

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Monday, March 12, 1973

Senate called to order by the President.

Prayer by The Honorable Minnette H. Cummings of Newport.

Reading of the Journal of yesterday.

Joint Resolution
STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-Three

Joint Resolution in Protest of Federal Restrictions and Cutbacks on Human Services

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Sixth Legislative Session assembled, most respectfully present and petition the Honorable Casper W. Weinberger, Secretary of the Department of Health, Education and Welfare, Philip J. Rutledge, Administrator of Social and Rehabilitation Services and each Maine Member of the United States Congress as follows:

WHEREAS, there are restrictions currently placed on Title IV-A and XVI of the Social Security Act of 1935 that limit services to former, present or potential recipients of welfare aid. These restrictions effectively cut off services to many low income individuals and families that do not fall within stringent income guidelines; and

WHEREAS, regulations affecting the above mentioned funds have been published (2-16-73) in the Federal Register that:

1. Prohibit use of private moneys as "seed money" for 3-1 federal matching funds; and
2. Restrict individual and family eligibility for use of services funded with these funds; and
3. Restrict the manner in which the State of Maine, through the Department of Health and Welfare, can contract with private agencies for social services; and

WHEREAS, there is a 30-day period (2-16-73 — 3-16-73) during which citizens can respond to the Federal Government on the effects

of such regulations, the regulations will not become effective until this 30-day period has been completed; and

WHEREAS, these restrictions affect a wide range of programs, including day care and elderly services, health and food distribution programs, Community Action programs, low and moderate income housing programs, educational and homemaker programs, camping projects, management training programs for low income people, medical research programs, the University of Maine's Social Welfare programs, legal services, among others; and

WHEREAS, there are restrictions on the use of "Revenue Sharing" funds that do not allow "Revenue Sharing" funds to be matched with federal dollars; and

WHEREAS, such actions as those described above will force many persons back on welfare rolls rather than create a positive force that respects human pride and dignity by allowing individuals and families to improve their social and economic conditions; now, therefore, be it

RESOLVED: That we, your Memorialists being cognizant of these facts and alert to the human needs served through human service programs, do hereby protest said actions by the Federal Government and urgently request the foregoing agencies to halt the implementation of restrictions on "seed money" eligibility requirements and the manner in which the State of Maine will be allowed to contract with private agencies for human services; and be it further

RESOLVED: That duly authenticated copies of this Resolution be immediately transmitted by the Secretary of State to each of said federal agencies and to each Maine Member of the Senate and House of Representatives of the United States Congress. (H. P. 1119)

Comes from the House, Read and Adopted.

Which was Read.

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

Joint Orders

WHEREAS, the Red Riots of Orono High School have won the Class B Basketball title for Eastern Maine; and

WHEREAS, on Saturday evening, March 3, 1973, in Augusta the courageous Red Riots went on to win the State Class B Basketball title; and

WHEREAS, the people of the State of Maine are extremely proud of their new Class B Basketball champions and their splendid record of achievement; now, therefore, be it

ORDERED, the Senate concurring, that we, the members of the Senate and House of Representatives of the One Hundred and Sixth Legislature, now assembled, take this opportunity to recognize and honor this outstanding basketball team, its captain, Stephen J. Gavett and its coach and athletic director, John S. Griffin for their accomplishments in the field of sports and wish them continued success in bringing honor to their community, school and state; and be it further

ORDERED, that duly attested copies of this Order be transmitted forthwith to Principal Robert T. Robinson, Coach John S. Griffin and Captain Stephen J. Gavett of Orono High School in token of the sentiments expressed herein. (H. P. 1123)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

WHEREAS, organized resident and day camping is involved with the quality of life of youth; and

WHEREAS, camping in Maine and the nation helps youth develop good, healthy images of themselves; and

WHEREAS, camping aids in the development of understanding of the environment and the differences between race, culture and religion; and

WHEREAS, camping attended to the needs of 20,000 boys and girls in Maine last summer; now, therefore, be it

ORDERED, the Senate concurring, that the 106th Legisla-

ture salutes organized camping, both in Maine and the nation, the week of March 4th through March 10th which is "American Camping Week," and be it further

ORDERED, that a suitable copy of this Order be forwarded to the Fund for Advancement of Camping in honor of the occasion. (H. P. 1124)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

Bills and Resolve today requiring Reference to Committees were acted upon in concurrence.

