

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

Wednesday, March 21, 1973
Senate called to order by the President.

Prayer by the Rev. Thomas Duffy of Hallowell.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act Relating to Educational Research." (S. P. 99) (L. D. 244)

In the Senate March 15, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-31).

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

On motion by Mr. Minkowsky of Androscoggin, the Senate voted to Insist.

Non-concurrent Matter

Bill, "An Act Relating to Selecting Chairman of and Length of Tenure of the Members of the State Board of Hairdressers." (H. P. 315) (L. D. 433)

In the House March 15, 1973, Passed to be Engrossed.

In the Senate March 19, 1973, Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

Mrs. Cummings of Penobscot then moved that the Senate Recede and Concur.

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

Joint Order

WHEREAS, the Panthers of Rumford High School have excelled in many sports for 1973; and

WHEREAS, their basketball team was the Western Maine Class A Champion for 1972-1973; and

WHEREAS, their ski team was State of Maine and New England Ski Champions for the 1972-1973 season; and

WHEREAS, their wrestling team was the State of Maine Champions for the 1972-1973 season; and

WHEREAS, these outstanding young athletes have brought honor and glory to their families, school and community; and

WHEREAS, the Town of Rumford is proud of these young men for their hard work and superlative accomplishments; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 106th Maine Legislature, now assembled in regular session, join the proud citizens of Rumford by taking this opportunity to commend the athletic teams of Rumford High School and their respective coaches, John Shaw, Herbert Adams and Gerald Perkins, for their individual accomplishments in the field of sports and wish them continued success in their efforts to honor their school, community and State; and be it further

ORDERED, that suitable copies of this Order be transmitted to the principal, William Curry. (H. P. 576)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

Bills today received from the House requiring Reference to Committees were acted upon in concurrence.

Senate Papers
Public Lands

Bill, "An Act to Authorize Bond Issue in the Amount of \$3,000,000 for Acquisition of Real Property for State Parks." (S. P. 476)

(Approved by a majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10).

On motion by Mr. Berry of Cumberland referred to the Committee on Public Lands and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Brennan of Cumberland presented Bill, "An Act to Regulate Prejudgment Attachment and Seizure of Property." (S. P. 477)

(Approved by a majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10).

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Tanous of Penobscot,

WHEREAS, "An Act to Provide Hospital Administrators under the Department of Mental Health and Corrections," Legislative Document No. 1726 of the 105th Legislature was enacted under chapter 350 of the public laws of 1971; and

WHEREAS, this law was passed by the 105th Legislature to place administrators of Augusta State Hospital, Bangor State Hospital and Pineland Hospital and Training Center into unclassified service positions to be appointed for four-year terms by the Commissioner of Mental Health and Corrections;

WHEREAS, the Legislature in no way suggested, contemplated or prescribed that incumbent administrators enjoying the protection of the State Personnel Law with vested rights be deprived of their permanent civil service status by this Act; now, therefore, be it

ORDERED, the House concurring, that We, the Members of the 106th Legislature of the State of Maine now assembled, find and declare that it was not the legislative intent to deprive in any way, incumbents as of September 23, 1971, affected by this Act, of their rights as prescribed under the State Personnel Law or to cause their removal from public employment except for cause with right of appeal as provided under the Revised Statutes, Title 5, section 678; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the attention of the Commissioner of Mental Health and Corrections. (S. P. 475)

Which was Read.

On motion by Mr. Hichens of York, tabled and Tomorrow Assigned, ending Passage.

Committee Reports

House

Ought to Pass

The Committee on Legal Affairs on, Resolve, to Reimburse Mount

Hope Cemetery Corporation of Bangor for Property Damage by Highway Maintenance. (H. P. 226) (L. D. 366)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Resolve, to Reimburse William Fitzgerald of Madison for Well Damage by Highway Maintenance. (H. P. 254) (L. D. 368)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Resolve, to Reimburse Blain Crabtree of Cherryfield for Property Damage by Highway Construction. (H. P. 262) (L. D. 369)

Reported that the same Ought to Pass.

