

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, April 4, 1973

Senate called to order by the President.

Prayer by the Rev. John Quigg of Augusta.

Reading of the Journal of yesterday.

House Papers

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

**Senate Papers
Judiciary**

Mr. Speers of Kennebec presented Bill, "An Act Relating to Court Costs on Hearing for Discharge of Persons Committed to Department of Mental Health and Corrections by Reason of Mental Disease." (S. P. 568)

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

Sent down for concurrence.

Orders

On motion by Mr. Richardson of Cumberland,

WHEREAS, a fundamental obligation of the Maine Legislature is to supervise programs which it has approved in order to insure that programs approved by the Legislature are administered effectively, efficiently and economically and in accord with legislative intent; and

WHEREAS, a continuing review of legislative spending is necessary to curtail the spiraling cost of State Government and to insure that programs are not continued in operation unless they are working efficiently and meeting proven needs; and

WHEREAS, improvement in our current budgetary system is essential to provide services to Maine people at realistic costs within reasonable levels of taxation; and

WHEREAS, the citizens of Maine have a right to demand effective budgetary control; now, therefore, be it

ORDERED, that the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is hereby

directed to study and evaluate the entire spectrum of state budgeting and spending with the goal of determining what changes, if any, should be made in current practices; and be it further

ORDERED, that the Committee evaluate the possibility of adopting an annual budgetary system providing for continuing review and assessment of all state spending; and be it further

ORDERED, that the Joint Standing Committee on Appropriations and Financial Affairs study and report as soon as practicable to this session of the Legislature the feasibility of the adoption of so-called "zero-based" and program budgeting in order to enable the process of budget review and spending to be placed under direct supervision and control of the Committee on Appropriations and Financial Affairs acting for the Legislature; and be it further

ORDERED, that the Committee on Appropriations and Financial Affairs is hereby directed to establish immediate and continuing liaison with the Maine Management and Cost Survey which is conducting a review of State Government in order to analyze the efficiency of State Government and to recommend cost-saving programs, as authorized by H. P. 1564 of the 105th Legislature; and be it further

ORDERED, that the study of any subject or matter adjusted by the Committee to be relevant or germane to the subject of this Order shall be deemed within the scope of the Committee's inquiry; and be it further

ORDERED, that the Committee report its findings and recommendations to the 106th Legislature as soon as practicable. (S. P. 545)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. RICHARDSON: Mr. President and Members of the Senate: The purpose of this order is to focus the attention which I know we all feel should be focused on the continuing increase, at an increasing rate, of the cost of state government. The idea is neither original with me nor, I suspect, with anyone here in the Senate.

The idea of program budgeting, or so-called zero base budgeting, wasn't new when I started talking about it in 1968 and I had copied the idea, very frankly, from somewhere or someone else.

The power to raise taxes and enact programs carries with it the correlative obligation on us as legislators to supervise these spending programs to see that they are in fact doing what they were designed to do, that departments and agencies of state government in fact obey legislative intent, and that we are not subject to what I would call the end run, that is, after we adjourn and go home, and a sigh of relief goes up all over the State of Maine, our friends across the way here have a tendency to embark on programs of their own, sometimes directly contrary to legislative intent.

The Senator from Kennebec, Senator Katz, the Senator from Cumberland, Senator Berry, and many others of you feel, I know, that we should really take a good hard look at this concept of Part I — Part II budgeting, which in the minds of many of us leads to building in a continuation of programs of doubtful validity and many times without continuing review.

This order would direct the Legislative Committee on Appropriations and Financial Affairs to undertake an immediate and continuing liaison with the Maine Cost Management Survey Team that is now working. It would ask the Appropriations Committee to report to us on the feasibility of abolishing the Part I — Part II budget distinction. It would suggest that the Appropriations Committee can tell us whether or not annual budgeting is going to produce more efficiency in state government, and I would also suggest that this order would permit Appropriations to comment to us on the feasibility of adopting the so-called zero base budget, which I think is really a program budget.