Communications

STATE OF MAINE

House of Representatives

Office of the Clerk

Augusta, Maine 04330

March 8, 1973

The Honorable Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

The House today voted to Adhere to its action whereby it indefinitely postponed Bill "An Act Relating to Possession of Firearm during Open Season on Deer after Deer Registered" (H. P. 159) (L. D. 201).

Respectfully,

Signed:

E. LOUISE LINCOLN

Clerk of the House

Which was Read and Ordered Placed on File.

Senate Papers

Appropriations and Financial Affairs

Resolve, Providing Funds for Portrait of Honorable Margaret Chase Smith. (S. P. 433)

Mr. Marcotte of York presented Bill, "An Act to Increase the Authorized Bonding Limit of the Maine State Housing Authority." (S. P. 434)

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

County Government

Mr. Brennan of Cumberland presented Bill, "An Act Creating County Civil Service Commissions for Investigator Deputy Sheriffs." (S. P. 439)

Which was referred to the Committee on County Government and Ordered Printed.

Sent down for concurrence.

State Government

Mr. MacLeod of Penobscot presented Bill, "An Act Creating the Commission for the Blind and Visually Handicapped." (S. P. 435)

(On motion by Mr. Hichens of York, referred to the Committee on State Government and Ordered Printed.)

Mr. Richardson of Cumberland presented Bill, "An Act to Establish a State Veterans Home." (S. P. 436)

Mr. Conley of Cumberland presented Bill, "An Act to Establish the Maine Telecommunications Commission." (S. P. 440)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that notwithstanding Joint Rule 8, bills and resolves now in the office of the Director of Legislative Research shall be introduced in complete final form in the appropriate house not later than 5 p.m. on Wednesday, March 28, 1973. (S. P. 441)

Which was Read.

The PRESIDENT: As many Senators as are in favor of the passage of this order will please rise and remain standing until counted.

Thereupon, 28 Senators having voted in the affirmative, the Joint Order received Passage.

Sent down for concurrence.

Committee Reports**House**

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

Bill, "An Act Relating to Circulating Specimen or Sample Election Ballots." (H. P. 345) (L. D. 460)

Bill, "An Act Relating to State Political Committees to Determine Order of Business at State Conventions." (H. P. 587) (L. D. 778)

Ought to Pass

The Committee on Health and Institutional Services on Resolve, to Repeal Certain Special Resolve Pensions. (H. P. 291) (L. D. 365)

Reported that the same Ought to Pass.

The Committee on State Government on Bill, "An Act Increasing the Compensation of the Governor." (H. P. 460) (L. D. 609)

Reported that the same Ought to Pass.

The Committee on Health and Institutional Services on Bill, "An Act Appropriating Funds to Provide Vocational Rehabilitation Services to Handicapped Persons." (H. P. 482) (L. D. 626)

Reported that the same Ought to Pass.

The Committee on State Government on Resolve, Authorizing the Commissioner of Parks and Recreation to Convey by Sale the State's Interest in Certain Real Property at Lubec. (H. P. 499) (L. D. 652)

Reported that the same Ought to Pass.

Come from the House, the Bills and Resolves Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on Judiciary on Bill, "An Act Relating to Identity of Defendant in Suspension Cases under Motor Vehicle Laws." (H. P. 311) (L. D. 413)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-74).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee

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

Which reports were Read.

