

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

Thursday, March 29, 1973
Senate called to order by the President.

Prayer by the Rev. Daniel C. Tuttle of East Winthrop.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Sewall of Penobscot,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to Monday, April 2, at 10 o'clock in the morning. (S. P. 516)

Which was Read and Passed.

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

Papers from the House Non-concurrent Matter

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

In the House March 22, 1973, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-120).

In the Senate March 27, 1973, the Minority Ought Not to Pass report Read and Accepted.

Comes from the House, that Body having Insisted.

Mr. Tanous of Penobscot then moved that the Senate Recede and Concur.

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

Mr. BRENNAN: Mr. President and Members of the Senate: This is not a bill of the first order or a real cause celebre with me, but what the bill does is call for imposing a ten dollar fee if someone wants to get a waiver who has applied for a marriage license and doesn't want to wait the five days.

When the opponents first came in they asked for a twenty-five dollar penalty on this, and now it is only a ten dollar penalty. At

the public hearing, in my judgment, no need whatsoever was really demonstrated for this bill, and it is frankly my position in reference to courts that we ought to try to start taking cash registers out of courts and not be putting them into courts. I think we ought to start dealing with justice in that sense.

The waiver in a situation like this is usually requested by a young man in the military who has come home on leave and hasn't had the time to make the five-day application. In some other cases it may be a young lady who is expecting a birth rather imminently. I just can't see why we should penalize a young serviceman or a young expectant mother who lacks the foresight to seasonably apply for a marriage license five days in advance. And, frankly, passage of this bill won't do a great deal of harm to the justices; it will just do a little minimal damage. But to exact fees for something like this I don't think is in good taste, and I don't think it is needed. Presently, under the law, the judges are supposed to make their decision after hearing such evidence as they feel is sufficient to grant this waiver.

The clerk in the City of Portland, who has had an awful lot of dealings with waivers and so forth, he came up and spoke before the committee, and I don't think he really advocated it. He didn't see any real problem. So I would urge that you vote against the motion to recede and concur.

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

Mr. TANOUS: Mr. President, could I have the status of the committee report on this bill?

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

The SECRETARY: The Majority Report is Ought to Pass as Amended by Committee Amendment "A", signed by Senator Tanous of Penobscot, Senator Speers of Kennebec, Mrs. Kilroy of Portland, Mrs. Baker of Orrington, Perkins of South Portland, Carrier of Westbrook, Mrs. White

of Guilford, Gauthier of Sanford, Henley of Norway, and Mrs. Wheeler of Portland. The Minority Report, Ought not to Pass, was signed by Senator Brennan of Cumberland, Representative Dunleavy of Presque Isle, and Representative McKernan of Bangor.

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

Mr. TANOUS: Mr. President and Members of the Senate: This bill originally requested a twenty-five dollar fee for a waiver prior to getting married, and the committee, as you will notice by the committee amendment, reduced that amount to ten dollars, which is a reasonable fee. You have got to consider that anyone applying for a waiver must necessarily take up part of the court's time. The court has to spend some time with this individual requesting a waiver, plus some paper work involved, and presently there is no fee whatsoever. We felt that a ten dollar minimum fee for waiving would be some contribution toward the expense of getting a waiver.

I do disagree with my good brother, Senator Brennan from Cumberland. All of the town clerks that appeared, including his own from Portland, did favor the bill in its original presentation at twenty-five dollars. There were several town clerks that appeared before the committee to support this measure in its original form. The committee saw fit to reduce it to ten dollars, and I might add that there were no opponents that appeared before the committee on this particular subject matter. So I would ask that you join me in my motion to recede and concur and move this bill along. Thank you.

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

On motion by Mr. Brennan of Cumberland, a division was had. 24 Senators having voted in the affirmative, and seven Senators having voted in the negative, the motion to Recede and Concur prevailed.

Non-concurrent Matter

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

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

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-123) as Amended by House Amendment "A" (H-136) Thereto, in non-concurrence.

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Consideration.

Joint Order

WHEREAS, the Maine Legislature acknowledges the current surge in meat prices; and

WHEREAS, the Legislature also acknowledges that this situation is expected to worsen in the future; and

WHEREAS, the Federal Government has stated that it will put no controls on the prices of meat at the present time; and

WHEREAS, President Nixon has stated that the burden is on the consumer to reduce the cost of meat by purchasing less; now, therefore, be it

ORDERED, that the Members of the 106th Maine Legislature applaud the consumer meat boycott being planned across this State and the Nation as a means of reducing the cost of meat to the customer and urge all employees of the State to join consumer forces to lower meat prices; and be it further

ORDERED, that the Legislature endorses and supports the week of April 1st through 7th as Meat Boycott Week and urge all citizens of the State to join their fellow Americans in taking appropriate action. (H. P. 1308)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. JOLY: Mr. President and Members of the Senate: Before this Senate acts on this order, which I am certain was introduced as a sincere attempt to assist in

a widespread concern by many Americans over the rising cost of food, and specifically of meat and meat products, I would like to bring a few facts before the attention of the members of this body.

Food prices have been rising steadily since just after World War II, and in recent years the climb has been steeper. The long-term rise can be partly attributed to changing eating habits of Americans. There has been a fantastic increase in the consumption of so-called convenience foods; pre-mixed, pre-packaged, pre-prepared foods, that all save time. The cost of processing and distributing foods has climbed also.

The short-term price increases are likely to ease off or even fall within a matter of months as supplies overtake demand once again. Farmers have not shared in the long-term rise. Neither have the large chain store grocers. Today the profit margin is about one-half of one percent of sales. This means that a store selling ten dollars worth of groceries gets to keep only five cents as a profit. The farmers' prices have climbed some six percent over 20 years, while prices at a check-out stand have risen over fifty percent.

Americans are upset by the high cost of living, but it would be more accurate to describe this as the higher cost of better living. Annual per capita consumption of beef has increased from 85 pounds in 1960 to 116 pounds in 1972. In 1928 each American was eating 16 pounds of poultry a year, and by 1971 per capita consumption had risen to over 50 pounds.

