

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

Tuesday, March 27, 1973

Senate called to order by the President.

Prayer by the Rev. Desmond Parker of Gardiner.

Reading of the Journal of yesterday.

Papers From The House**Non-concurrent Matter**

Bill, "An Act Relating to Risk Sharing Plans in the Field of Property Insurance." (H. P. 189) (L. D. 229)

In the House, March 13, 1973, Passed to be Engrossed.

In the Senate March 20, 1973, Bill and Reports Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Non-concurrent Matter

Bill, "An Act Increasing Compensation of Full-time Deputy Sheriffs in all Counties." (H. P. 415) (L. D. 564)

In the House March 21, 1973, Recommended to the Committee on County Government.

In the Senate March 22, 1973, Leave to Withdraw, Covered by Other Legislation report Read and Accepted, in non-concurrence.

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

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

Non-concurrent Matter

Bill, "An Act Relating to Bilingual and Bicultural Education." (S. P. 62) (L. D. 165)

In the Senate March 15, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-12).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto (H-115), in non-concurrence.

Mr. Katz of Kennebec then moved that the Senate Recede and Concur.

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

Mr. RICHARDSON: Mr. President, I would like to be advised as to the nature of the bill and its present status by a member of the Education Committee, if they see fit.

The PRESIDENT: The Senator from Cumberland, Senator Richardson, has posed an inquiry through the Chair which any member of the Education Committee may answer if he desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I did not hear the Senator from Cumberland very well, but I presume he is asking about the thrust of this amendment. The amendment placed on by the House just assures that the bilingual education will be accomplished by qualified teachers.

The PRESIDENT: Is it now the pleasure of the Senate to Recede and Concur with the House?

The motion prevailed.

Non-concurrent Matter

Bill, "An Act Relating to Due Date for Payment of Inheritance Taxes". (H. P. 1144) (L. D. 1337)

In the House March 14, 1973, Passed to be Engrossed.

In the Senate March 22, 1973, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body Having Insisted.

On motion by Mr. Clifford of Androscoggin, the Senate voted to Insist and Ask for a Committee of Conference.

Non-concurrent Matter

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

In the Senate March 15, 1973, Passed to be Engrossed as Amended by Senate Amendment "C" (S-36), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "C" as Amended by House Amendment "A" Thereto (H-125), in non-concurrence.

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

House Papers

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

Senate Papers State Government

Mr. Cianchette of Somerset presented, Bill, "An Act Consolidating the Maine Industrial Building Authority, the Maine Municipal Securities Approval Board and the Maine Recreation Authority under the Department of Commerce and Industry." (S. P. 510)

Mr. Speers of Kennebec presented, Bill, "An Act Relating to Creation of a Youth Service Agency within the Division of Probation and Parole." (S. P. 511)

The same Senator presented, Bill, "An Act to Reorganize the Departments of Health and Welfare and Mental Health and Corrections." (S. P. 512)

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 Friday, March 30, 1973. (S. P. 513)

Which was Read.

Thereupon, the Chair ordered a division. 29 Senators voting in the affirmative, and one Senator having voted in the negative, the Order received Passage.

Sent down for concurrence.

Committee Reports House

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

Bill, "An Act Repealing the Bounty on Bobcat." (H. P. 46) (L. D. 53)

Bill, "An Act Limiting Fishing in Certain Waters to Indians." (H. P. 208) (L. D. 281)

Bill, "An Act to Reduce Fees for Junkyards and Auto Graveyards." (H. P. 370) (L. D. 499)

Bill, "An Act Relating to Outdoor Advertising." (H. P. 498) (L. D. 651)

Bill, "An Act Relating to the Length Limit of Striped Bass." (H. P. 567) (L. D. 746)

Resolve, Providing Funds for Reconstruction of Dam on True's Pond, Waldo County. (H. P. 588) (L. D. 779)

Bill "An Act Limiting the Size of Rings Used in Scallop Drags in Certain Waters." (H. P. 636) (L. D. 854)