Now, I hope that all of those who share this view will support the concept of this order, and I hope that eventually someone will introduce legislation that will clear

up any statutory barriers to our implementing budget reform. Thank you.

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

Thereupon, on motion by Mr. Berry of Cumberland, the Joint Order was tabled, pending Passage.

Committee Reports House

Leave to Withdraw

The Committee on Fisheries and Wildlife on Bill, "An Act Regulating Speed of Motorboats on the Songo and Crooked Rivers, Cumberland County." (H. P. 741) (L. D. 954)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Leave to Withdraw — Covered by Other Legislation

The Committee on County Government on Bill, "An Act Relating to Payments to the Law Library of Androscoggin County." (H. P. 451) (L. D. 600)

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

The Committee on County Government on Bill, "An Act Relating to Payments to the Hancock County Law Library." (H. P. 580) (L. D. 771)

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

The Committee on County Government on Bill, "An Act Relating to Payments to Penobscot County Law Library." (H. P. 611) (L. D. 809)

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

Came from the House, the Reports Read and Accepted.

Which reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Taxation on Bill, "An Act Broadening the Sales and Use Tax Exemption on Water and Air Pollution Control Facilities." (H. P. 60) (L. D. 72)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act to Provide Special Probation in Criminal Nonsupport Cases." (H. P. 222) (L. D. 295)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Penalties for Violation of Baxter State Park Laws and Regulations." (H. P. 604) (L. D. 802)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Relating to Control of School Water Supplies." (H. P. 619) (L. D. 817)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Repealing State Educational Conventions." (H. P. 670) (L. D. 875)

Reported that the same Ought to Pass.

The Committee on Business Legislation on Bill, "An Act Defining Wholesale Life Insurance under Insurance Laws." (H. P. 689) (L. D. 896)

Reported that the same Ought to Pass.

The Committee on Business Legislation on Bill, "An Act Defining Health Insurance on a Franchise Plan." (H. P. 691) (L. D. 898)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Relating to School Statistics." (H. P. 692) (L. D. 899)

Reported that the same Ought to Pass.

The Committee on Taxation on Bill, "An Act Relating to Collection of Excise Tax in Unorganized Places." (H. P. 1006) (L. D. 1328)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Relating to Tuitional Equalization Fund for Maine Students Entering Maine Private Colleges." (H. P. 1017) (L. D. 1336)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on Bill, "An Act Providing for a State-wide Open Deer Season." (H. P. 1114) (L. D. 1450)

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 Including Surviving Spouse of Owner under Certain Motor Vehicle Laws." (H. P. 676) (L. D. 883)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-153).

The Committee on Judiciary on Bill, "An Act Raising the Maximum Age of a Juvenile Offender." (H. P. 489) (L. D. 643)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-152).

The Committee on Labor on Bill, "An Act Relating to Applicability of Workmen's Compensation to Certain Employees." (H. P. 51) (L. D. 58)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-151).

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

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

Ought to Pass in New Draft

The Committee on Fisheries and Wildlife on Bill, "An Act Relating to Permits for Out-of-Door Fires Issued to Licensed Guides." (H. P. 918) (L. D. 1218)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1335) (L. D. 1661)

The Committee on Public Utilities on Bill, "An Act Repealing the Law Requiring Railroad Companies to Erect and Maintain Bridge Guards." (H. P. 842) (L. D. 1116)

Reported that the same Ought to Pass in New Draft Under New

Title: "An Act Relating to Railroad Bridge Guards" (H. P. 1334) (L. D. 1660)

Come from the House, the Bills, in New Draft, Passed to be Engrossed.

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

Senate

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 Relating to Removal of Bridges Crossing Connecting Waterways of the Chain of Ponds, Franklin County." (S. P. 246) (L. D. 697)

Resolve, Providing Funds to University of Maine for Upgrading University Professional Salaries. (S. P. 303) (L. D. 966)

Mr. Joly of Kennebec was granted unanimous consent to address the Senate.