Although food prices have increased steadily, Americans are spending a smaller percentage of their take-home pay for food than at any time in the country's history, and less than anywhere else in the world. In 1972 we spent \$15.60 per hundred dollars of after tax income. In 1951 wage earners spent \$23 of each hundred dollars they earned for food. Based on a 40-hour work week, today the average American wage earner works about 6 hours and 14 minutes to pay his grocery bill, compared to 9 hours and 10 minutes in 1951 for poorer quality,

less varied food. Putting it another way, America's food bill in 1971 was \$118 billion; \$51 billion less than it would have been if we still paid 23 percent of our income for food as we did in 1951.

With well over 30 million American women working full-time, the demand for convenience foods has risen sharply over the past decade. We also expect convenience in the supermarkets: plenty of free close-by parking, well lit and air conditioned stores, a wide variety of brands from which to choose. Our laws are extraordinarily strict on cleanliness in all types of food processing. As laws and regulations have become tougher, better to protect the consumer's health, costs of operations have gone up.

The middle man involves over 8 million workers storing, processing, transporting, and merchandising the products of agriculture. This is nearly as many as the total United States farm population. And when we isolate middle man costs, one item stands out: labor. In 1947 employees in processing in the wholesale and retail trade, that is, marketing, earned an average of \$1.03 an hour. In 1970 these same employees earned an average of \$3.03 an hour.

The National Commission on Food Marketing discovered it cost about as much to deliver a loaf of bread from the bakery to the consumer as it does to grow the wheat, mill the flour, and bake the bread.

Help is forthcoming. Just over a week ago, on March 20th, the Administration in Washington outlined its program for meeting and solving the problems of rising food costs. Among these, first, price controls have been retained on food processors, wholesalers, retailers, and food service organizations, including large restaurant chains. This means that middle men cannot increase their rate of profit when profits rise, and that when farm prices recede the benefits will reach the consumer promptly. Other steps have included the suspension of meat import quotas, and partly as a result imports increased 15 percent in 1972, and so far this year imports are up 20 percent

compared with the same period a year earlier.

In conclusion, it does not seem likely that the long-term rise in food prices will ease. There are too many off-the-farm factors involved. Despite everything, Americans remain the best fed people in the world, and food is still the best bargain in America and in all likelihood will remain that way. Thank you.

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

Mr. OLFENE: Mr. President and Members of the Senate: I rise in very strict opposition to passing this order. I have nothing against boycotts, but I don't believe that here in the State Senate and in the State Legislature it is our responsibility to pass such a resolution.

I can expound with some authority, having served in the retail business for many, many years. The good Senator from Kennebec has told you in a very eloquent statement as to what the cost factors are today. They are there. We all know that the product is up, the cost of living is higher, and the people are upset over meat prices. If they want to boycott, all good and well, but I don't think this is anything that we in the State Legislature should endorse. On that basis, sir, and members of the Senate, I move that we do not agree with the House, but instead we indefinitely postpone this order.

The PRESIDENT: The Chair understands that the Senator from Androscoggin, Senator Olfene, now moves that Joint Order, House Paper 1308, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I hope we do a little better on this one than we did on the last one. In talking about this boycott and talking about food prices, I don't think that anybody has to be told a great deal to know that food prices are just skyrocketing; there is no question about that.

In February alone, as I understand it, there was an increase of over 2 percent in the meat prices, and that figures out to be about 24 percent a year.

I frankly urge every member of this Senate to not only support this order but to participate in the boycott. This is a practical way, though the marketplace, that we can effectively or may possibly effectively protest the rising cost of food.

Now, poor planning, not only by the food industry but, frankly, by the Administration in Washington, is responsible for these price increases. Even the President's own economic advisors see no decrease in the percentage of increase in food prices for at least six months. The Administration, in all its wisdom, has told us to eat cheese, to plant a victory garden, to drive at 50 miles an hour, and to eat less. I suppose the last suggestion may be helpful to a lot of us, but again that is not doing much about bringing down the price of beef.

There is really little we can do with the Administration, but I think this is an example of returning to the democratic process. It is something that everybody can participate in. It is a way that we can show our resentment to what is happening in the pricing situation in this country. So I strongly urge you to support this order, and I would ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: Just at the end there I got a little whiff of an idea that maybe the democratic process in this respect has a capital "D".

This is an economic boycott. I am opposed to economic boycotts, and I am appalled by the notion that a Maine Legislature would not only get involved with an economic boycott but put its official sanction on it.

I think what we are talking about is a voluntary reduction in our consumption of meat, and I think it is something we all support, but

an economic boycott for a limited period of time would have about as much influence on the price of meat as me going to the YMCA tomorrow morning, playing handball for thirty minutes, and then getting back to my own evil ways. I think this is a gesture, and I applaud the motivation of the gesture, but a mandatory economic boycott's support by the Maine Legislature, I think, is completely inappropriate.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Very briefly, as to that reference to a capital "D", if my recollection is correct, it is sponsored by a brilliant, bright, young Republican from Bangor, so I don't see where a capital "D" has anything to do with it. I think it is a legitimate protest against the cost of food in this country.

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

Mr. TANOUS: Mr. President and Members of the Senate: A couple of weeks ago I found that my wife disagreed with a particular vote that I made in this body, and she just started talking to me this week. I talked with her on the telephone a few moments ago and I was informed that she is going to lead a picket line Monday morning at a local grocery store on this subject matter. It is difficult to go back home and again oppose her, so I am going to support this order. Thank you.

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

Mr. CONLEY: Mr. President, I would just like to very briefly say that things are getting so tough these days that you can't even get change back from a buck at MacDonald's.

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

Mr. OLFENE: Mr. President and Members of the Senate: I will be very brief. I would like to just come back to the Senator from Penobscot. I tried to say that I,

in not supporting this, am saying that if you wish the boycott, fine, support it. I can tell you off-hand that it is not all the fault of the retailer. It is a combined, entire problem that falls right back to the very beginning. I have figures to quote. I know you don't want to hear them; you have heard enough. But I say we should not in the State Legislature take this as a real stand and support a boycott of this nature, and I urge again that you support an indefinite postponement.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Olfene, that Joint Order, House Paper 1308, be indefinitely postponed. A roll call has been requested.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Olfene, that Joint Order, House Paper 1308, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Cummings, Cyr, Graffam, Greeley, Hichens, Huber, Joly, Katz, Minkowsky, Morrell, Olfene, Peabody, Richardson, Schulten, Sewall, Shute, Speers, Wyman, and President MacLeod.