Bill, "An Act to Change the Open Season for the Taking of Scallops." (H. P. 639) (L. D. 855)

Bill, "An Act to Regulate Size of Scallop Drags Used in Certain Coastal Areas." (H. P. 745) (L. D. 958)

Bill, "An Act to Finance Medical Care for the Indigent Residents of Maine." (H. P. 747) (L. D. 960)

Bill, "An Act to Transfer the Responsibility for Bulldozing in Streams from Department of Inland Fisheries and Game to Department of Environmental Protection." (H. P. 757) (L. D. 1024)

Leave to Withdraw

The Committee on State Government on, Bill, "An Act to Include Court Reporters under Unclassified State Officials' Salary Law." (H. P. 323) (L. D. 441)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to Burden of Proof in Failure to Yield Right of Way to Emergency Vehicles." (H. P. 523) (L. D. 705)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act Eliminating 'Vacationland' from Motor Vehicle Number Plates." (H. P. 808) (L. D. 1073)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Prohibiting Posting Notices or other Communication on Lands of Another." (H. P. 876) (L. D. 1164)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act Relating to Town Road Improvement Fund Expenditures." (H. P. 899) (L. D. 1187)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to Housing and Food Supplies Furnished to State Employees." (H. P. 1020) (L. D. 1343)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Leave to Withdraw

Covered by

Other Legislation

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Funds to Continue Nutritious Meals to Older People." (H. P. 501) (L. D. 654)

Reported that the same be granted Leave to Withdraw.
Covered by Other Legislation.

The Committee on State Government on, Bill, "An Act to Transfer the Maine Historic Preservation Commission to the Department of Educational and Cultural Services." (H. P. 885) (L. D. 1172)

Reported that the same be granted Leave to Withdraw.
Covered by Other Legislation.

Come from the House, the reports, Read and Accepted.

Which reports were Read and Accepted in concurrence.

Change of Reference

The Committee on State Government on, Bill, "An Act Increasing Salary of County Attorney of Sagadahoc County." (H. P. 162) (L. D. 204)

Reported that the same be referred to the Committee on Appropriations and Financial Affairs.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Appropriations and Financial Affairs.

Which report was Read and Accepted and the Bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

The Committee on Health and Institutional Services on, Bill, "An Act to Establish a State Hospital Training and Development Center Advisory Board." (H. P. 1003) (L. D. 1320)

Reported that the same be referred to the Committee on State Government.

Come from the House, the report Read and Accepted and the Bill referred to the Committee on State Government.

Which report was Read and Accepted and the Bill referred to the Committee on State Government in concurrence.

Ought to Pass

The Committee on County Government on, Bill, "An Act Creating Aroostook County Commissioner Districts." (H. P. 55) (L. D. 65)

Reported that the same Ought to Pass.

The Committee on Judiciary on, Bill, "An Act Specifying a Time Limit for Return of Marriage Certificates." (H. P. 809) (L. D. 1055)

Reported that the same Ought to Pass.

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

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

Ought to Pass - As Amended

The Committee on Judiciary on, Bill, "An Act Amending the Uniform Flag Law." (H. P. 500) (L. D. 653)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-122).

Come 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, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Natural Resources on, Bill, "An Act Relating to Use and Possession of Spray Paint Cans in State Controlled Areas." (H. P. 480) (L. D. 625)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1218) (L. D. 1536)

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 to Impose a Fee for Waiving the Waiting Period before Marriage." (H. P. 646) (L. D. 862)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-120)

(Signed)

Senators:

TANOUS of Penobscot
SPEERS of Kennebec

Representatives:

KILROY of Portland
BAKER of Orrington
PERKINS

of South Portland
CARRIER of Westbrook
WHITE of Guilford
GAUTHIER of Sanford
HENLEY of Norway
WHEELER of Portland

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

(Signed)

Senator:

BRENNAN of Cumberland
Representatives:

DUNLEAVY
of Presque Isle
McKERNAN of Bangor

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be

Engrossed as Amended by Committee Amendment "A" (H-120).

