carry out the purposes of this Order; and be it further

ORDERED, that the legislative members of the Committee shall be compensated, within the limits of funds provided, \$20 per day and all reasonable expenses incurred in the performance of duties authorized by the Committee; and be it further

ORDERED, that there is allocated from the Legislative Account the sum of \$5,000 to carry out the purposes of this Order; and be it further

ORDERED, that the Committee shall report the results of its study and evaluation with all necessary legislation to implement its recommendations at the regular session of the 106th Legislature. (H. P. 1600)

Comes from the House, Read and Passed.

Which was Read and Passed in Concurrence.

WHEREAS, Wesley Ridlon of Portland was named "Policeman of the Year" by the editors of Parade Magazine and the International Association of Chiefs of Police; and

WHEREAS, Wesley Ridlon received this coveted award as a result of his outstanding service as a school-police liaison officer in the Portland public schools; and

WHEREAS, Wesley Ridlon's service has brought great honor and recognition to the City of Portland

Police Department and the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the 105th Legislature, now assembled in the First Special Session, do hereby recognize and congratulate Officer Wesley Ridlon for his outstanding achievement and wish him continued success in his work with the youth of our State; and be it further

ORDERED, that a duly attested copy of this Order be presented to Officer Ridlon as a token of the sentiments expressed herein. (H. P. 1601)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications

State of Maine

House of Representatives

Office of the Clerk

Augusta, Maine 04330

March 1, 1972

Hon. Harry N. Starbranch
Secretary of the Senate
105th Legislature
First Special Session
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 relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law" (H. P. 1531) (L. D. 1974)

Messrs. HASKELL of Houlton
MARSTALLER

of Freeport
CAREY of Waterville

Respectfully,
BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

Orders

Out of order and under suspension of the rules

On motion by Mr. Hichens of York,

ORDERED, the House concurring, that there is allocated from the Legislative Account the sum of \$3,000 to the Joint Standing Committee of the Legislature on Health and Institutional Services to

continue its study of the State Departments of Health and Welfare and Mental Health and Corrections as authorized by Joint Order (S. P. 615) at the last regular session; and be it further

ORDERED, that members of the Committee shall be compensated at the rate of \$20 per day for every day spent in actual performance of their duties and within the limits of funds provided. (S. P. 776)

Which was Read and Passed.

Sent down for concurrence.

Enactors

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

An Act to Grant Adult Rights to Persons Eighteen Years of Age. (H. P. 1581) (L. D. 2038)

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Before we vote on final enactment on L. D. 2038, An Act to Grant Adult Rights to Persons Eighteen Years of Age, I feel on such a momentous occasion that perhaps a few words ought to be mentioned on the floor for the record.

I want you to know that we had a full-scale hearing in the Judiciary Hearing Room relative to this particular bill. We had many, many proponents as well as opponents to the bill. It was really quite a decision for each member to make, and I say this because there are thirteen members on the Judiciary Committee and six had signed Ought to Pass, and six had signed Ought Not to Pass and, of course, I was the last one to sign. I really deliberated on signing this bill, in fact, I spend a whole week-end really considering this. Believe me I was never so torn on a particular issue as I was on this one. But after building within myself a very valid argument to oppose this bill, and being an attorney, I also then counteracted my own argument, and ultimately the wisdom of voting for the bill carried out.

I realize that many of you have some apprehensions about perhaps enacting this particular bill, but I feel personally now that the eigh-

teen-year-olds have the right to vote, they are being drafted, they ought to be given the responsibilities that go with all of the rights of an eighteen-year-old. This bill, in effect, gives them these responsibilities.

I realize the argument has been used that if you are old enough to fight and you are old enough to vote then you are old enough to have adult rights. Perhaps for those of you who have reservations about this bill, maybe the mistake was made years ago when we decided to draft eighteen-year-olds. Perhaps some of you think they are not mature enough, that an adult ought to be twenty or twenty-one, I think this is where the mistake was made many, many years ago when we decided to draft eighteen year olds.