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, Cox, Danton, Fortier, Kelley, Marcotte, and Tanous.

ABSENT: Senator Roberts.

A roll call was had. 21 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:

Bill, "An Act to Register and License Dispensing Opticians." (H. P. 1233) (L. D. 1610)

Comes from the House referred to the Committee on Business Legislation and Ordered Printed.

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

Communications

STATE OF MAINE
House of Representatives
Augusta, Maine 04330

March 28, 1973

Hon. Harry N. Starbranch
Secretary of the Senate
106th Legislature
Dear Mr. Secretary:

The House voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Due Date for Payment of Inheritance Taxes" (H. P. 1144) (L. D. 1337). The Speaker of the House appointed the following members to the Committee of Conference:

Messrs. FINEMORE

of Bridgewater
KELLEHER of Bangor
ROLLINS of Dixfield
Respectfully,

Signed:

E. LOUISE LINCOLN
Clerk

House of Representatives
Which was Read and Ordered
Placed on File.

STATE OF MAINE
House of Representatives
Augusta, Maine 04330

March 28, 1973

Hon. Harry N. Starbranch
Secretary of the Senate
106th Legislature
Dear Mr. Secretary:

The House today voted to Adhere to its action whereby on March 22, it Indefinitely Postponed, in non-concurrence, Bill "An Act Restricting the Use of the Name Accountant Unless Registered as a

Public Accountant" (H. P. 1171) (L. D. 1410)

Respectfully,

Signed:

E. LOUISE LINCOLN
Clerk

House of Representatives
Which was Read and Ordered
Placed on File.

Senate Papers Transportation

Mr. Hichens of York presented Bill, "An Act Relating to Maintenance and Repair of the Seawall and Walk in the Town of York." (S. P. 517)

On motion by Mr. Hichens of York, referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

Senate Papers Appropriations and Financial Affairs

Mr. Marcotte of York presented Bill, "An Act Appropriating Funds for Expansion and Improvement of the Biddeford Municipal Airport." (S. P. 518)

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

Sent down for concurrence.

County Government

Mr. Marcotte of York presented Bill, "An Act to Authorize York County to Raise \$800,000 for Construction of a County Jail." (S. P. 529)

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

Sent down for concurrence.

Education

Mr. Speers of Kennebec presented, Bill, "An Act Relating to Viet Nam Era Veterans Student Assistance Program." (S. P. 519)

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

Sent down for concurrence.

Labor

Mr. Marcotte of York presented, Bill, "An Act Relating to the Pub-

lic Employees Labor Relations Board." (S. P. 520)

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

Sent down for concurrence.

Legal Affairs

Mr. Clifford of Androscoggin presented, Bill, "An Act Relating to Name of Maine Citizens Concerned for Life." (S. P. 521)

Which was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Marine Resources

Mr. Berry of Cumberland presented, Bill, "An Act to Limit Lobster Fishermen to Fishing from Only One Vessel." (S. P. 522)

Which was referred to the Committee on Marine Resources and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. Berry of Cumberland presented, Bill, "An Act to Grant Comax, Inc. Certain Rights Within the State of Maine." (S. P. 523)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Speers of Kennebec presented, Bill, "An Act to Clarify Certain Provisions of the Personnel Law." (S. P. 524)

Mr. Richardson of Cumberland presented, Bill, "An Act to Create a Department of Marine Resources." (S. P. 525)

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

Sent down for concurrence.

Taxation

Mr. Shute of Franklin presented, Bill, "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities." (S. P. 526)

Mr. Graffam of Cumberland presented, Bill, "An Act to Provide a Homestead Tax Credit for Elderly Persons." (S. P. 527)

Which were referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

Transportation

Mr. Marcotte of York presented, Bill, "An Act Relating to the Maine Turnpike Authority." (S. P. 528)

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

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:

RESOLUTION, Proposing a n Amendment to the Constitution to Provide for an Environmental Bill of Rights. (H. P. 104) (L. D. 124)

Bill, "An Act to Include Full and Part-time Deputy Sheriffs and Part-time and Reserve Policemen Under Workmen's Compensation" (H. P. 475) (L. D. 622)

Bill, "An Act Eliminating Restriction on Unemployment Benefits for Pension Payment." (H. P. 512) (L. D. 677)

Bill, "An Act Extending the Period of Entitlement to Compensation for Partial Incapacity under the Workmen's Compensation Law in Certain Cases." (H. P. 616) (L. D. 814)

Mr. Tanous of Penobscot was granted unanimous consent to address the Senate.

MR. TANOUS: Mr. President and Members of the Senate: I was just approached by a couple of members of the Labor Committee relative to Item 6-4, and they informed me that at the executive session they were, I guess, not certain as to this particular bill, and what they wanted to do was refer it back to committee. I wonder if under the rules I may make a motion at this point to refer this back to committee.

THE PRESIDENT: The Chair would inform the Senator that this bill is now in the legislative files under the provisions of Rule 17-A. If the Senator wishes to recall the

bill from the legislative files, he should have an order prepared to present to the Senate, and with a two-thirds vote in both branches the bill may be recalled from the legislative files.

Leave to Withdraw

The Committee on Labor on, Bill, "An Act Increasing Minimum Wages" (H. P. 11) (L. D. 11)

Reported that the same be granted Leave to Withdraw.

The Committee on Election Laws on, Bill, "An Act to Require Maintenance of Absentee Ballot Lists." (H. P. 865) (L. D. 1153)

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.

Ought to Pass

The Committee on Agriculture on, Bill, "An Act Creating a Standardbred Breeders and Owners Development Fund of Maine." (H. P. 518) (L. D. 683)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Funds for the Development of an Airport in the Rumford-Mexico Area." (H. P. 462) (L. D. 611)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H. 143).