Mr. JOLY: Mr. President and Members of the Senate: In reference to Item 6-21, I would just like to point out that perhaps it would have been better had this been withdrawn because it is covered by other law, and that this wasn't the proper way to do it, but the connotation might be bad, where it says "Ought Not to Pass," and I would just like to explain that to the Senate.

Leave to Withdraw

Mr. Joly for the Committee on Legal Affairs on Bill, "An Act Relating to the Installation of Electrical Conduits Under the Electricians Law." (S. P. 138) (L. D. 350)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Aldrich for the Committee on Legal Affairs on Resolve, to Reimburse Frank E. Wise of Gorham for Plane Damage at Augusta

State Airport. (S. P. 428) (L. D. 1298)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Resolve Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Taxation on Bill, "An Act Relating to Definition of Cigarettes under Cigarette Tax Law." (S. P. 220) (L. D. 636)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 567) (L. D. 1698)

Signed:

Senators:

WYMAN of Washington

COX of Penobscot

FORTIER of Oxford

Representatives:

COTTRELL of Portland

DRIGOTAS of Auburn

MAXWELL of Jay

DAM of Skowhegan

IMMONEN of West Paris

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

Signed:

Representatives:

MORTON of Farmington

DOW of West Gardiner

FINEMORE

of Bridgewater

SUSI of Pittsfield

MERRILL

of Bowdoinham

Which reports were Read.

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

Mr. KATZ: Mr. President, the advance journal does not include an L. D. number. I wonder if some member of the committee can give us the full impact of this change in new draft?

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: The way the law is now, one small cigar can be taxable and another that looks apparently the same is not taxable, so the impact of this is to make our law conform with the

federal law which, it seems to me, makes sense.

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

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

Second Readers

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

House

Bill, "An Act Relating to Retirement of Forest Rangers in the Forestry Department." (H. P. 38) (L. D. 45)

Bill, "An Act Relating to Liquor Licensee Records." (H. P. 354) (L. D. 469)

Bill, "An Act Appropriating Funds for Replacement of Sea and Shore Enforcement-Research Vessels." (H. P. 452) (L. D. 601)

Bill, "An Act Providing Additional Funds for Maine State American Revolution Bicentennial Commission." (H. P. 484) (L. D. 628)

Bill, "An Act Relating to Stop-sale Orders under Maine Economic Poisons Law." (H. P. 668) (L. D. 873)

Bill, "An Act Permitting Sale of Prepackaged Foods in Taverns." (H. P. 840) (L. D. 1114)

Bill, "An Act Relating to Definition of Litter under Maine Litter Control Act." (H. P. 1309) (L. D. 1619)

Bill, "An Act to Appropriate Funds for the Purpose of Creating an Office of Off-reservation Indian Development within the Department of Indian Affairs." (H. P. 976) (L. D. 1290)

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

House — As Amended

Resolve, Designating the Bridge Across the Little Androscoggin River at Mechanic Falls as "The Sawyer Memorial Bridge." (H. P. 538) (L. D. 720)

Bill, "An Act to Clarify the Law Relating to Height and Width Restrictions for Motor Vehicles." (H. P. 831) (L. D. 1090)

Bill, "An Act Relating to Definition of and Licenses of Rectifiers under the Liquor Law." (H. P. 579) (L. D. 768)

Bill, "An Act to Permit the Sale of Beer and Table Wine on Sunday for Off-premise Consumption." (H. P. 184) (L. D. 226)

(On motion by Mr. Hichens of York, temporarily set aside.)

Bill, "An Act to Exempt Nonprofit Clubs and Organizations from Food Handling Regulations." (H. P. 798) (L. D. 1051)

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

The President laid before the Senate the matter temporarily set aside by Mr. Hichens of York:

Bill, "An Act to Permit the Sale of Beer and Table Wine on Sunday for Off-premise Consumption." (H. P. 184) (L. D. 226)

The same Senator then moved that the Bill and accompanying papers be Indefinitely Postponed.