Which reports were Read.

Thereupon, on motion by Mr. Brennan of Cumberland, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Increasing Nonresident Hunting License Fee." (H. P. 188) (L. D. 265)

Reported that the same Ought to Pass.

(Signed)

Representatives:

PARKS of Presque Isle
KELLEY of Southport
CHURCHILL of Orland
WALKER of Island Falls
MILLS of Eastport
MORIN of Fort Kent
DOW of West Gardiner

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

(Signed)

Senators:

ANDERSON of Hancock
ALDRICH of Oxford
GRAFFAM

of Cumberland

Representatives:

CAMERON of Lincoln
GOOD of Westfield

Comes from the House, Recommended to the Committee on Fisheries and Wildlife.

Which reports were Read.

Thereupon, the Bill and Reports were Recommended to the Committee on Fisheries and Wildlife in concurrence.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Repealing the Law Making Relatives Responsible for Persons Receiving Hospital Care." (H. P. 318) (L. D. 436)

Reported that the same Ought to Pass.

(Signed)

Senators:

TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN

of Cumberland

Representatives:

DUNLEAVY

of Presque Isle

PERKINS

of South Portland

WHITE of Guilford

KILROY of Portland

BAKER of Orrington

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:

CARRIER of Westbrook

GAUTHIER of Sanford

HENLEY of Norway

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

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

Mr. KATZ: Mr. President, may I inquire through the Chair of a signer of the Majority Report to explain briefly the thinking of the Committee on this bill?

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

Mr. SPEERS: Mr. President, I don't have the exact section before me at the present time, but I believe that the law as it presently exists requires that an adult individual who does receive hospital care, who is indigent, that the relatives of that individual will be held legally liable and responsible for the hospital care that that individual receives. It was the feeling of the Committee that an adult individual should not have relatives continue to be legally responsible and liable for that hospital care. This would not affect minors, but is applicable to adults.

The PRESIDENT: Is it the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee in concurrence?

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

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Relating to Real Estate Brokers' Trust Accounts." (H. P. 372) (L. D. 501) ask leave to report: that the House Recede from its action whereby it Passed the Bill to be Engrossed, as amended by House Amendment "A" (H-63); indefinitely postpone House Amendment "A"; adopt Conference Committee Amendment "A" (H-133), submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A" (H-133).

That the Senate Recede and Concur with the House.

On the Part of the Senate:

COX of Penobscot
ROBERTS of York
ALDRICH of Oxford

On the Part of the House:

KILROY of Portland
SHELTRA of Biddeford
TRASK of Milo

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

Which report was Read and Accepted in Concurrence.

Thereupon, the Senate voted to Recede and Concur.

Senate Leave to Withdraw, Covered by Other Legislation

Mr. Katz for the Committee on Education on, Bill, "An Act Providing Funds for Creating Regional Library Systems". (S. P. 271) (L. D. 796)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Which report was Read and Accepted.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Revise the Law Prohibiting the Location of Dumps within 300 Feet of Classified Bodies of Water." (H. P. 643) (L. D. 859)

Bill, "An Act Requiring Constructed Public Building Be Made Accessible to the Physically Handicapped." (H. P. 505) (L. D. 657)

Bill, "An Act Relating to Protection of the Public Water Supply." (H. P. 1191) (L. D. 1457)

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

Bill, "An Act Appropriating Funds for a Local Government Center." (H. P. 766) (L. D. 999)

Bill, "An Act Restricting the Use of the Name Accountant Unless Registered as a Public Accountant." (H. P. 1171) (L. D. 1410)

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

Sent down for concurrence.