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

Mr. ANDERSON: Mr. President and Members of the Senate: Regarding this proposed airport in the Rumford-Mexico area, from what I can learn, they haven't turned a hand over to help themselves out in this project. Again, I don't think the location is suitable for an airport. In my opinion,

air traffic to and from this site would be at a minimum, and I cannot see the necessity of this needless expenditure. Therefore, Mr. President, if I am in order, I will move indefinite postponement of this bill and all accompanying papers.

The PRESIDENT: The Senator from Hancock, Senator Anderson, now moves that Bill, "An Act to Provide Funds for the Development of an Airport in the Rumford-Mexico Area", be indefinitely postponed.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I rise in opposition to the motion of the Senator from Hancock, Senator Anderson. I believe that the Rumford area is definitely an area of growth. I know from personal experience that this area does need an airport to serve its people in the best interests.

This was debated in the other body yesterday at some length, and after the lengthy debate they saw fit to pass it on to us. I think we would be making a mistake here to indefinitely postpone this. I believe it is a good bill. The argument that the airport is in the wrong location, it is not going to be designed properly, and all of that, I think is extremely unfounded. The people designing and working on this airport certainly know their business, and I expect they are better engineers than we are here in the Senate. Therefore, I urge you to vote "No" on the motion by Senator Anderson of Hancock.

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

Mr. MORRELL: Mr. President and Members of the Senate: I rise in opposition to Senator Anderson's motion. The Appropriations Committee heard this bill. There was frankly some opposition, essentially from environmental groups, I think taking issue with the location. But frankly, anything of this sort just never does come up with an ideal spot.

It was our opinion, based on expressions from officials in the

community and industry in the area, that this would fill a very important requirement for that area. For that reason, we felt we would recommend it to you, and I hope that this motion is defeated.

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

Mr. Anderson of Hancock then requested a division.

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

Mr. FORTIER: Mr. President and Members of the Senate: In view of the fact that the point has been made that the site was questionable, I would simply like to bring to the attention of this body that the site has already been accepted by both the federal and the state aeronautics. So the argument that the site is not suitable, I think, is a very weak one, and I hope you will vote against indefinite postponement.

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

Mr. Aldrich of Oxford then requested a roll call.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act to Provide Funds for the Development of an Airport in the Rumford-Mexico Area", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Cummings, Graffam, Hichens, Huber, Minkowsky, Olfene, and Peabody.

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, Cox, Cyr, Danton, Fortier, Gree-

ley, Joly, Katz, Kelley, Marcotte, Morrell, Richardson, Schulten, Sewall, Shute, Speers, Tanous, Wyman, and President MacLeod.

ABSENT: Senator Roberts.

A roll call was had. Nine Senators having voted in the affirmative, and 23 Senators having voted in the negative, the motion did not prevail.

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

Ought to Pass—As Amended

The Committee on Fisheries and Wildlife on, Bill, "An Act Clarifying the Law as to Keeping Wild Animals in Captivity." (H. P. 257) (L. D. 337)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-127).

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

Which report was Read.

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

Mr. ANDERSON: Mr. President and Members of the Senate: I am having an amendment prepared for this document. They were all rushed up in the Legislative Research Office this morning and asked me if I would pick it up Monday. So I would be very grateful, Mr. President, if one of my colleagues would table this for one legislative day.

The PRESIDENT: The Chair would inform the Senator that offering an amendment would not be in order today. If we accept the Committee Report and adopt Committee Amendment "A," it will be up for second reading on Monday, at which time an amendment would be in order.

Thereupon, the Ought to Pass as Amended Report of the Committee was 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.

The Committee on Judiciary on, Bill, "An Act Relating to Seizing Firearms Equipped with a Silencer." (H. P. 357) (L. D. 472)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-101).

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.

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

Mr. TANOUS: Mr. President and Members of the Senate: We received some communication from the federal government relative to the amendment which the committee put on this particular bill, and I find that this amendment would be contrary to federal law, so I would move indefinite postponement of the amendment.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that Committee Amendment "A" be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, the Bill was Tomorrow Assigned for Second Reading.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing for Repair, Maintenance and Operation of State-owned Dam on Dead River, Androscoggin County." (H. P. 578) (L. D. 770)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-128).

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, Tomorrow Assigned for Second Reading.

The Committee on Judiciary on, Bill, "An Act Relating to Resetting, Tampering or Disconnecting Odometers on Motor Vehicle." (H. P. 896) (L. D. 1183)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-130).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-142).

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

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on,

Resolve, Providing Funds for Shalom House, Inc., a Halfway House in Portland. (H. P. 848) (L. D. 1122)

Reported that the same Ought to Pass.

Signed:

Senators:

SEWALL of Penobscot
MORRELL of Cumberland
CONLEY of Cumberland

Representatives:

JALBERT of Lewiston
NORRIS of Brewer
BRAGDON of Perham
CARTER of Winslow
HASKELL of Houlton
SMITH of Dover-Foxcroft

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

Signed:

Representative:

SPROUL of Augusta

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

Which reports were Read, the Majority Ought to Pass Report of the Committee Accepted in concurrence, the Resolve Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Providing for One-Half Day Legal Holiday for Elections." (H. P. 940) (L. D. 1263)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin
JOLY of Kennebec
CIANCHETTE

of Somerset

Representatives:

SNOWE of Auburn
TALBOT of Portland
HOFFSES of Camden
WILLARD of Bethel
KELLEY of Machias
BINNETTE of Old Town
HANCOCK of Casco
DUDLEY of Enfield

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

Signed:

Representatives:

ROSS of Bath
BOUDREAU of Portland

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

Which reports were Read, and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Relating to Voting Machines or Electronic Voting Systems in Certain Municipalities." (H. P. 1012) (L. D. 1330)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin
JOLY of Kennebec
CIANCHETTE

of Somerset

Representatives:

HANCOCK of Casco
TALBOT of Portland
HOFFSES of Camden
WILLARD of Bethel
BOUDREAU of Portland
BINNETTE of Old Town
DUDLEY of Enfield

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

Signed:

Representatives:

ROSS of Bath
SNOWE of Auburn
KELLEY of Machias

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

Which reports were Read.