Thereupon, on motion by Mr. Shute of Franklin, Tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Ought to Pass in New Draft

The Committee on Election Laws on Bill, "An Act Relating to Disqualification of Ballots." (H. P. 35) (L. D. 42)

Reported that the same Ought to Pass in New Draft under New Title "An Act Relating to Use of Red Pen or Pencil in Counting Ballots" (H. P. 1053) (L. D. 1185).

Comes from the House, the Bill in New Draft Recommended to the Committee on Election Laws.

Which Report was Read.

On motion by Mr. Joly of Kennebec, the Bill was substituted for the Committee Report and, on subsequent motion by the same Senator, Recommended to the Committee on Election Laws in concurrence.

Divided Report

The Majority of the Committee on Transportation on Bill, "An Act Relating to Exemption of Fire Trucks from Motor Vehicle Inspection." (H. P. 424) (L. D. 573)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo

CIANCHETTE

of Somerset

Representatives:

WOOD of Brooks

DUNN of Poland

McNALLY of Ellsworth

McCORMICK of Union

WEBBER of Belfast

BERRY of Madison

JACQUES of Lewiston

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

Signed:

Senator:

SHUTE of Franklin

Representatives:

FRASER of Mexico

KEYTE of Dexter

Comes from the House, the Majority Report Read and Accepted.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Fees for Forest Lands and Wild Lands Posted Against Trespass." (H. P. 58) (L. D. 70)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

SPEERS of Kennebec

BRENNAN of Cumberland

Representatives:

BAKER of Orrington

PERKINS

of So. Portland

DUNLEAVY

of Presque Isle

McKERNAN of Bangor

WHEELER of Portland

HENLEY of Norway

CARRIER of Westbrook

KILROY of Portland

WHITE of Guilford

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

Signed:

Representative:

GAUTHIER of Sanford

Comes from the House, the Minority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-72).

Which reports were Read.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Senate

Leave to Withdraw

Mr. Huber for the Committee on Labor on Bill, "An Act Relating to Separation Reports under Employment Security Law." (S. P. 262) (L. D. 759)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Marcotte for the Committee on Business Legislation on Bill, "An Act Relating to Definition of Dealer under Maine Securities Law." (S. P. 209) (L. D. 553)

Reported that the same Ought to Pass.

Mr. Wyman for the Committee on State Government on Bill, "An Act to Establish a Bureau of Property Taxation Within the Department of Finance and Administration." (S. P. 56) (L. D. 163)

Reported that the same Ought to Pass.

Mr. Roberts for the Committee on Legal Affairs on Bill, "An Act Repealing Certain Provisions of the Legal Fence Law." (S. P. 245) (L. D. 696)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Judiciary on Bill, "An Act Relating to Municipalities Providing Funds for Local Development Corporations." (S. P. 235) (L. D. 667)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Judiciary on Bill, "An Act Increasing the Number of Superior Court Justices and Official Court Reporters." (S. P. 61) (L. D. 187)

Reported that the same Ought to Pass.

Mr. Richardson for the Committee on Veterans and Retirement on Bill, "An Act to Clarify Certain Provisions of the Maine State Retirement Law." (S. P. 76) (L. D. 193)

Reported that the same Ought to Pass.

Mr. Richardson for the Committee on Veterans and Retirement on Bill, "An Act Relating to Purchase of Back Service Credits for Local Participating Districts and Individual Employees under Maine State Retirement System." (S. P. 183) (L. D. 491)

Reported that the same Ought to Pass.

Mr. Morrell for the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing

Funds for the State Osteopathic Loan Fund." (S. P. 249) (L. D. 700)

Reported that the same Ought to Pass.

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

Mr. Morrell for the Committee on Appropriations and Financial Affairs on,

Resolve, Relating to Funds Appropriated for use by the Research Institute of the Gulf of Maine. (S. P. 297) (L. D. 947)

Reported that the same Ought to Pass.

Which report was Read and Accepted and the Resolve Read Once.

Thereupon, under suspension of the rules, the Resolve was given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Ought to Pass — As Amended

Mr. Marcotte for the Committee on Business Legislation on Bill, "An Act Relating to Insurance Rate Filings." (S. P. 225) (L. D. 660)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-26).