House - As Amended

Bill, "An Act Authorizing Use of County Funds for Child and Family Services in Piscataquis County." (H. P. 381) (L. D. 510)

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

Senate

Resolve, Enabling Certain Conveyances by Governor and Council to Safeguard the Mortgage Insurance Fund of the Maine Industrial Building Authority. (S. P. 411) (L. D. 1256)

Bill, "An Act Relating to Payments to Hospitals." (S. P. 308) (L. D. 970)

Resolve, Providing Funds for Abilities and Goodwill, Inc. (S. P. 426) (L. D. 1286)

Bill, "An Act Pertaining to Unlicensed Dogs." (S. P. 345) (L. D. 1044)

(On motion by Mr. Clifford of Androscoggin, temporarily set aside.)

Bill, "An Act Relating to Penalty for Operation of Motor Vehicle under the Influence of Intoxicating Liquor." (S. P. 251) (L. D. 702)

Which were Read a Second Time and, except for the matter set aside, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the following matter temporarily set aside by Mr. Clifford of Androscoggin:

Bill, "An Act Pertaining to Unlicensed Dogs." (S. P. 345) (L. D. 1044)

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

Senate Amendment "A", Filing No. S-45, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Senate - As Amended

Resolve, Relating to Immediate Payment of Boarding Home Funds. (S. P. 339) (L. D. 1038)

Which was Read a Second Time.

On motion by Mr. Greeley of Waldo, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Enactors

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

An Act to Authorize Application and Service Fees to be Charged by the Maine Municipal Securities Approval Board. (S. P. 219) (L. D. 635)

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)

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

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

An Act to Validate Portland Water District's Actions. (H. P. 420) (L. D. 569)

An Act Relating to Content of Ballots. (H. P. 442) (L. D. 591)

(On motion by Mr. Shute of Franklin, tabled and Tomorrow Assigned, pending Enactment.)

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

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

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

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

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

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

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

Emergency

An Act Relating to Pollution Control in Discharge in Tidal Waters. (S. P. 455) (L. D. 1408)

This being an emergency measure and having received the affirmative votes of 31 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act to Permit the State Board of Education to Reimburse the City of Portland for School Construction. (S. P. 338) (L. D. 1037)

On motion by Mr. Conley of Cumberland, a division was had.

This being an emergency measure and having received the affirmative votes of 23 members of the Senate, with nine Senators voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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

This being an emergency measure and having received the affirmative votes of 31 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:

RESOLUTION, Proposing an Amendment to the Constitution to Permit Appointment of Judges of Probate. (S. P. 292) (L. D. 839)

Tabled — March 22, 1973 by Senator Berry of Cumberland.

Pending — Motion of Senator Tanous of Penobscot to Recede and Concur.

(In the Senate Passed to be Engrossed as Amended)

(In the House Indefinitely Postponed)

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending the motion by Mr. Tanous of Penobscot to Recede and Concur.

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

SENATE REPORTS — from the Committee on Health and Institutional Services — Bill, "An Act to Exempt Methods of Payment for Laboratory Services Provided to Persons Outside of the State." (S. P. 242) (L. D. 693) Ought to Pass as Amended by Committee Amendment "A".

Tabled — March 22, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

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

Tabled — March 22, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion of Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

HOUSE REPORTS — from the Committee on Taxation — Bill, "An Act Relating to Taxation of Farmland." (H. P. 773) (L. D. 1007) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — March 26, 1973 by Senator Hichens of York.

Pending Motion of Senator Fortier of Oxford to Accept the Majority Ought Not to Pass Report.

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

Mr. HICHENS: Mr. President and Members of the Senate: This L.D. 1007, "An Act Relating to Taxation of Farmland", reads as follows: "The last sentence of Section 591 of Title 36 of the Revised Statutes, as enacted by Chapter 548 of the Public Laws of 1971, is amended to read as follows:

"In the case of open space land the maximum recapture penalty shall be for a period not to exceed 15 years and in the case of farmland for a maximum period not to exceed," and we are crossing out the 10 and putting in its place 5 years.

The Statement of Fact: "This statute makes it possible for the owner to continue to farm his land and at the same time maintain open space in the public interest. The 10- year pay back period discourages participation and defeats the purpose of the Act."