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

Mr. JOLY: Mr. President and Members of the Senate: Since we discussed this particular bill I have had some change of thought and, being an old expert in absentee voting, I would think that perhaps this is a better bill than when I first looked at it. So I hope that consideration of this would be tabled.

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

Thereupon, on motion by Mr. Shute of Franklin, tabled and Specially Assigned for April 4, 1973, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Eliminating Suspension of Motor Vehicle Operator's License Pending Appeal in Operating under the Influence of Intoxicating Liquors." (H. P. 841) (L. D. 1115)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
SPEERS of Kennebec

Representatives:

BAKER of Orrington
PERKINS of So. Portland
CARRIER of Westbrook
WHITE of Guilford
HENLEY of Norway
GAUTHIER of Sanford
WHEELER of Portland

The Minority of the same Committee on the same subject matter

reported that the same Ought to Pass.

Signed:

Senator:

BRENNAN

of Cumberland

Representatives:

DUNLEAVY

of Presque Isle

KILROY of Portland

McKERNAN of Bangor

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

Which reports were Read.

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

Mr. RICHARDSON: Mr. President, I would inquire of the Senator from Cumberland, Senator Brennan, as to the thinking which led to the signing of the Ought to Pass Report on this legislation.

The PRESIDENT: The Senator from Cumberland, Senator Richardson, has posed a question through the Chair to the Senator from Cumberland, Senator Brennan, which he may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I am kind of glad you asked that question. Frankly, I have a strong feeling, and maybe it is because of my legal training, that someone should have a hearing before they are deprived of anything.

Over the years they have talked about whether a license is a right or a privilege. I think any meaningful assessment now would designate it as a right. So I feel rather strongly before someone takes a right away from you that you ought to have a hearing before some functionary of the state. But I am aware of the fact that there is no chance of legislation like this passing, in view of the committee reports. For that reason, I did not try to put on a better defense but, again, I feel that there should be a hearing before you are deprived of something.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought Not to Pass

Report of the Committee in concurrence?

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Speers of Kennebec,

WHEREAS, Thursday, March 29, 1973 ends the American military presence in Viet Nam; and

WHEREAS, the last of the United States Command that once involved a half million American soldiers will leave by dusk today; and

WHEREAS, the folding of the colors this date marks the official end of more than a decade of United States military intervention; and

WHEREAS, we shall always be grateful for the events of this day and all that it represents; now, therefore, be it

ORDERED, the House concurring, that we, the Members of the Senate and House of Representatives of the 106th Legislature of the State of Maine, give thanks for the end of a long and bitter struggle and the safe return to their homes and other bases of our Armed Forces; and be it further

ORDERED, that when both Houses of the Legislature adjourn on this date they do so in remembrance and thanksgiving for this long awaited occasion. (S. P. 530)

Which was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: This is indeed a momentous date in the history of this nation, and I would not like this day to go unnoticed and go by without having on the record of this body and the other body recognition of this particular date and of the fact that the American military presence in Vietnam has now ended and that the prisoners of war have now returned to this country. I move its passage, and move further that it be sent forthwith to the House.

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

Thereupon, the Joint Order received Passage.

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

Divided Report

The Majority of the Committee on Judiciary on, Resolution, Proposing an Amendment to the Constitution to Implement the Administration of Justice by Permitting Eight-man Juries for Trials of Certain Criminal Cases. (H. P. 173) (L. D. 215)

Reported that the same Ought to Pass.

(Signed)

Senator:

TANOUS of Penobscot

Representatives:

BAKER of Orrington

WHEELER of Portland

HENLEY of Norway

GAUTHIER of Sanford

PERKINS of So. Portland

WHITE of Guilford

KILROY of Portland

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

(Signed)

Senators:

SPEERS of Kennebec

BRENNAN of Cumberland

Representatives:

DUNLEAVY

of Presque Isle

McKERNAN of Bangor

CARRIER of Westbrook

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

Which reports were Read.

Thereupon, on motion by Mr. Brennan of Cumberland, tabled and specially assigned for April 3, 1973, pending Acceptance of Either Report.

Senate

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

Bill, "An Act Appropriating Funds for a Public Grain Storage Elevator." (S. P. 425) (L. D. 1297)

Bill, "An Act to Increase the Salaries of the Maine State Police." (S. P. 298) (L. D. 948)

Ought to Pass

Mr. Morrell for the Committee on Appropriations and Financial Affairs on, Resolve, Providing Funds for Portrait of Honorable Margaret Chase Smith. (S. P. 433) (L. D. 1338)

Reported that the same Ought to Pass.

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds for Treatment of Cystic Fibrosis." (S. P. 269) (L. D. 794)

Reported that the same Ought to Pass.

Mr. Morrell for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Increase the Authorized Bonding Limit of the Maine State Housing Authority." (S. P. 434) (L. D. 1339)

Reported that the same Ought to Pass.

Mr. Morrell for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds for a Fishway at Pitcher Pond in Lincolnville." (S. P. 367) (L. D. 1081)

Reported that the same Ought to Pass.

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

Ought to Pass - As Amended

Mr. Greeley for the Committee on Health and Institutional Services on, Bill, "An Act Relating to Purchase of Blind-made Products by State and Political Subdivisions." (S. P. 105) (L. D. 250)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-49).

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.

Second Readers

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

House

Bill, "An Act Converting Great Pond Plantation into the Town of Great Pond." (H. P. 266) (L. D. 373)

Bill, "An Act Relating to Delivery of Suspensions under the Motor Vehicle Laws." (H. P. 314) (L. D. 432)

Bill, "An Act Relating to Requirement for Filing Proof under Financial Responsibility Law." (H. P. 326) (L. D. 444)

Bill, "An Act to Permit Commissioner of Sea and Shore Fisheries to Suspend Licenses for Violations of Private and Special Laws and Assault on Coastal Wardens." (H. P. 504) (L. D. 670)

Resolve, in Favor of Down East Community Hospital of Machias. (H. P. 530) (L. D. 712)

Bill, "An Act Relating to Expenditures of the Town Road Improvement Fund." (H. P. 685) (L. D. 892)

Bill, "An Act to Transfer the Maine Historic Preservation Commission to the Department of Educational and Cultural Services." (H. P. 772) (L. D. 1006)

Bill, "An Act Reestablishing a Base Period for all Fishing Regulations." (H. P. 791) (L. D. 1027)

Bill, "An Act Revising the Laws Relating to the Board of Pesticides Control." (H. P. 958) (L. D. 1268)

Resolve, Authorizing School Construction in City of Eastport. (H. P. 1089) (L. D. 1282)

Bill, "An Act Amending the Law Relating to the Provision of Housing and Meals to State Employees." (H. P. 1021) (L. D. 1344)

Bill, "An Act Defining the Boundaries of Richmond's Island Sanctuary." (H. P. 1263) (L. D. 1568)

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

Bill, "An Act to Permit Furloughs to Inmates or Prisoners from County Jails." (H. P. 562) (L. D. 741)

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

Sent down for concurrence.