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

Ought to Pass in New Draft

Mr. Danton for the Committee on Marine Resources on Bill, "An Act Relating to Closed Season for Taking Smelts in the Town of Surry, Hancock County." (S. P. 44) (L. D. 100)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Taking Smelts in the Town of Surry, Hancock County" (S. P. 438) (L. D. 1284)

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

Second Readers

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

House

Bill, "An Act Relating to the Cultivation of Coho Salmon." (H. P. 286) (L. D. 360)

Bill, "An Act to Increase Payments to Forestry Department for Forest Fire Protection in Baxter State Park." (H. P. 570) (L. D. 749)

Bill, "An Act Establishing Daylight Saving Time for All Year." (H. P. 542) (L. D. 724)

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

House — As Amended

Bill, "An Act Relating to Motor Vehicle Licenses for Persons on Active Duty in the Armed Forces." (H. P. 322) (L. D. 440)

Bill, "An Act to Provide Free Hunting and Fishing Licenses to Maine Indians Excluded from Present Law." (H. P. 456) (L. D. 605)

"An Act Relating to Field Trials for Dogs." (H. P. 609) (L. D. 807)

Bill, "An Act Relating to Trapping Muskrats and Beaver on Lands of the Passamaquoddy Indian Tribe." (H. P. 612) (L. D. 810)

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

Enactors

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

An Act Providing Complimentary Hunting Licenses to Maine Residents over 70 Years of Age. (S. P. 1) (L. D. 28)

An Act Relating to Dragging of Scallops in Gouldsboro Bay, Hancock and Washington Counties. (H. P. 126) (L. D. 150)

An Act Relating to Federal and State Standards and Labeling of Milk and Milk Products. (H. P. 234) (L. D. 315)

An Act Appropriating Funds for a Fishway at West Bay Pond in Gouldsboro. (H. P. 356) (L. D. 471)

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

An Act Providing Funds for a Fishway at West Harbor Pond in Boothbay Harbor. (H. P. 383) (L. D. 512)

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

An Act Relating to Notice in New Voter Registration Applications. (H. P. 414) (L. D. 563)

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

Orders of the Day

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

House Report — Ought to Pass from the Committee on Veterans and Retirement on Bill, "An Act Providing for the Observance of Veterans Day on November 11th." (H. P. 22) (L. D. 22)

Tabled — March 7, 1973 by Senator Huber of Knox.

Pending — Acceptance of Report.

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

Mr. HUBER: Mr. President and Members of the Senate: Maine's Monday Holiday Law was adopted in 1969. It became officially the law of the State in October, 1969. This was the law that moved some of the observances from a calendar date to a Monday and made specifically a long three-day weekend, or two-day if you are working six days.

The federal law on the same subject, Monday holidays, did not go into effect until January 1, 1971. The fifteen months gave us in the State of Maine a good chance to observe the confusion and inconvenience that results when a state observance of national holidays do not fall on the same date.

The continuity of the holidays is something that we need as far as concurrence of the various holidays are concerned. The sentiment right now for Armistice Day, or Veterans Day as it has been since

1954, is to return to the traditional November 11th. I think we can see what happens, or we have seen what happened, when the state holiday is not in gear, so to speak, with the national holiday. The post offices are open on the state holiday and closed on the national holiday. Schools are closed on one or the other. Businesses are never sure just whether they should be open or closed. Interstate business becomes a little bit confused. Federal offices, of course, are closed on the national holiday and open on the state holiday. Transportation — trucks traveling to the Boston market certainly have the difficulties of the holidays. Grandmothers and grandfathers from the Boston market also have the confusion of the holidays.

I move indefinite postponement of L. D. 22. Having spent some time at the other end of the corridor, and as a member of the other body when this law was adopted, I quite frankly was not overly enthusiastic for it at the time. I think usage has brought about the desirable aspect of the so-called Monday holiday. We find that the public has accepted it. The employer, the employee, businessman and the vacationer have come to accept and to appreciate the three-day holiday weekend, and this includes a great many veterans.