The 10-year pay back period plus eight percent interest defeats the whole purpose of the act as passed, and should be amended to 5 years as very few farmers will participate. There may be others but we

only know of one participant in Maine at present. Rhode Island has a two- year pay back period. New Jersey has a three-year period. Connecticut has no pay back period. They do have a land surveyance tax of a maximum of ten percent. Many farmers participate in the program in Connecticut. In New Jersey the program is credited with reducing the loss of farmland from 50,000 acres in 1971 to 10,000 acres in 1972. We must look forward to the future. No farms, no food, no future. Mr. President, I ask for a division on the motion to accept the Majority Ought Not to Pass Report.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: I do feel that there has been a lot of misconception of this bill that has been rumored around these chambers in the last few days. Far be it from me or from any other member of the Taxation Committee, or from any member, I believe, to hamper the farmer. This never was intended as something to discourage owning farm land or the farmers, but it was specifically intended to discourage the speculator, and even the speculator who in some cases may pass himself off as a farmer.

Originally when this law was proposed there was a fifteen- year penalty on it. Before the bill was enacted a certain compromise was made to the farmer reducing farmland to ten years instead of fifteen years. Now this is the penalty which is imposed on farmers. It is on parcels of land from ten acres to fifteen thousand acres. They only have to farm in order to produce at least \$1,000 gross income in three out of the last five years. Now, this was a concession made to the older farmer who may not be able to farm as aggressively as he used to when he was young, but I will remind you that \$1,000 per year gross income would be covered by two cows grazing on that land. It would be covered by a reasonably small patch of strawberries or anything else along that line.

What farmer would be jeopardized? It would only be the farmer who wants to speculate. If he were selling to another individual to farm, there would be no penalty whatever. If he sells his parcel for either recreational purposes, industrial or commercial, even the sponsors of this bill admit that he would probably get anywhere from three to five times as much for his land. Now, even if he goes under the name of "farmer", if he makes three to five times more money on the sale of his land, I do not see why we have to worry about him very much. If he sells it to an individual who will maintain it, even for a comparatively short period of time, for farm purposes, there is no penalty involved.

So, I state again that the only purpose of changing this law is to encourage speculators. It is far from the purpose of maintaining farm land; it is the very thing that eventually would destroy farmland. I hope you will go along with the Majority Ought Not to Pass Report.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Fortier, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Taxation of Farmland." A division has been requested. As many Senators as are in favor of accepting the Majority Ought Not to Pass Report of the Committee please rise and remain standing until counted. Those opposed please rise and remain standing until counted.

A division was had. Twenty-two Senators having voted in the affirmative, and eight Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Specify the Date for Closing of Open Burning Dumps in Maine." (S. P. 288) (L. D. 835)

Tabled — March 26, 1973 by Senator Cyr of Aroostook.

Pending — Passage to be Engrossed.

Mr. Cyr of Aroostook then moved the pending question.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

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

Bill, "An Act Relating to Fees for Forest Lands and Wild Lands Posted Against Trespass." (H. P. 58) (L. D. 70).

Tabled — March 26, 1973 by Senator Berry of Cumberland.

Pending — Motion of Senator Berry of Cumberland to Adhere. (In Senate Majority Ought Not to Pass Report Accepted.) (In House Passed to be Engrossed as Amended.)

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

Mr. BRENNAN: Mr. President and Members of the Senate: A bill will be introduced to implement the effect of an amendment that was ruled not germane last week. I have talked to the majority of the Reference of Bills Committee and they say they will let it in. The purpose of that amendment is to codify possibly what is in the common law but to insure access to Great Ponds. It would be enforced by the Attorney General's Office. So for that reason I will not oppose the motion to adhere.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate adhere?

The motion prevailed.

Enactor

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

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

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

Comes from the House, Indefinitely Postponed.

Thereupon, the Bill was Passed to be Enacted in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until ten o'clock tomorrow morning.