House — As Amended

Resolve to Authorize Granting an Easement on State Land to Auburn Sewerage District. (H. P. 768) (L. D. 1002)

Bill, "An Act Providing for Inclusion of Odometer Reading on Certificate of Registration of Motor Vehicles Returned Upon Transfer of Ownership." (H. P. 897) (L. D. 1184)

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

Bill, "An Act to Establish within the Department of Indian Affairs a Bureau of Indian Police." (H. P. 377) (L. D. 506)

On motion by Mr. Graffam of Cumberland, the Senate voted to reconsider its action whereby the Ought to Pass Report of the Committee was Accepted in concurrence.

On further motion by the same Senator, the Bill was substituted for the report and, on subsequent motion by the same Senator, Re-committed to the Committee on Human Resources in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act Relating to Federally Funded Food Programs." (S. P. 349) (L. D. 1016)

Bill, "An Act Clarifying Sprinkler System Requirements in Boarding Homes." (S. P. 283) (L. D. 830)

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

Sent down for concurrence.

Enactors

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

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

An Act Changing the Names of Certain State Institutions. (H. P. 362) (L. D. 477)

An Act Increasing Number of Trustees of Belfast Water District. (H. P. 410) (L. D. 559)

An Act Defining Life Agent under Insurance Laws. (H. P. 690) (L. D. 897)

An Act to Authorize Alternate School Directors at School Administrative District No. 72. (H. P. 769) (L. D. 1003)

An Act Providing for Temporary License as Insurance Adjuster. (H. P. 778) (L. D. 1010)

An Act Regarding the Membership of School Committees and Boards of School Directors. (H. P. 1163) (L. D. 1375)

An Act Repealing Notice Provision for Multiple Licensing of Life and Health Insurance Agents. (H. P. 1198) (L. D. 1484)

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

Bill, "An Act Transferring Funds from Appropriations to other Departments to the Department of the Attorney General." (S. P. 364) (L. D. 1078)

Comes from the House, Recommended to the Committee on Appropriations and Financial Affairs.

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

Mr. SEWALL: Mr. President and Members of the Senate: On L. D. 1078, transferring funds from other departments to that of the Attorney General, I think a brief word of explanation is possibly in order before I move indefinite postponement of this bill.

There were some typographical errors in the legislative document. The Committee on Appropriations is in favor of the concept as outlined in the L. D., and can assure the Senate that these changes will be incorporated in the Part I Budget. Therefore, Mr. President, I move the indefinite postponement of this bill and all its accompanying papers.

The PRESIDENT: The Senator from Penobscot, Senator Sewall, moves that Legislative Document 1078 be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

Orders of the Day

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

House Report — from the Committee on Agriculture — Bill, "An Act Relating to Management and Maintenance of State of Maine Building at Eastern States Exposition." (H. P. 780) (L. D. 1012) Ought to Pass.

Tabled — March 28, 1973 by Senator Cyr of Aroostook.

Pending — Acceptance of Report.

The Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once.

On motion by Mr. Cyr of Aroostook, and under suspension of the rules, the Bill was given its Second Reading.

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

Senate Amendment "A", Filing No. S-48, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CYR: Mr. President and Members of the Senate: This amendment is only to fund the transfer of this building from the Department of Industry and Commerce to the Department of Agriculture. This is all that is does.

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Authorizing All Counties to Collect and Dispose of Solid Waste on a Regional Basis." (S. P. 270) (L. D. 795)

Tabled — March 28, 1973 by Senator Cyr of Aroostook.

Pending — Enactment.

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

Mr. CYR: Mr. President and Members of the Senate: Something happened to L. D. 795 on its way to enactment. If you read the bill, the title of the bill is "An Act Authorizing Piscataquis County to Collect and Dispose of Solid Waste on a Regional Basis". I had

absolutely no objections if Piscataquis County wanted to proceed that way, but as this bill kept coming back and forth it didn't dawn on me at first that this covered all counties, and certainly I wouldn't want the Aroostook County Commissioners to have charge of such a program. Imagine the fleet of equipment that would be needed to dispose of the garbage all the way from Mattawamkeag to the Allagash, and this is the reason why I tabled the bill yesterday.

You know, after you have been here for so many years you begin looking for some of these little innocent bills, such as these, that sneak in unnoticed but later on give you nightmares. This has been the strategy of the past of DEP, and certainly I do not approve of this type of tactics. They want the legislature to abdicate its legislative responsibility and leave it in the hands of the administrative agencies to write the rules and regulations. I think the procedure is unconstitutional, and I will read you a couple of excerpts from a letter which was sent to me in regards to another bill, which I think would apply to this one. "A recent interpretation by the Maine Supreme Court of Article 4, Part 1, Section 1, of the Maine Constitution tells that the Legislature may not constitutionally delegate general legislative authority, but it may delegate authority to a governmental agency charged with the duty of administering an act provided the legislation sets up sufficient standards to guide the administrative body in the exercise of its discretionary functions respecting implementation of the law." Further down it reads, "—the administrative agency, if it fails to provide any proper standards or rules by which the exercise of their discretion must be guided and limited. If the legislature fails to prescribe with reasonable clarity the limits of the power delegated, or if those limits are too broad, the legislation is void and the attempt to delegate is nullified." I think this applies in this case. What they are trying to do, they are trying to get the legislature to pass some of these little innocent bills, and after that

they write the rules. Many times those rules when they come back to you are not as satisfactory as you think.