I feel that this was when the error was formed and was done. I feel that at that time they should have had these rights as well as the right to vote. So I ask all of you to vote in favor of this bill and I would also ask for a roll call when the vote is taken.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I stand here and envy the Senator from Penobscot, Senator Tanous, because he is at peace with himself, and I am not. I had presumed all along I was going to vote for this bill, being a flaming liberal, supporting the eighteen-year-old vote, having so much faith in the kids, and I have, but something happened in the regular session that has finally caught up with me.

In the regular session I got deeply involved with highway safety legislation. You know when you get away from the generalities and the philosophies and start thinking about individual cases and individual kids, if you are not strong of character, and I am not, you get hang-ups. I know that no one has disputed the fact that half of the fatalities, and there were 56,000 of them last year, half of the fatalities on the United States highways are alcohol related, and

I know that young people are involved in more fatal accidents percentage-wise in the State of Maine than others, and I ask myself what is the effect of this law going to be?

I don't have any hang-ups about contracts, if a businessman wants to extend a contract for an eighteen-year-old, good luck to him, and he can do it today; he is not prohibited under the law. I don't have any hang-ups of kids getting married at eighteen, although the divorce courts, and a study in California recently indicated that some thirty percent of the girls involved in eighteen-year-old marriages were pregnant at the time of the ceremony. But this is an existing social problem. But the thing that makes me so darn uneasy, the thing that completely prevents my peace of mind, is the knowledge that by the simple enactment of this bill we will make it legal for a car full of kids to drive up to the state liquor store as they leave on a date, legally, openly, and buy a pint. And I just have the feeling that by pursuing what we think is the new look, by pursuing what we think is the new trend, to give all these rights to the kids, that we will be contributing to additional deaths on the highway, and I think that we will. I am so impressed by the fact that when one kid gets lost in the woods and his life is in danger so that he ends up on the front page of the paper, and we send out searching parties because one human life is so important, and yet I am convinced that there is far more than a single life involved here, that there are many human lives involved.

I wish I could do in an election year the intelligent thing, the smart and popular thing, because eighteen-year-olds are going to be able to vote, I wish I could do the smart thing and vote for this, but I can't. Consequently, I shall vote against it.

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

MR. HICHENS of York: Mr. President and Members of the Senate: I appreciate the remarks of the Senator from Kennebec be-

cause I agree with him one hundred percent, but I couldn't help think about when we were having the debate over allowing increased rates for our Indian representatives and the question was asked what do they do to earn it, and it maybe included me because I was told once when I kept quiet I accomplished more than when I got up and said something. And I realize that this afternoon I am not going to accomplish very much by getting up and saying something, but I feel it has to be said and I hope you bear with me while I say it.

I am in opposition to L. D. 2038 for many reasons, perhaps as much or even more than I was opposed to the original L. D., because it has been changed so that in some cases a person becomes an adult at 18 and in other cases it allowed minor's privileges until he or she is twenty.

At the hearing on L. D. 2000 I drew attention to the fact that the taxpayers would no longer be obligated to educate students after they reached maturity at 18. In the new draft those sections have been conveniently omitted so that, if this bill becomes law, an 18 or 19-year-old adult can still finish school at taxpayers' expense. Another section concerning the liability for indecent liberties has also been deleted.

Yet one of the greatest problems that will result from the passage of this bill, the permitting of the 18-year-olds to purchase liquor, has been retained. I have listened to the argument that most 18-year-olds get liquor anyway so why not make it legal at 18 years of age, but I still believe that many many young people who do not purchase liquor because the law forbids it, will feel free to do so if it can be done legally. Furthermore, 16 and 17-year-olds will be more bold in attempting to purchase it as 18-year-olds may be now doing.

Last week we listened to arguments concerning drugs and their impact upon the young people. Liquor is the most commonly used drug today and is the start toward hard drugs for many teenagers. Yet dedicated members of this

body who waged the battle against drug pushers blatantly support a measure to allow greater sales of liquors to our young people. It just doesn't add up. In a recent editorial in the Portland Press Herald, we read, "Reports about teenage use of alcoholic beverages are becoming more and more frequent and the concern rises.