The PRESIDENT: The Senator from Knox, Senator Huber, moves that Bill, "An Act Providing for the Observance of Veterans Day on November 11th", be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: In opposition to the motion of the good Senator from Knox County, Senator Huber, I would like to point out two things, if I may, or three.

First of all, this legislation received a unanimous Ought to Pass Report from the Committee on Veterans and Retirement.

Secondly, not one single voice in opposition was raised at the public hearing, and the dire consequences

of this change which have been communicated to you through letters, telegrams and phone calls, Members of the Senate, were not communicated by anybody to the public hearing that was held on this legislation. I had received, as Chairman of the Committee, one letter pointing out that there might be some economic consequences of taking this action. Nobody appeared before the hearing, and the Bill did receive a unanimous Ought to Pass Report from the Committee, including myself, and I am one of those who enjoy a three-day holiday as much as anybody else.

Finally, I would point out to you that ten states, Members of the Senate, ten states, including the State of New Hampshire, have gone back to the traditional November 11th date. So all these dire economic consequences that are being forecast, I simply don't think they are going to come about because there is a trend nationwide of going back to the traditional November 11th date. And Mr. President, when the vote is taken I request a division.

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

Mr. ANDERSON: Mr. President and Members of the Senate: As Commander of Acadia Barracks, World War I Veterans in Hancock County, I feel obligated to oppose the motion to indefinitely postpone, even though I realize that it will create some problems with our communication system and our freighting schedule.

I plan in the near future to introduce a bill asking Congress to set Memorial Day and Armistice Day back to the original dates. Thank you.

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

Mr. JOLY: Mr. President and Members of the Senate: I would wonder if perhaps this Bill could not be amended similar to the one we are working on now on establishing daylight saving time; whereas, if and when the other New England States or the Federal Government takes action and changes it back to November 11th,

that then we would do it. This would eliminate the objections by business and industry, and at the same time would put us on record that we want to go back to November 11th. I don't know the procedure, but I am wondering if this could be tabled so an amendment could be put on it.

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

Mr. BERRY: Mr. President and Members of the Senate: To answer first the question of the good Senator from Kennebec, Senator Joly, it is unconstitutional for the state to pass a law contingent upon action of some other group. As a consulting engineer, this would be my professional opinion, Mr. President.

I would, however, like to address myself to the merits of the bill, if I might. I think that the Monday holiday proposal, which many of us have seen grow from a little suggestion to reality, has been a total disillusion to those of us who had hoped for big things from it. I notice that when the legislature consulted its conscience and adjourned in February for — I don't even remember the date now, but it was a Monday and it was supposed to be in honor of Washington's birth — that I think the Maine Legislature, the banks, perhaps some attorneys, and maybe the post office and the liquor stores, these groups observed the holiday. No one else did. The factories were working, the working man was busily working, and certainly the significance of this day was totally lost.

I realize there may be practical problems here, but I don't think it is too much of a problem that we can't stop perhaps and think of the veterans of all the wars of this country. I am going to vote in opposition to the motion and hope that ultimately this bill will pass.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Knox, Senator Huber, that Bill, "An Act Providing for the Observance of Veterans Day on November 11th", be indefinitely postponed.

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

A division was had. 10 Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion did not prevail.

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

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

Bill, "An Act Establishing a State Tuition Equalization Fund for Maine Students Attending Maine Private Institutions of Higher Education." (H. P. 927) (L. D. 1225)

Tabled — March 8, 1973 by Senator Berry of Cumberland.

Pending — Reference. (In the House, Referred to Appropriations and Financial Affairs).

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs in concurrence.

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

Bill, "An Act to Repeal the Poll Tax." (H. P. 17) (L. D. 17)

Tabled — March 8, 1973 by Senator Sewall of Penobscot.

Pending — Enactment.