To authorize counties to run such a program would be, in my estimation, a serious mistake. County governments are the most inefficient types of government we have today. It could turn out to be an expensive mistake. To let DEP write the rules and regulations would be an economic disaster to many small communities. It is very apparent that they have the cart before the horse. Let them propose a program based on research and the latest technology available. Then they can submit it to the legislature for its consideration, not vice-versa. So far, in my estimation, they have not proven their case, and there in disagreement themselves on the solution.

If you read the Maine Times just passed to you today on your desk, you read in the center section about these dumps and about the same program we are talking about. You will also read comments of the various individuals involved and they are not in agreement. Let's not embark on an expensive program before knowing what the rules, the regulations, and the standards are going to be. At least let's have an estimate of the possible cost. If the benefit cost ratio is favorable, I am sure that the legislature will do the right thing.

So, Mr. President, in regards to the remarks that I have just offered, I now moved the indefinite postponement of this bill and its accompanying papers, and I would ask for a division.

THE PRESIDENT: The Senator from Aroostook, Senator Cyr, now moves that Bill, "An Act Authorizing All Counties to Collect and Dispose of Solid Waste on a Regional Basis," be indefinitely postponed. A division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Tanous.

MR. TANOUS: Mr. President and Members of the Senate: I rise to oppose my good friend Senator Cyr from Aroostook, on his motion. He is correct that this bill originally commenced with one county in-

volved. It was Piscataquis County which is the County that I represent and part of Penobscot, but the bill only applies to Piscataquis County. It is permissive legislation which would authorize Piscataquis County, or originally intended to authorize Piscataquis County to contract with municipalities to collect and dispose of solid waste.

Many of our counties are rural in nature, and we do have pending bills on disposal of solid waste which I have personally opposed because of the cost involved in the method that the other bills brought about the solid waste disposal. Now, permissive legislation of this type on a county basis, I think, is the answer to the problem. I think it brings the problem right at home, and I think that they can solve their problems better in a fashion as proposed by this bill.

As he mentioned, along its way to enactment some people apparently concerned with this problem saw the wisdom of this proposal, and amended the bill in the House to permit all counties to contract with municipalities to embark on a program of disposal of solid waste. I feel it has had strong support from the county commissioners, and apparently has had strong support from many proponents of the measure, but in any event, there is a minor problem with the bill, as it stands, involving unorganized townships, and I have an amendment being prepared, and I would urge you, hopefully, after we defeat Senator Cyr's motion to indefinitely postpone this bill, to permit me at least to table the matter until next Tuesday so I may propose my amendment. Thank you.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I would like to address a question to the Senator from Aroostook, Senator Cyr, through the Chair. I would like to know if the Senator would object, if the bill were made to apply to Piscataquis County only, if he would object to its passage?

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

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, I would not just for Piscataquis.

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

Mr. KATZ: Mr. President, I would like to ask a question through the Chair to the Senator from Penobscot, Senator Tanous. In the process of amending this bill, am I correct in presuming that it would be up to a voluntary association on the part of the town to indicate whether it wishes or does not wish to enter into any kind of contractual agreement with the members of the county commission?

The PRESIDENT: The Senator from Kennebec, Senator Katz, 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: The answer to the question of the Senator from Kennebec, Senator Katz, is in the affirmative. This is permissive legislation, and only those communities that wish to join in a program of this type may.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Specially Assigned for April 3, 1973, pending the motion by Mr. Cyr of Aroostook that the Bill and Accompanying Papers be Indefinitely Postponed.

Papers from the House

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

Bill, "An Act Relating to Apportionment of County Tax." (H. P. 1333)

Comes from the House, under suspension of the rules, Passed to be Engrossed.

Thereupon, the Bill was Read Once and, under suspension of the rules, given its Second Reading.

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

Mr. SPEERS: Mr. President, I wonder if this body might have some explanation of what this bill is about?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to any member of the Senate who may answer if he desires.

The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President and Lady and Gentlemen of the Senate: The usual procedure is to have the county budgets approved during the month of March in order that they can be back in the hands of the county commissioners, so they in turn can make their assessments and pass the information on to the town so they can make their assessments as of April 1st.

Now, what has happened this year is two things. No. 1, and what is bothering us the most in county government with respect to these various county budgets is the fact that we have yet nothing definite and nothing in writing from the federal government, but have been pretty well advised orally by Mr. Libby of the IRS that none of these salary increases will be allowed in an amount more than 5.5. In all of these budgets there are funds cranked into the budgets to allow for salary increases up to as high, at least in one or two cases that I can remember, as \$3,500, or about 40 per cent. Now, none of these, we understand — and we are going to get a written opinion on this; we expect to have it next week — can be more than 5.5, in which case all these county budgets are going to have to be reduced by that amount.

The other thing that has held us up too is a question where we got two different answers from two different sources as to whether or not the county budgets had to be amended and had to show what was to be done with the revenue sharing money.

So, with these two problems that we have had in this committee, we haven't been able to pass these budgets out as early as we have done in the past. And it has been called to my attention only this morning that we have a statute that provides that this was supposed to be done during the month of March. Now, this bill is an emergency because the month of March will be over before we meet again on Monday. This bill is an emergency bill changing one word, which is "March", to May. We feel that by May we can certainly have these budgets approved and have them in the hands of the county commissioners so they can in turn inform the towns as to how much their levies will have to be to take that into consideration.

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

Mr. KATZ: Mr. President, may I request through the Chair to the Senator from York: This is not the entire statewide county budgets that we are passing then. This is a single correction of one word that we have in front of us here now?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair which the Senator may answer if he desires.

The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President, the answer is yes. In Title 30, Section 254, the one amendment that is being made is that the word "March" is being deleted, and substituted therefor is the word "May".

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

Thereupon, the Bill was passed to be Engrossed.

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

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

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)

Tabled — March 28, 1973 by Senator Brennan of Cumberland.

Pending — Motion of Senator Olfene of Androscoggin to Indefinitely Postpone.

Thereupon, the Resolution was Indefinitely Postponed in concurrence.

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 28, 1973 by Senator Berry of Cumberland.