"There are those authorities who say already that the potential drinking problem should create greater apprehension than drug addiction. Adding alcohol to the drug problem does create an atmosphere for disaster.

"Part of the increase in use may be due to lowering age limits to 18, although there is not clear statistical proof of this. It cannot be the sole factor, that's certain. For the use, and abuse, is noted at ages well below 18 and includes both sexes."

At the drug seminar held at the armory a year and a half ago we were given figures obtained from a survey of Maine schools which showed that 40 percent of Maine high schoolers freely admitted the use of hard liquor and 21 percent admitted to the use of hard drugs. I firmly believe that lowering the age for purchase of liquor isn't going to correct these problems, but will greatly add to them.

I have discussed the possibility of 18-year-old adult rights with several college students and they have told me, "Let them vote at 18, but no liquor; they can't handle it at that age."

I have been warned by several adults that I would alienate the young people by opposing 18-year-old adult rights. Yet I have not had one 18, 19 or 20-year-old ask me personally, or inform me in any way, that they want these rights. On the other hand, several I have talked with, including a Sunday School group last week, stated they just as soon wait until they are 20, or if they are adults now, they state that they are just as pleased that they were not granted adult rights before reaching the age of 21.

I am not against young people, rather, by my stand, I hope they realize I am for them 100 percent.

I will close by saying, as I said nine months ago when you wisely saw fit to defeat this bill: Let them be kids until they are 20; they are going to be adults for a long, long time.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I thought at first my remarks here might be irrelevant, but perhaps they are not. I was shocked at the remark which the good Senator from Kennebec, Senator Katz, made that he was a flaming liberal. I thought that the good Senator, like I, was a dyed in the wool conservative. So, you see, we do find out these things here in this debate.

If I may be serious for a moment, I believe that most of the remarks, however, with all due respect to the good Senator, if we were in court I wonder if they would say that they were relevant, because 18-year-olds now may drive on the highways. They are given that right. And if there is one law that is violated almost at will, and all you have to do is talk with any of the kids and they will tell you this, that any kid 18 years old or 19 years old that wants liquor gets liquor. That is already the situation. That fact being, we have a law on the books that is universally, by those who wish to disobey it, do disobey it. This creates a great amount of disrespect among our young people for our laws, and that is a very bad situation because we have to have respect for laws if we are going to expect people to obey them.

So, I think that this is good and, as I have said to some others, I believe that once under our federal constitution you have given these people who are eighteen years of age the right to vote, I don't believe that you can deny them legally any rights, because this is denial of equal protection under the laws. You can't say among your voters that this voter may do this but that voter may not do that. So, I believe really what we are saying here is academic because finally this

issue will be litigated. But it is the right thing to do and it is the decent thing to do; they do have the right to vote, and we should accord them the other rights which they have. So, I hope you will vote for the enactment of this bill.

The PRESIDENT: The pending question is the enactment of Bill, An Act to Grant Adult Rights to Persons Eighteen Years of Age. 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 enactment of Bill, An Act to Grant Adult Rights to Persons Eighteen Years of Age. 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 Berry, Chick, Clifford, Conley, Danton, Graham, Harding, Hoffses, Johnson, Kelam, Marcotte, Peabody, Schulten, Tanous, Violette, Wyman and President MacLeod.

NAYS: Senators Anderson, Carswell, Dunn, Fortier, Greeley,

Hichens, Katz, Martin, Minkowsky, Moore, Quinn, Sewall and Shute.

ABSENT: Senators Bernard and Levine.

A roll call was had. Seventeen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with two Senators absent, 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, Mr. Harding.

Mr. HARDING of Aroostook: Mr. President, having voted on the prevailing side, I now move for reconsideration, and I hope everyone will vote against me.

The PRESIDENT: The Senator from Aroostook, Senator Harding, now moves that the Senate reconsider its action whereby Bill, An Act to Grant Adult Rights to Persons Eighteen Years of Age, was Passed to be Enacted.

As many Senators as are in favor of the motion to reconsider will please say Yes: those opposed No.

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

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.