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

Mr. OLFENE: Mr. President and Members of the Senate: I am surprised it has gone this far this easily. I have been looking for this earlier.

Gentlemen, I don't think we need to give a long speech and synopsis of this L. D.; I think you all know what it is. It is nothing more than the sale of beer and wine on take-out, off-premises sale in the grocery stores from noontime on Sunday until midnight.

Now, I would like to make a few comments on this just to make you completely aware of what is in the bill. No. 1, as you probably already know, and I will remind you, the hotels and Class A restaurants can presently serve during these same hours on Sunday. This is just extending it to off-premises in the food stores. But the key in this whole thing is that it is a local option bill. This is by vote of the community, each and every community.

When the hearing was held before my committee, the opposition to this bill was directed a question, and the question was: "Do you

think that the people of the State of Maine are qualified to make this decision themselves?" And the answer from the opposition was "Yes". Now, gentlemen, you are just giving the people the opportunity to make this decision.

Again, I can say that the opposition did not direct itself to the bill, but directed itself to the fact that here was alcohol in the State of Maine. I highly suggest that I don't want to go home to my people and say I don't think you are qualified to vote on an issue. I think they are and, consequently, I would urge you not to support the motion to indefinitely postpone. Thank you.

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

Mr. FORTIER: Mr. President and Members of the Senate: I would like to call attention to the fact that in my mind there is a glaring omission in this bill, and that is that in the statement of fact there is no cost involved.

I am very much aware, of course, that this bill will never land on the Appropriations Table, but I do maintain that there probably is not a single other bill that will be passed by the legislature that has as high a cost to our constituents as this bill does.

It has been established, for example, by the Maine State Police that averaging the accidents on each day of the week, Sundays have 848 fewer accidents in 12 months time than any other day of the week. In 1972 there were 256 mortalities in the State of Maine. It was generally conceded by authorities that at least one-third of those involved liquor.

The American Hospital Association claims that over 25 percent of all medical and surgical cases in our metropolitan hospitals involve problems of alcohol. 50 percent of all accidents, both highways and at home, involve alcohol. There are a great many costs involved in these things. Some of them are tangible and some intangible. None of us here are capable of assessing the costs to both society and the State of Maine of broken homes, of divorces, of children who might even be better

orphaned than living with fathers and even mothers who are slaves of alcohol. But there are a great many other factors that are a great deal more tangible, and that with very little effort we could go back and trace directly to our problem of alcohol.

It was only two years ago that we increased the number of Superior Court judges by two, due mainly to an overload in the Superior Court. This, in great part, is due to our problem of alcohol. After increasing the Superior Court by these two judges, this morning as an enactor on our schedule we have a bill asking for one more judge to the Superior Court, together with his staff and court reporters, carrying an appropriation of \$64,750. We already have on the Appropriations Table another bill which has been enacted by the other body, awaiting final enactment by the Senate, asking for an appropriation of \$43,000 plus. If we go over our budget, we find that alcoholism has been responsible for increased demands in every social service which this state renders.

I do not have to go into detail in regard to the problem in our prisons. I understand this week there has been a bill presented to this legislature asking for an appropriation of \$800,000 for a new jail for one county. How much of that is due to alcoholism? We must concede that a great part of it is. How about all our state hospitals? Our hospitals throughout the entire state, every one of them, are crowded. Every one of them are charging fees which our constituents are complaining about, and rightly so. How about the increases in our health and accident insurances, which can be traced directly to the problem of alcoholism? How about our insurance on automobiles, which again can be traced directly to alcoholism? We do not need to be expert economists to find that this is the most expensive statute that we could put on the books.

I am not a dry. I am not claiming that we should go back to prohibition, but I do think that we have gone far enough. I do think that it is pretty near time to say

beyond the position we have already reached thou shalt not pass.