The Committee on Transportation on Bill, "An Act Relating to Age for Operation of Vehicles on Special Registration Permits." (H. P. 263) (L. D. 370)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Resolve, to Reimburse Otis Smith of Kittery for Motor Vehicle Damage Due to Highway Maintenance. (H. P. 398) (L. D. 527)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Relating to the Design of Buildings Constructed by the State or Political Subdivisions." (H. P. 494) (L. D. 648)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Resolve, in Favor of South Berwick Emergency Ambulance and Rescue, Inc. (H. P. 548) (L. D. 729)

Reported that the same Ought to Pass.

The Committee on Taxation on Bill, "An Act to Increase Payments to Forestry Department for Forest Fire Protection in Indian Township." (H. P. 569) (L. D. 748)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Use of Vending Machines on Sundays." (H. P. 693) (L. D. 900)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Clarifying the Tuition Equalization Fund for Maine Students Entering Maine Private Colleges." (H. P. 696) (L. D. 902)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Resolve, to Reimburse Alden V. Cole of LaGrange for Loss of Beehives by Bear. (H. P. 719) (L. D. 925)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Resolve, to Reimburse David Ervin of Corinna for Property Damages Caused by State Ward. (H. P. 728) (L. D. 934)

Reported that the same Ought to Pass.

The Committee on Taxation on Bill, "An Act Relating to Definition of Retail Sale Under Sales and Use Tax Law." (H. P. 802) (L. D. 1061)

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 in concurrence, the Bills and Resolves Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Legal Affairs on Resolve, to Reimburse Mrs. Hilma Webster of Vinalhaven for Damage to Property by Highway Construction. (H. P. 247) (L. D. 367)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-99).

The Committee on Natural Resources on Resolve, Proposing Study of Feasibility of Establishing State Park Facilities within Penobscot County. (H. P. 316) (L. D. 434)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-100).

The Committee on Judiciary on Bill, "An Act Relating to Credit for Confinement within County Jail Prior to Sentencing." (H. P. 433) (L. D. 582)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-102).

The Committee on Public Utilities on Bill, "An Act Creating the Monson Utilities District." (H. P. 479) (L. D. 630)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-103).

The Committee on Legal Affairs on Resolve, to Reimburse Woodrow Bakeman of Castine for Property Damage by Highway Construction. (H. P. 532) (L. D. 714)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-104).

Come from the House, the Bills and Resolves Passed to be Engrossed as Amended by Committee Amendments "A".

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

Ought to Pass in New Draft

The Committee on Natural Resources on Bill, "An Act Relating to Removal of Dilapidated Wharves or Piers." (H. P. 317) (L. D. 435)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1190) (L. D. 1456)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to the Rendering of Treatment and Services to Minors for Drug Abuse without Parental Consent." (H. P. 163) (L. D. 205)

Reported that the same Ought to Pass.

Signed:
Senators:

TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland

Representatives:

BAKER of Orrington
 PERKINS
 of South Portland
 WHITE of Guilford
 DUNLEAVY
 of Presque Isle
 KILROY of Portland
 McKERNAN of Bangor
 WHEELER of Portland

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

Signed:

Representatives:

HENLEY of Norway
 GAUTHIER of Sanford
 CARRIER of Westbrook

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "B" (H-95).

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

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

Divided Report

The Majority of the Committee on Education on Bill, "An Act Reimbursing Teachers for Professional Credits." (H. P. 838) (L. D. 1112)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-107).

Signed:

Senators:

KATZ of Kennebec
 OLFENE of Androscoggin
 MINKOWSKY
 of Androscoggin

Representatives:

LAWRY of Fairfield
 LeBLANC of Van Buren
 LaCHARITE of Brunswick
 FERRIS of Waterville
 TYNDALE
 of Kennebunkport
 LYNCH
 of Livermore Falls

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

Signed:

Representatives:

MURRAY of Bangor
 BITHER of Houlton
 LEWIS of Auburn
 GAHAGAN of Caribou

Comes from the House, the Minority report Read and Accepted.