Mr. Sewall of Penobscot then moved the pending question.

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

Mr. KATZ: Mr. President and Members of the Senate: My debate will be very brief: Hallelujah and glory be.

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

Mr. CYR: Mr. President and Members of the Senate: I know I won't change any minds on this here, but I know that the good Senator Wyman and the good Senator Fortier, who were my

colleagues on Taxation last session and knew my feeling on this, would like me to possibly state my reason why I will not be getting up on the enactment of this bill.

First of all, the arguments advanced by the proponents, first of all, they claim that it is unconstitutional. This was declared unconstitutional a few years ago by the Supreme Court for the states that were using this as a condition for voting. Now, Maine has never done that, and that practice has been discontinued, so the unconstitutional angle of it is no longer valid.

Number two, they claim that this is a nuisance tax. What tax is not a nuisance? When they refer to a nuisance tax, they refer to the conditions that have been placed on it to get a driver's license and also to register Skidoo's. I think those are legitimate conditions and I think that they are helping in regards to the driver's license particularly.

Number three, they claim that this is a picayune tax; it doesn't bring much revenue. Well, for the whole State of Maine this brings in approximately \$650,000 a year. This is local money. It stays in the community; it is local money. In my own town of Madawaska it generates between \$6,000 and \$7,000 a year. In Portland, down to Portland for instance, if my memory serves me right, I believe that the figure in Portland is somewhere around \$50,000 a year that this tax generates.

Number four, they say it is costly to administer. They say it costs as much to administer this as what revenues they get out of it. At the hearing I challenged anyone to prove to me that this would cut down personnel in these local offices, and nobody came to my challenge. I say that in most towns this doesn't cost any more than if you didn't have it.

When I paid my taxes the 31st of December my poll tax was included into my property tax. So all I did was add three dollars onto my check and that was it. If you didn't generate this \$6,000 or \$7,000 in my town — this pays for one clerk, the salary for one

clerk in my town, and I am sure if you scrutinize your own situation, your own condition, that you have the same situation at home.

The fifth argument: they say it discriminates against sex because this only applies to males. My answer to this is let's amend it and change it to apply to both sexes, male and female. At the last session in the House, as a counterbalance to this, I introduced a head tax of five dollars for both male and female. Now, by exempting the hardship cases, by discounting all the exemptions that are now applying to the poll tax, such as the sick and disabled veterans which are exempted, paupers are exempted, hardship cases are exempted, now if you apply the same exemptions to a head tax, call it what you want, a head tax or a poll tax for five dollars, this would generate a million and a quarter a year. It is no longer small peanuts, gentlemen.

Now, my biggest objection is that we are chipping away slowly at the tax base on the local level. When the State of Maine did away with the property tax on furniture I was on the Board of Selectmen in my town, and it denied us \$35,000 a year in taxes. Since then we have repealed the tax on pianos, radios, television, and now on the poll tax. The only source of revenue on the local level that remains is the property tax and the inventory tax. Now there is a drive on to do away with the inventory and the stock in trade tax.

I do not believe that we will ever do away completely with the property tax, but when communities depend entirely on outside sources for their revenues we will have lost our independent autonomy, which will be deplorable. It is for those reasons that I believe we are making a big mistake by repealing the poll tax, and this is the reason why I am getting up to explain my reasons why I will not get up on the enactment of this tax. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: As a member of the Taxation Committee that signed this Ought to Pass Report, I feel I should defend myself against the learned exposition that we have just heard from my good friend, Senator Cyr. He has referred to the fact that this was not peanuts. Well I don't know if I exactly agree with him; I think peanut shells would probably be more comparable with what this is worth. He has cited, for example, that this tax amounts to \$650,000 throughout the state. I would remind you that \$650,000 is less than one-half a mill in our average municipal tax.

I would also remind you that in most of the municipalities removal of the poll tax would not mean an increase of as much as three dollars to the average home owner. The only municipalities that think they are making any money on this are municipalities that are having their work done for nothing. For example, if you pay two or three hundred dollars a year to the assessors, you pay three or four hundred dollars a year to the tax collectors, you may show a profit.