Let us not be kidded either by the fact that the proponents tell you there is a referendum clause. There is a referendum clause, but in practice what does that amount to? If any of you gentlemen or lady live in a so-called dry town, have you ever been able to stop a drunken driver from rushing through your town at exorbitant speeds? I defy you to find a single dry town which is not within walking distance of these places that sell liquor. So the referendum really means very little. It means it will hamper probably the economic growth of that particular town, and make neighboring towns which are so-called "wet" even all the more.

I hope you will take all these things into consideration and remember that there probably is not a single member in this Senate who did not promise very strongly to his constituents that he would do his utmost to reduce our tax burden. This is one opportunity which presents itself, and I hope you will sustain the motion for indefinite postponement.

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

Mr. HICHENS: Mr. President and Members of the Senate: I would just answer the Senator from Androscoggin County, Senator Olfene, on his statement that we are just letting this go back to the people. It has been determined on several other bills here that we are here to represent the people and to make decisions for them, so I don't know why this bill should be any exception. I ask for a roll call.

The PRESIDENT: A roll call has been requested. The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that Bill, "An Act to Permit the Sale of Beer and Table Wine on Sunday for Off-premise Consumption", be indefinitely postponed. 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 York, Senator Hichens, that Item 7-12, Legislative Document 226, 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, Cummings, Fortier, Greeley, Hichens, Huber, Minkowsky, Morrell, Peabody, Schulten, Tanous, and Wyman.

NAYS: Senators Aldrich, Berry, Brennan, Cianchette, Clifford, Conley, Cox, Cyr, Danton, Graffam, Joly, Katz, Kelley, Marcotte, Olfene, Richardson, Roberts, Sewall, Shute, Speers, and President MacLeod.

A roll call was had. Twelve Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, the motion did not prevail.

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

Senate

Bill "An Act Relating to Pollution Control Costs on Construction Projects." (S. P. 301) (L. D. 950)

Which was Read a Second Time.

On motion by Mr. Cianchette of Somerset, Tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Senate — As Amended

Bill "An Act to Authorize Eleven New Regions and Central Aroostook County Region for Vocational Education." (S. P. 110) (L. D. 255)

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

Sent down for concurrence.

Enactors

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

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

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

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

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

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

An Act to Clarify the Purpose of the Committee on Maine Public Broadcasting. (S. P. 467) (L. D. 1426)

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

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

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)

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

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

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

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)

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

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

(On motion by Mr. Berry of Cumberland, Tabled and Tomorrow Assigned, pending Enactment.)

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

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

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.

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

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

On motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "B", Filing No. S-59, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

An Act to Reconstitute and Place a Public Member on the Maine Real Estate Commission. (S. P. 459) (L. D. 1409)

Comes from the House, Indefinitely Postponed.

On motion by Mr. Berry of Cumberland Indefinitely Postponed in concurrence.

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

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

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

Emergency

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

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

Emergencies

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

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)

These being emergency measures and having received the affirmative votes of 31 members of the Senate, were Finally Passed and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

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

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

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

Pending — Passage to be Engrossed. (Committee Amendment "A" (S-44).)

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Specially Assigned for April 9, 1973, pending Passage to be Engrossed.

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

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

Tabled — March 28, 1973 by Senator Shute of Franklin.

Pending — Enactment.

Which 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 third tabled and specially assigned matter:

House Reports — from the Committee on Election Laws — Bill, "An Act Relating to Voting Machines or Electronic Voting Systems in Certain Municipalities." (H. P. 1012) (L. D. 1330) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — March 29, 1973 by Senator Shute of Franklin.

Pending — Acceptance of Either Report.

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

Mr. JOLY: Mr. President, may I request the Secretary to read the signatures on the report?

The PRESIDENT: The Secretary will give the committee report.

The SECRETARY: The Ought Not to Pass Report is signed by Senators Shute, Cianchette and Joly, Representatives Hancock, Talbot, Hoffses, Willard, Boudreau, Binnette, and Dudley.

The Ought to Pass Report is signed by Representatives Ross, Snowe, and Kelley.