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

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

Divided Report

The Majority of the Committee on Public Utilities on Bill, "An Act Relating to the Appointment of Trustees of the Kennebec Water District." (H. P. 571) (L. D. 750)

Reported that the same Ought Not to Pass.

Signed:

Senators:

ANDERSON of Hancock
 CYR of Aroostook

Representatives:

CHICK of Sanford
 MADDOX of Vinalhaven
 TRASK of Milo
 LITTLEFIELD of Hermon
 MURRAY of Bangor

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

Signed:

Senator:

CUMMINGS of Penobscot

Representatives:

CONLEY
 of South Portland
 KELLEHER of Bangor
 MULKERN of Portland
 SOULAS of Bangor
 GENEST of Waterville

Comes from the House, Bill and Reports Indefinitely Postponed.

Which reports were Read. Thereupon, on motion by Mr. Anderson of Hancock, the Bill and Reports were Indefinitely Postponed in concurrence.

Divided Report

The Majority of the Committee on Education on Bill, "An Act

Prohibiting Corporal Punishment of Pupils." (H. P. 669) (L. D. 874)

Reported that the same Ought Not to Pass.

Signed:

Senators:

OLFENE of Androscoggin
MINKOWSKY

of Androscoggin

Representatives:

LAWRY of Fairfield

LEWIS of Auburn

LeBLANC of Van Buren

BITHER of Houlton

MURRAY of Bangor

FERRIS of Waterville

LaCHARITE of Brunswick

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (H. P. 1199) (L. D. 1485)

Signed:

Senator:

KATZ of Kennebec

Representatives:

TYNDALE

of Kennebunkport

LYNCH

of Livermore Falls

GAHAGAN of Caribou

Comes from the House, the Bill and reports Indefinitely Postponed. Which reports were Read.

Mr. Minkowsky of Androscoggin moved that the Bill and Reports be Indefinitely Postponed.

Mr. Speers of Kennebec then moved that the matter be tabled and Specially Assigned for March 26, 1973, pending the motion by Mr. Minkowsky of Androscoggin that the Bill and Reports be Indefinitely Postponed.

On motion by Mr. Minkowsky of Androscoggin, a division was had. 20 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the motion to table prevailed.

Divided Report

Ten members of the Committee on Election Laws on Bill, "An Act Relating to Absentee Voting by Persons Serving Sentences in Jails and Penal Institutions." (H. P. 299) (L. D. 401)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin

CIANCHETTE

of Somerset

JOLY of Kennebec

Representatives:

ROSS of Bath

BINNETTE of Old Town

HOFFSES of Camden

SNOWE of Auburn

WILLARD of Bethel

KELLEY of Machias

DUDLEY of Enfield

Two members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

Signed:

Representatives:

HANCOCK of Casco

TALBOT of Portland

One member of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass as Amended by Committee Amendment "A" (H-60).

Signed:

Representative:

BOUDREAU of Portland

Comes from the House, Bill and Reports Indefinitely Postponed.

Which reports were Read.

Thereupon, on motion by Mr. Shute of Franklin, the Bill and Reports were Indefinitely Postponed in concurrence.

Second Readers

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

House

Bill, "An Act to Validate Portland Water District's Actions." (H. P. 420) (L. D. 596)

Bill, "An Act Enlarging the Territorial Limits of the Madawaska Water District." (H. P. 448) (L. D. 597)

Bil, "An Act Relating to the Community School District Law." (H. P. 607) (L. D. 806)

Bill, "An Act to Change the Date of the Primary Election." (H. P. 645) (L. D. 861)

Bill, "An Act Establishing the Carver's Pond Waterfowl Sanctuary, Knox County." (H. P. 718) (L. D. 924)

Bill, "An Act Creating Oxford County Commissioner Districts." (H. P. 405) (L. D. 534)

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

House — As Amended

Bill, "An Act Relating to Appointment of Municipal Law Enforcement Officers." (H. P. 704) (L. D. 909)

Bill, "An Act Changing the Name of the Maine Law Enforcement and Criminal Justice Academy." (H. P. 363) (L. D. 478)

Bill, "An Act Providing for a Change in Standard Deductions in Income Tax Law." (H. P. 655) (L. D. 869)

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

Senate — As Amended

Bill, "An Act Authorizing Municipalities and School Administrative Districts to Secure Competitive Bids in the Construction of School Buildings." (S. P. 306) (L. D. 969)

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

Sent down for concurrence.