If I may be excused in citing municipal officials from outside of my district, I would like to recall to you a program which I heard last week on television in regard to the City of South Portland. Two city officials testified that they are collecting \$17,000 per year on the poll tax, and both of them assured us that it is costing the City of South Portland more than the \$17,000 to assess, account for, collect, and do all the other work involved in the poll tax. say nothing about the enormous nuisance involved.

Now, I have had some experience in regard to this, and if I were to cite this morning all the reasons for abolishing the poll tax we would be in session until this evening. I do hope that you will accept the opinion of the great majority of municipal officers, particularly these municipalities who collect the most from these poll taxes, and

they are all unanimously against it. I hope you will enact this bill.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative vote of 26 Senators, with two Senators voting in the negative, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Bill, "An Act Relating to Recording Municipal Ordinances Relating to Land Control." (H. P. 858) (L. D. 1001)

Tabled — March 8, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. HUBER: Mr. President and Members of the Senate: I think we should consider very, very carefully the way the bill reads now. I quite frankly am a little apprehensive with the zoning ordinances that are becoming somewhat compulsory, and I think it may very well be quite indicative of the fact that other people may be somewhat concerned with the wording also, since we have the original L. D., a redraft, and now we have a Senate Amendment.

The final words in this Senate Amendment which you have on your desk says that "no such ordinance or amendment shall have the force and effect of law until it has been duly filed and recorded." The smaller communities have been told in no uncertain terms that they will have zoning ordinances by the first of July, 1973. There again you are talking about the Board of Selectmen, and the people who are concerned and actually want to comply with the law may very well find themselves in a situation where they use this new amendment to 1001 as an excuse not to comply with the so-called ordinances.

I think the authorities that are drafting the ground rules for guidelines for shoreline zoning and so forth are overstepping the time in which the communities can actually comply. Now, if they do choose to move in and say these are the ordinances under which you are going to do your shoreline zoning, and then the community says these aren't the ordinances we think will fit, and fail to comply with this particular LD in its amendment form, what then becomes the recourse? I think what I am really asking for is a good explanation on the reason and the why for this particular bill at the present time.

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

Mr. SPEERS: Mr. President, I wonder if the Secretary would read the present status of the bill and any amendments which may be pertaining to it.

The PRESIDENT: The Secretary will give the status of the bill.

The SECRETARY: It is pending passage to be engrossed in the Senate. It was passed to be engrossed in the House on February 26, 1973.

The PRESIDENT: It is pending passage to be engrossed in non-concurrence as amended by Senate Amendment "A".

Mr. BERRY: A point of information, Mr. President.

The PRESIDENT: The Senator may state his point of information.

Mr. BERRY: Is there not a Senate amendment on this bill now.

The PRESIDENT: The Senator is correct. It was submitted by the Senator from Cumberland, Senator Berry, Senate Amendment "A".

Mr. BERRY: Mr. President, it is my understanding that it is Filing S-25, and it has been adopted.

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

Mr. JOLY: Mr. President and Members of the Senate: In answer to the good Senator from Knox, Senator Huber, I might explain that there has been some talk that this is a lawyers bill. The bill was introduced originally because in searching titles on properties occasionally there is a law on the

books, a planning board ordinance, that perhaps some small town in the county, that may be situated quite a distance from the county seat where the titles to property are located, is in existence and a lawyer in order to get a good title would have to check this out too. They say it is a lawyers bill because it will make it easier; He won't have to go to some small towns. I might point out that if he goes to some small town forty miles from the county seat, you can bet your life he will charge his client for that extra travel. So it really is not a lawyers bill.

The point of it is we will have all the planning laws and zoning laws of a county situated in one place. The problem then arose that some people thought that perhaps if this was put into law as that alone that then some good lawyer might win a case sometime, when a case is in the court, based on the fact that some small town omitted sending their planning law to the county to be recorded, and that he might be able to get out of a deal using this as the basis. Therefore, it was amended to read that the law would not go into effect until it was actually recorded. I would hope that this would clarify this.