Pending — Consideration.

(In Senate — Passed to be Engrossed as Amended by Senate Amendment "C" (S-36).

(In the House — Passed to be Engrossed as Amended by Senate Amendment "C" as Amended by House Amendment "A" thereto (H-125).

Thereupon, on motion by Mr. Berry of Cumberland, the Senate voted to Insist.

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

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

Tabled — March 28, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

Thereupon, this being an emergency measure and having received the affirmative votes of 30 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.

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

Bill, "An Act Relating to Taxation of Farmland." (H. P. 773) (L. D. 1007)

Tabled — March 28, 1973 by Senator Brennan of Cumberland.

Pending — Motion of Senator Berry of Cumberland for First Reading.

The PRESIDENT: The Chair would inform the Senate that because both committee reports were rejected by this body the matter is still before the body. The Senator from Cumberland, Senator Berry, moving the second time to accept the Minority Ought to Pass Report of the Committee. The bill is to be given its second reading, but other motions are in order such as recommittal, indefinite postponement, and sending it over to the other body in non-concurrence.

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: I did not intend to belabor that any longer, but according to the questions that were asked me last night, and some of the rumors that I hear around these Chambers, I believe there are still a few points that are rather fuzzy in certain Senator's minds. If you will bear with me for just a very few moments, I will try to clarify them.

In the first place I would like to emphasize that this whole law is optional and not mandatory. In other words, if a farmer or any owner of land does not take definite action to have his land reclassified, it will be assessed at the highest and best use, and there would be no question of a penalty.

One question that has been asked me several times is: If a farmer sells to another farmer what would be the situation? And they have tried to insinuate that they would be liable to that penalty, but that is definitely not so. I will quote from the statutes, Title 36, Chapter 105, Paragraph 591, "Any change in use disqualifying land for a classification under Section 587 or 588 shall cause a penalty to be assessed." In other words, there must be a change in the use of classification. Paragraph 593 of the same chapter also says, "The classification of farmland or open space land hereunder shall continue until the municipal assessors or state tax assessor in the unorganized territory determine that

the land no longer meets the requirements of such classification. In other words, this land could be sold a dozen times, and if there is no change in its classification there certainly would be no penalty involved. There has also been a question: A farmer legitimately farms his land, and all of a sudden he gets out of the clear blue sky an offer for an industrial complex on his land. Will they go back five years? I believe the answer is no, because paragraph 591 reads this way: "Such penalty shall be equal to the amount of taxes which would have been assessed in each of the years the land was classified preceding such change of use had such real estate been assessed at its highest and best use. In other words, if for four years it was assessed as farm land, there was no question of its being anything else, or they could not show that there was a market for any other classification, then in that case it could not be more than one year, and possibly no penalty at all, depending on the time of the year that this happened.

Yesterday my good friend Senator Hichens apparently corrected an error that I had made in quoting some of the figures. I do believe that it was an excusable error because I had used the statistics generally used by the Bureau of Tax Assessment. I had no indication on his report that any other status was used, but I will not question the figures of the good Senator from York, Senator Hichens, only I would like to again extend these same computations that I did yesterday and, although they are not quite as radical, I think they are still very striking. Using the hundred per cent valuation which my good friend Walter gave to me, I still find that under the greatest penalty, or a ten-year penalty, the profit would still be 173 per cent. If you bring it down to the five-year penalty, that profit is still 403 percent plus. In the second example it holds true right straight through, 173 percent from a ten-year penalty, 403 percent in a five-year penalty.

I simply want to state that this bill would not injure in any way a legitimate farmer. If there is

a sudden rising of the market for that land the penalty would be computed simply from the date that that new situation had existed, and would not penalize the farmer for anything beyond that. I am quite sure that no Senator here wants to prolong this another week, as we already have, so consequently I would move indefinite postponement and ask for a division.

The PRESIDENT: The Senator from Oxford, Senator Fortier, moves that Bill, "An Act Relating to Taxation of Farmland", be indefinitely postponed. A division has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I don't know how I can get up and argue against a fellow Senator who thinks enough of me to call me by my first name. So, I am not going to give any argument; I am just going to ask that we do not go along with the indefinite postponement motion.

The PRESIDENT: The Chair would remind the Senate of Senate Rule 4, which provides that all Senators should address fellow Senators by the county in which they reside and also by their surname.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I would also request a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. 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 motion before the Senate is the motion of the Senator from Oxford, Senator Fortier, that Bill, "An Act Relating to Taxation of Farmland," be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Brennan, Cinchette, Clifford, Conley, Cox, Cyr, Fortier, Huber, Katz, Morrell, Richardson, Schulten, Speers, and President MacLeod.

NAYS: Senators Aldrich, Berry, Cummings, Danton, Graffam, Greeley, Hichens, Joly, Kelley, Marcotte, Minkowsky, Olfene, Peabody, Roberts, Sewall, Shute, Tanous, and Wyman.

A roll call was had. Fifteen Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion to Indefinitely Postpone did not prevail.

Thereupon, the Bill was Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Speers of Kennebec:

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

Pending — Consideration.

Thereupon, the Senate voted to Recede and Concur.

The **PRESIDENT:** It has come to the Chair's attention from some of the committee chairmen that they are opening hearings without a quorum present. The Chair does not find this very desirable for committee operations, so I would urge all members who may have conflicting bills being heard at the same time, and they have a committee hearing, to be at their committee hearing and ask the clerk of the committee to which their bill is assigned to come and get them from the hearing shortly before their bill is to be heard.

A chairman of one of the most prominent, most important committees in this legislature told me that he has opened up two weeks hearings now with only five out of thirteen members present. This is not good. I would hope that the House members would be equally cooperative in making sure you keep your committee assignments, particularly when members of this body have asked for important committee assignments, have been given them, and aren't attending to their duties.

On motion by Mr. Berry of Cumberland,

Recessed until the sound of the bell.

After Recess

Called to order by the President.

Enactor

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

Emergency

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

Bill, An Act Relating to Apportionment of County Tax. (H. P. 1333) (L. D. 1638)

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

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Sewall of Penobscot, adjourned until Monday, April 2, 1973, at ten o'clock in the morning.