Enactors

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

An Act Relating to Definition of Dealer under Maine Securities Law. (S. P. 209) (L. D. 553)

An Act Relating to Insurance Rate Filings. (S. P. 225) (L. D. 660)

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

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

An Act Relating to Creditable Service under State Retirement Law for Certain Teachers. (S. P. 252) (L. D. 703)

An Act Reducing the Amount of Bonds Authorized for Student Housing. (H. P. 340) (L. D. 455)

An Act Reducing the Amount of Bonds Authorized for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishing for Fiscal Year Ending June 30, 1964. (H. P. 343) (L. D. 458)

An Act Relating to Custodian for Beneficiary under Uniform Gifts to Minors Act. (H. P. 361) (L. D. 476)

An Act Relating to Change of Name and Shareholders of the Federal Employees' Credit Union of Maine. (H. P. 673) (L. D. 880)

An Act to Clarify the Law Relating to Fishery Inspection. (H. P. 702) (L. D. 907)

An Act Relating to Registration and Enrollment at a Municipal Caucus. (H. P. 1087) (L. D. 1255)

An Act Relating to Use of Motor Vehicles on Frozen Surfaces of Part of Sasanoa River. (H. P. 1122) (L. D. 1283)

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

Resolve, Providing for Purchase of Copies of History of Livermore. (H. P. 393) (L. D. 522)

Resolve, to Reimburse the Town of Scarborough for Damage to Property by Escapees from the Boys Training Center. (H. P. 443) (L. D. 592)

Resolve, Providing Funds for the Purchase of Copies of the "History of Winthrop, Evolution of a Maine Community."

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

Emergencies

An Act Relating to Taking Smelts in the Town of Surry, Hancock County. (S. P. 438) (L. D. 1284)

An Act to Clarify the Law on Handling of Polluted Shellfish. (H. P. 703) (L. D. 908)

An Act Relating to Municipalities Providing Funds for Local Development Corporations. (S. P. 235) (L. D. 667)

These being emergency measures and having received the affirmative votes of 29 members of the Senate, 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 Jurisdiction of County Enforcement Officers in Fresh Pursuit. (H. P. 555) (L. D. 735)

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

Mr. CONLEY: Mr. President, I wonder if the good Senator from Penobscot, Senator Tanous, as this bill was referred to his committee, if he could explain the emergency need of it?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair which the Senator from Penobscot, Senator Tanous, may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: In response to my good friend, Senator Conley from Cumberland, apparently the deputy sheriffs in Cumberland County have had a little difficulty in your area in this matter of arrests. Apparently some of the judges in southern Maine don't recognize the law of fresh pursuit as prescribed by precedence, and this is a statutory provision to grant them the explicit authority of fresh pursuit. Many judges feel that they presently have that under precedent of law, but some judges don't recognize it and, therefore, have ruled out some of the arrests in matters of this nature.

We think it is of the utmost urgency for deputy sheriffs to be able to pursue a drunken driver across a county line and arrest him before he kills someone. Thank you.

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

Mr. CONLEY: Mr. President and Members of the Senate: Two years ago we had a bill similar in nature to this L.D. that allowed local police to be able to go from town to town. That is to say that if someone in Millinocket, where the good Senator from Penobscot resides, if one of his patrolmen took into fresh pursuit on a misdemeanor, he could very well

end up in my little community of Portland chasing someone for exceeding the speed limit by 15 miles. Now, I don't say that would happen, but by the bill we passed two years ago it certainly allows them to do so.

Now, it seems to me we are dealing with the county sheriff departments throughout the state, and we will just single out my county which has 26 towns in it; if that doesn't give them enough area to be able to chase someone around in fresh pursuit for a misdemeanor, I don't know how much mileage they want. But I just think personally that they must have someone in pursuit right now because of the emergency enactor on this bill, and I just think it creates more problems than it is going to solve.