I don't believe it would be an imposition on the small towns because any zoning law or planning law that is drafted, and it is approved by the town or the selectmen, has to be in print, and all they have to do is simply photostat one copy of that and send it to the county to be recorded. So it doesn't entail too much work and the county, of course, would then make a small fee on it, but this doesn't happen every day. And it was amended to read that any amendments to the local planning law or zoning law would also have to be filed and recorded in the same way.

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

Mr. CLIFFORD: Mr. President, I would like to make an inquiry through the Chair to a member of the committee as to whether or not there is a grandfather clause to existing ordinances and regula-

tions, and also who pays the cost for recording the ordinances. It is my understanding that some of the larger communities have very voluminous zoning ordinances and ordinances relating to planning which would, it seems to me, provide a lot of cluttering of the registries of deeds. And is the grandfather clause on whether the entire ordinance or a title of the ordinance has to be recorded in the registry of deeds?

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, has posed an inquiry through the Chair to any member of the committee who may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I am not a member of the committee, but when I saw this bill coming through I became interested in it because a casual reading of the bill indicated that it is trying to solve a problem we have in the State of Maine, and I really trust and hope that out of this debate will come a solution to the problem.

As an example of what the problem can be, I was attending a Land Use Regulation Committee hearing in connection with something a couple of months ago, and I heard a young fellow and his wife who were appealing to L.U.R.C. for a permit to construct their camp. And it turned out, to boil it down to simple facts, that they had not known that there were local ordinances which restricted their camp in its development. They had paid something like \$6,000 for the lot, and I had the impression they didn't have much more money than this anyway, but they just had absolutely no recourse. Somebody dropped a veiled hint that they could go see their lawyer, but this didn't appear to be a practical solution to the problem.

Now, this is indicative of what the problem is: Somebody goes out particularly buying recreational land in small communities, and they have the title traced, and the lawyer goes to the registry and does his job that he is paid for,

and he comes back and says that there is no mortgage on it and no encumbrances on the property that are filed with the registry. And in good faith the bank loans the money, the people put the money down, and they buy the property. Then when they come to build, some way or other they find out there are very severe restrictions on the property, and there is nothing they can do. They have no recourse to the lawyer, nor probably should they; he isn't paid to bird dog all around the state finding every possible source of a problem that these people as owners are going to face.

If we require that there will be one place — certainly the county registry, and perhaps two places; here in Augusta with the appropriate commission involved — if we can provide to the purchaser and to the landowner one or two places where they can go to check out all the encumbrances that are going to be on their property, it is to their benefit. Now, to this extent it is a consumers bill. It certainly can in no way be called a lawyers bill, but it is going to help out ultimately the client because then they are going to be protected.

I don't believe, to answer Senator Clifford of Androscoggin's question, that we are grandfathering previous zoning and other changes. The cost to the municipality or the town involved in filing the ordinances with the registry is minute compared to the damage that can be done if this isn't done.

I would hope if this is in impractical form that we can put it where it would be. That was the purpose of the amendment which was prepared at my request. My thought is at the present time that the legal people feel this is in proper form and the Attorney General's Office has reviewed it. Now, if there is valid objection against it, I sure hope we can clear it up; otherwise, I think the bill is in good form and it should go through.

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

Mr. JOLY: Mr. President and Members of the Senate: In answer

to the Senator from Androscoggin, Senator Clifford, it does not say "by title only", which would mean it would have the whole ordinance. In answer to his first question about a grandfather clause, this is something that has been overlooked, and if it is possible to have someone table this for two legislative days so that we could prepare an amendment to this, I would appreciate it.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Specially Assigned for March 14, 1973, pending Passage to be Engrossed.

On motion by Mr. Sewall of Penobscot,

Adjourned until ten o'clock tomorrow morning.