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

Mr. JOLY: Mr. President and Members of the Senate: Since we heard this bill I have given it a lot more thought, and I fear that I was in error when I voted Ought Not to Pass on this. As much as anyone else in this room, I should have known better, having been involved in recounts at various times over the past years.

I perhaps was being parochial at the time in thinking that Waterville already has purchased machines so that maybe everybody else should buy their own. Since then I have realized the error of my judgment. I do think that this would be most helpful over the years. I think the amount of money that would be expended would probably be saved after many years because of the elimination of some of the recounts that we have been getting more and more every year. It also brings more accuracy to the voting process.

I am sure that the press, of course, is always happy with towns that have machines because they don't have to wait until 5:30 the next morning to get the reports.

All in all, I just rise to say that if I had the chance to do it over again I would vote in favor of this bill, and I would move at this time that we accept the Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Joly, now

moves that the Senate accept the Minority Ought to Pass Report of the Committee in non-concurrence.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: I am not really surprised that Senator Joly has moved acceptance of the Ought to Pass Report because he indicated to me the other day that he had suffered a change of heart.

The committee, I believe, in its wisdom reported this out correctly. If you would read L. D. 1330, you will understand that a municipality with a population of 3,000 is required to use voting machines, and a municipality under 3,000 may obtain and use voting machines. Municipalities shall purchase voting machines with or without state subsidy. I am sure we are all desirous of seeing the day when it will be a simple matter for people to cast their votes, but with the cost of voting machines, the Shupe voting machine presently being at a price of something in the order of \$2300-\$2400 each, the electronic voting devices are reasonably inexpensive, but the cost of obtaining a program to run these elections is almost prohibitive and almost impossible in some areas.

Until we reach the day where we have a system similar to Ohio's, where you have election divisions throughout the state running the general and statewide elections, then I see no easy opportunity to get into the voting machine business. I would urge you to accept the Majority Ought Not to Pass Report, and I request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Joly, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Relating to Voting Machines or Electronic Voting Systems in Certain Municipalities", will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Seven Senators having voted in the

affirmative, and twenty-one Senators having voted in the negative, the motion did not prevail.

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

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

Bill, "An Act Relating to Investment and Custodial Care of Securities in the State Retirement System." (S. P. 552)

Tabled — April 3, 1973 by Senator Berry of Cumberland.

Pending — Reference.

(Committee on Veterans and Retirements Suggested).

Thereupon, on motion by Mr. Berry of Cumberland, referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

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

Bill, "An Act Establishing an Open Season on Moose." (H. P. 32) (L. D. 39)

Tabled — April 3, 1973 by Senator Speers of Kennebec.

Pending — Adoption of Committee Amendment "A" (H-141).

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

Mr. ANDERSON: Mr. President and Members of the Senate: I am not going to belabor this thing; it was thoroughly debated yesterday, but there is one point I would like to bring out.

This bill has no respect for cow and calf moose. Now, most sportsmen, I think, are honest law-abiding citizens, but there will be some that will drop a cow or a calf and move on to shoot a bull for the rack, the horns. I want my grandchildren and your grandchildren, and all posterity, to see this magnificent animal in its natural habitat. So I plead with you to vote with me this morning for the survival of this noble animal. Thank you.

When the vote is taken I move it be taken by the yeas and nays.

The PRESIDENT: Did the Senator move for indefinite postponement of this bill?

Mr. ANDERSON: Absolutely, I meant to move that. I move indefinite postponement of this bill and all accompanying papers.

The PRESIDENT: The Senator from Hancock, Senator Anderson, now moves that Bill, "An Act Establishing an Open Season on Moose", be indefinitely postponed, and a roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL: Mr. President, am I in order to speak to this measure?

The PRESIDENT: The matter is before the Senate.

Mr. SEWALL: Mr. President and Members of the Senate: This is one of the rare times since I have been in this body that I am changing my vote this morning, and I would like to explain it for the record.