I honestly have become quite concerned about the public safety of the people within our communities, and having officers who are not what we all would like to see as the best trained officers as far as law enforcement is concerned, and until that day arrives I would ask for indefinite postponement of L. D. 735, and I request a division.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that Legislative Document 735, An Act Relating to Jurisdiction of County Enforcement Officers in Fresh Pursuit, be indefinitely postponed. A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I certainly would hope that you don't go along with the request of my good friend from Cumberland, Senator Conley, on this bill. In fact, I am in hopes that we will grant the emergency request and enact this bill here today.

As Senator Conley has mentioned, police officers have already been granted this right by the legislature. In fact, if I recall, at that time I opposed that particular bill, but since then, and since the vote of the legislature at that particular session, I recognized the wisdom of the majority, and feel

that probably we should extend this authority to the deputy sheriffs as we did two years ago in our wisdom for our police officers. Thank you.

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

Mr. CONLEY: Mr. President and Members of the Senate: It is not my intent to belabor such a meaningless piece of legislation. I don't know just how many police departments we have in Cumberland County, but I know that there is a substantial number of them, and I know that with the radios and the communication networks that they have today it doesn't take much to incite them to become excited enough to come piling into our communities.

Now, the state police can roam our beautiful state at large. We have our county sheriffs in 16 counties that can travel within their own bailiwick, and now what we are doing is saying "Fellows, you don't have enough room. Come on into our counties now; you can join the state militia and really do the job to chase some kid who may possibly be exceeding the speed limit by 15 miles per hour and jeopardize the life and wellbeing of any individual within our state." I think this is becoming more and more ludicrous every day.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I must say that some sessions ago I used to oppose legislation like this rather vigorously but, of course, I have gone through the process of being a county attorney and I am becoming somewhat police oriented.

I think the present status of the law is sort of discriminatory. We let the local officers in Portland and South Portland chase people across city lines, and we ought to give equal opportunity to the sheriffs.

I know some years ago too — I think I was reading it in the legislative record — one distinguished member of the legislature

said that unless we pass a law like this you have a situation where someone is chasing somebody to the county line, say some young kid, and he outraces the sheriff, he can say, in effect, "Last one to the county line is a rotten egg", and it is sort of all over. So I think we really should treat our sheriffs and local police officers pretty much the same. As long as we have given the local police officers fresh pursuit powers we may as well give them to the sheriff. So, for that reason, with great fear and reluctance, I must oppose my very good friend, the distinguished Senator from Cumberland, Senator Conley.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that Bill, An Act Relating to Jurisdiction of County Enforcement Officers in Fresh Pursuit, be indefinitely postponed. As many Senators as are in favor of the motion for indefinite postponement will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Nine Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, this being an emergency measure and having received the affirmative votes of 20 members of the Senate, with eleven Senators voting in the negative, and 20 being less than two-thirds of the entire elected membership, the Bill Failed of Enactment.

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

Mr. BERRY: Mr. President, having voted on the prevailing side, I would move reconsideration, and speak briefly to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby this bill failed of enactment. The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: It is very

difficult to follow a song and dance act. I know we frequently get caught this way, but I would like to appeal to your sense of fair play now.

I am in complete agreement with Senator Conley from Cumberland about sheriffs in general, sheriff departments and county government. I think that all three could well be rescinded. I think the state police do as good a job as they can do, and I think they should be the ones that go across town lines. But we do have sheriff departments and we do have law enforcement problems and, as Senator Tanous has pointed out, we have problems with the courts too. I think anything that we can do here in the legislature to strengthen our court system and perhaps have some judges dispense justice the way the legislature intends it to be dispensed, then we should pass such measures that will see this come about. This is certainly apparently one of them.

We are not only thinking about the City of Portland where there are sixty odd thousand people, but I am thinking of Senator Aldrich's area up there where he crosses county lines, and where we have a great incidence of breaking and entering in the night and in the country. You know, if you want to recognize the facts, Mr. President and Members of the Senate, here in the State of Maine, we have some very serious situations for people who live in the country or people who have isolated properties, and this measure is certainly going to do something. I hope you will vote for reconsideration and then enact this on an emergency basis.

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

Mr. CONLEY: Mr. President and Members of the Senate: If we were concerned with felonies I would hold no opposition to this, but it is my understanding that under current law any police officer has the right when a felony has been committed to be able to follow in fresh pursuit. What I am concerned with primarily is misdemeanors. Where local police and state police

now have the powers of doing that, I honestly cannot see why we should be having an avalanche of sheriffs running through or driving through some community in another county.

I can appreciate that the good Senator from Cumberland, Senator Brennan, through his on-the-job training process as county attorney in Cumberland County, finally did begin to see the light relative to some of these matters. When he was with me a few years ago he used to think a little bit like this, and I don't know what happened to him, but I think that this is bad legislation. I think it jeopardizes children and adults in our communities. I think it is crazy to put statutes like this on the books, and I hope the bill does fail of passage.

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

Mr. JOLY: Mr. President and Members of the Senate: I wonder if the argument that it might be just for misdemeanors is a little misleading because many times I believe the facts show that speeders that are speeding may very well have committed a felony. This is why they are speeding to get away from the place. So, I don't believe that our police officers always know when they are pursuing someone for speeding whether this is the only offense that is being committed. It might be a lot more serious.

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

Mr. SPEERS: Mr. President and Members of the Senate: I wonder if it really is the contention of the opponents of this legislation that if a sheriff happens to see a crime being committed and starts to give chase, and the individual happens to get into his car and drives seventy, eighty, ninety miles an hour to get to that county line, and he finally makes the county line and the sheriff is a hundred yards behind him, and he gets across that county line and brakes to a stop, jumps out of the car and just waves at the sheriff and gets back into his car and drives on. That is what would happen if

we don't have a provision for a fresh pursuit.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Very briefly, my opposition some years ago was based on, I think, better facts. At that time there was no requirement of training for deputy sheriffs. I think this legislature a couple terms ago, or a term or so ago, in their great wisdom passed a bill requiring certain minimal training standards. Now that the deputy sheriffs have had the benefit, or will have had the benefit of all this training, I think they could equally be put in the same position as the city police and state police and chase people across county lines or city lines. It really is a problem that someone can sort of race across a certain line and he is into a sanctuary. I don't think that is really fair or consistent with effective law enforcement.

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

Mr. TANOUS: Mr. President and Members of the Senate: Very briefly, a question was asked as to why the emergency nature of this bill. One good reason is because during the summer months we are inundated with approximately ten million visitors in the State of Maine; most of them in the southern part of the state. You talk about speeding violations, well, I am more concerned about the drunken driver on our highway, and when some courts have ruled the deputy sheriff has no authority to pursue them across the county line and therefore he has to release the drunken driver, I certainly feel that this is of an emergency nature and we should grant them this authority, if we are going to, with a simple majority and it won't become effective until next fall sometime. I feel we are going to be remiss to not grant them this authority immediately so that they can use this authority during the summer months when the visitors come to Maine. I would ask for a roll call vote, Mr. President.

The PRESIDENT: A roll call has been requested. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby Bill, An Act Relating to Jurisdiction of County Enforcement Officers in Fresh Pursuit, failed of enactment.

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

Obviously more than one - fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby Bill, An Act Relating to Jurisdiction of County Enforcement Officers in Fresh Pursuit, failed of enactment. A "Yes" vote will be in favor of the motion to reconsider; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Anderson, Berry, Brennan, Clifford, Conley, Cox, Cummings, Cyr, Danton, Fortier, Graffam, Greeley, Joly, Kelley, Marcotte, Morrell, Peabody, Richardson, Roberts, Schulten, Speers, Tanous, Wyman, and President MacLeod.

NAYS: Senators Cianchette, Hichens, Huber, Minkowsky, Sewall, and Shute.

ABSENT: Senators Katz and Olfene.