I don't particularly like moose since one kept me off my favorite beaver pond when I was about twelve years old. So, yesterday when I voted to open the season on moose there was a small degree of vindictiveness in my vote. However, last night I happened to be in one of the local watering spots and sitting next to two or three game biologists. They were discussing this measure and they were saying, in effect, that we have got to kill the moose to save the moose. This line of reasoning, I think, is the same line we have used in Vietnam, so all of a sudden I realized that my vote yesterday was in error. So today I am carrying out my personal vendetta against the moose, and I am going to vote with Senator Anderson. Thank you.

The PRESIDENT: Is the Senate ready for the question? The

pending motion before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act Establishing an Open Season on Moose", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed. be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Brennan, Cianchette, Conley, Danton, Greeley, Hichens, Huber, Joly, Katz, Minkowsky, Olfene, Richardson, Roberts, Schulten, Sewall, Wyman, and President MacLeod.

NAYS: Senators Aldrich, Clifford, Cox, Cummings, Cyr, Fortier, Graffam, Kelley, Marcotte, Morrell, Peabody, Speers, and Tanous.

ABSENT: Senator Shute.

A roll call was had. Nineteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with one Senator absent, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Mr. KATZ: Mr. President, having voted on the prevailing side, I move that the Senate reconsider its action whereby this bill was indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby this bill was indefinitely postponed. As many Senators as are in favor of reconsideration will please say "Yes"; those opposed "No".

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

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

Bill, "An Act to Include Operators of Industrial Wastewater Treatment Plants in the Operator Certification Program." (S. P. 478) (L. D. 1534)

Tabled — April 3, 1973 by Senator Wyman of Washington.

Pending — Enactment.

Thereupon, on motion by Mr. Schulten of Sagadahoc, retabled and Tomorrow Assigned, pending Enactment.

The President laid before the Senate the seventh 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 — April 3, 1973 by Senator Clifford of Androscoggin.

Pending — Motion by Senator Cyr of Aroostook to Indefinitely Postpone.

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

Mr. TANOUS: Mr. President and Members of the Senate: If my good friend, Senator Cyr from Aroostook, would withdraw his motion for indefinite postponement, I would move to reconsider the matter to leave it for Piscataquis County. I have checked the statutes, Title 30, Section 1951 through 1958, and various other sections of the statutes, and I am convinced that this is permissible under these other statutes. But I would like to amend my bill so that we can correct errors in the other bills, in the other items that we have passed, as requested by Mr. Johnson of the Bureau of Taxation, so if the kind Senator would withdraw his motion, I would make motions necessary to have the bill come back to its original form.

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

Mr. CYR: Mr. President and Members of the Senate: I will recall my motion of indefinite postponement, and I trust that the good Senator from Penobscot, Senator Tanous, will put it back to its original shape, which is only for Piscataquis County.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, with-

draws his motion for indefinite postponement.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

On motion by Mr. Tanous of Penobscot, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to reconsider its action whereby it Adopted House Amendment "A", as Amended by House Amendment "A" thereto, and, on subsequent motion by the same Senator, House Amendment "A" to House Amendment "A" was Indefinitely Postponed.

On further motion by the same Senator House Amendment "A" was Indefinitely Postponed.

Thereupon, on further motion by the same Senator, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act to Provide Sales Tax Credit on Replacement of Lost or Destroyed Motor Vehicles." (H. P. 564) (L. D. 743)

Tabled — April 3, 1973 by Senator Conley of Cumberland.

Pending — Motion of Senator Berry to Recede and Concur.

(In the House, Passed to be Engrossed as Amended by House Amendment "A" (H-134).)

(In the Senate, Majority Ought Not to Pass Report Accepted). (House Insisted).

Thereupon, on motion by Mr. Kelley of Aroostook, retabled and Tomorrow Assigned, pending the motion by Mr. Berry of Cumberland to Recede and Concur.

On motion by Mr. Sewall of Penobscot,

Adjourned until 1:30 tomorrow afternoon.