A roll call was had. Twenty-five Senators having voted in the affirmative, and six Senators having voted in the negative, with two Senators absent, the motion to reconsider prevailed.

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

Mr. CONLEY: Mr. President and Members of the Senate: I don't mind the Senate reconsidering the action here this morning, but I now hope they vote against the enactment of the bill. I would ask for a roll call.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question? The pending question before the Senate is the enactment of Bill, An Act Relating to Jurisdiction of County Enforcement Officers in Fresh Pursuit. 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 final enactment of Bill, An Act Relating to Jurisdiction of County Enforcement Officers in Fresh Pursuit. This is an emergency measure and requires two-thirds of the entire elected membership of the Senate in order for its enactment. A "Yes" vote will be in favor of final enactment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Anderson, Berry, Brennan, Clifford, Cox, Cummings, Cyr, Danton, Fortier, Greeley, Joly, Kelley, Marcotte, Morrell, Peabody, Richardson, Roberts, Schulten, Speers, Tanous, Wyman and President MacLeod.

NAYS: Senators Cianchette, Conley, Graffam, Hichens, Huber, Minkowsky, Sewall, and Shute.

ABSENT: Senators Katz and Olfene.

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

Emergency

An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State

Liquor Commission for the Fiscal Years Ending June 30, 1974 and June 30, 1975. (H. P. 342) (L. D. 457)

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

Orders of the Day

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

House Reports — from the Committee on Education Resolution, Proposing an Amendment to the Constitution Pledging Credit of the State for Revenue Bonds to be Issued by the Maine School Building Authority for Public and Private Institutions of Higher Education and for Public Post-Secondary Business, Trade, Vocational and Technical Schools. (H. P. 391) (L. D. 520) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled—March 19, 1973 by Senator Minkowsky of Androscoggin.

Pending — Acceptance of either Report.

On motion by Mr. Minkowsky of Androscoggin, the Majority 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:

Senate Reports — from the Committee on State Government Bill, "An Act to Eliminate the Advisory Committee on Public Broadcasting." (S. P. 200) (L. D. 545) Majority Report — Ought to Pass; Minority Report — Ought to Pass in New Draft with New Title: Bill, "An Act to Clarify the Purpose of the Committee on Maine Public Broadcasting." (S. P. 467) (L. D. 1426)

Tabled — March 19, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of either Report.

Mrs. Cummings of Penobscot then moved that the Senate Accept the Minority Ought to Pass in New Draft Report of the Committee.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, moves that the Senate

accept the Minority Ought to Pass in New Draft Report of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: I would like to pose a question through the Chair, if I may, for someone to explain the ramifications of both of these reports.

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

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: The original bill was to eliminate the Advisory Committee for the Public Broadcasting System. It was very useful when that system was being formed, when it was ETV. When it changed from educational television to a public broadcasting system it was no longer needed and has been inactive. The Governor has appointed members to it, although I think there are two vacancies now on the board.

There was a certain group that felt that it was not right to do away with this Advisory Committee, which is all it is, because the authority lies in the hands of the Board of Trustees of the University of Maine. So, the University was delighted to get rid of, I guess, one more layer of authority which, as I say, was merely advisory. But

there was a person in these halls who has done a great deal of study on this and he felt it was unfortunate to do away with this group of laymen who could give advice on the programs that were being aired over PBS. He offered a new draft which would keep that board and keep them in an advisory thing, but also put them in a position so that they did go along with the new charter for the Public Broadcasting System, which meant a little rewording. He brought it to me as the sponsor of the bill. I took it again to those who were interested in it at the University of Maine and it was perfectly acceptable to them. It got confused in committee as to which bill we were discussing, whether it was the new draft or whether it was the original one which was eliminating it. At this point everyone seems to be perfectly happy with the new draft which reinstates the committee on the new system, which is acceptable to everyone in an advisory capacity.

The PRESIDENT: Is the Senate ready for the question? Is it the pleasure of the Senate to accept the Minority Ought to Pass in New Draft Report of the Committee?

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

On motion by Mr. Sewall of Penobscot,

Adjourned until 1:30 o'clock tomorrow afternoon.