

# 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, April 5, 1973

Senate called to order by the President.

Prayer by the Rev. Paul Pare of Augusta.

Reading of the Journal of yesterday.

**Papers from the House**  
**Non-concurrent Matter**

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)

In the House March 22, 1973, the Majority report Read and Accepted and the Resolution Passed to be Engrossed.

In the Senate April 3, 1973, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

Mr. Tanous of Penobscot then moved that the Senate Insist and Join in a Committee of Conference.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would oppose the motion to join in a committee of conference on this bill unless it can be explained how a compromise may be reached on this bill other than the number of jurors. We could stand around and debate all afternoon on whether it should be 12-member juries, 11, 10, 9 or 8, and I just feel that the reasons why the Senate accepted the Minority Ought Not to Pass Report in the first place are just as valid for 11, 10, or 9-member juries as they are for 8-member juries. Again, it is simply a dilution of the jury system.

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

Mr. TANOUS: Mr. President and Members of the Senate: I really don't see any harm in having a committee of conference appointed on this particular bill to see if we can come up with a compromise

measure. Perhaps it is impossible, but I don't see any harm in at least making an attempt to perhaps improve an already existing system, so I would ask that you join me in my motion to insist and join with the House in a committee of conference. Thank you.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Very briefly, I join in the remarks of the good Senator from Kennebec, Senator Speers. Last week we voted on a roll call vote 20 to 12 against this, and I would hope that we would stick by our guns. I would urge you to vote against the motion of the Senator from Penobscot, Senator Tanous.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that the Senate insist and join in a committee of conference will please say "Yes"; those opposed "No".

A viva voce vote being in doubt, the President ordered a division. 9 Senators having voted in the affirmative, and 22 Senators having voted in the negative, the motion did not prevail.

Thereupon, on motion by Mr. Speers of Kennebec, the Senate voted to Adhere.

**Non-concurrent Matter**

Bill "An Act to Upgrade the Quality of Care at Bangor State Hospital." (S. P. 531) (L. D. 1689)

In the Senate April 2, 1973, referred to the Committee on Health and Institutional Services.

Comes from the House, referred to the Committee on Appropriations and Financial Affairs, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**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 9, at 10 o'clock in the morning. (S. P. 570)

Which was Read and Passed.

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

### Joint Orders

WHEREAS, participation in the Maine State Retirement System in recent years has been extended to several additional categories of employees of political subdivisions and other agencies; and

WHEREAS, there has also been a proliferation of amendments to the Maine State Retirement System law providing particular variations relating to membership and benefit formulae for particular classes of employees; and

WHEREAS, these additions and variations have given rise to complexities, inequities, inefficiencies and confusion; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the Maine State Retirement System Law as provided in the Revised Statutes, Title 5, chapter 101 and all Acts amendatory thereto to determine all possible and practical improvements in the law which can provide greater uniformity and equity under the system. Such study shall include but not be limited to determining the feasibility and desirability of developing guidelines concerning participation in the system; and be it further

ORDERED, that the officers and staff of the Maine State Retirement System be authorized and respectfully requested to provide such information, technical advice and such other needed assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee shall make a written report of its findings and recommendations, together with all necessary legislation and at its discretion submit the same to either the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that a copy of this

Joint Order be transmitted forthwith to said office of the Maine State Retirement System as notice of this directive. (H. P. 1387)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Berry of Cumberland, placed on the Special Legislative Research Table.

WHEREAS, Sean Aloysius O'Fearn of Cape Elizabeth, more popularly known as John Ford, director, is one of the geniuses of his profession; and

WHEREAS, the greatness of this man, aside from his naval career, is seen in 140 of the finest American motion pictures which he produced and directed; and

WHEREAS, the American Film Institution has so honored him with a Life Achievement Award, the very first such honor; and

WHEREAS, on Saturday, the 31st day of March, the President of the United States awarded this 78-year-old film maker with the Medal of Freedom which represents the Nation's highest civilian honor; now, therefore, be it

RESOLVED, the Senate concurring, that We, the Members of the 106th Legislature of the great and sovereign State of Maine now assembled, take this opportunity to congratulate this distinguished native son and hereby express with great pride our appreciation of him and his life's work, which has commanded admiration and applause around the world; and be it further

RESOLVED, that a suitable copy of this Resolution be immediately forwarded to Rear Admiral Ford in token of the sentiment expressed herein. (H. P. 1415)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. KATZ: Mr. President, I want to disclaim any knowledge of who Sean Aloysius O'Fearn is.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage in concurrence?

Thereupon, the Joint Order received Passage in concurrence.

### House Papers

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

Bill, "An Act to Repeal the Minimum Age for Hospitalization of Mentally Ill Persons." (H. P. 1295) (L. D. 1707)

Comes from the House referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

On motion by Mr. Hichens of York, referred to the Committee on Health and Institutional Services in non-concurrence and Ordered Printed.

Sent down for concurrence.

Resolve, for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-three and Nineteen Hundred and Seventy-four. (Emergency) (H. P. 1419) (L. D. 1733)

Comes from the House, referred to the Committee on County Government and Ordered Printed.

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

Thereupon, under suspension of the rules, sent forthwith to the Committee on County Government.

### Communications

STATE OF MAINE  
House of Representatives  
Augusta, Maine 04330

April 4, 1973

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

The House, on March 27, 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 Reimbursing Teachers for Professional Credits" (H. P. 838) (L. D. 1112). On March 29, the Speaker appointed the following members to the Committee of Conference: Messrs. MURRAY of Bangor

BITHER of Houlton

GARSOE of Cumberland  
Respectfully,

Signed:

E. LOUISE LINCOLN  
Clerk

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

### Committee Reports House

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

Bill, "An Act Relating to Time for Paying Salaries of County Officials." (H. P. 889) (L. D. 1174)

Resolve, in Favor of Harvey H. McNally of Sherman Station. (H. P. 991) (L. D. 1311)

Bill, "An Act to Permit Municipal Regulation of Snowmobiles within Built-up Areas by Ordinance." (H. P. 544) (L. D. 769)

### Ought to Pass

The Committee on Legal Affairs on Bill, "An Act Preventing a Lien on Real Estate When Owner has Paid Contractor." (H. P. 828) (L. D. 1087)

Reported that the same Ought to Pass.

Comes from the House, Recommended to the Committee on Legal Affairs.

On motion by Mr. Joly of Kennebec, the Bill was Substituted for the Committee Report and, on subsequent motion by the same Senator, recommitted to the Committee on Legal Affairs in concurrence.

### Ought to Pass — As Amended

The Committee on Natural Resources on Bill, "An Act Relating to Control of Outdoor Advertising." (H. P. 274) (L. D. 380)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-147).

The Committee on Health and Institutional Services on Bill, "An Act to Increase Examination and Registration Fees for the Board of Psychologists," (H. P. 789) (L. D. 1025)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-154).

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

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

### Divided Report

The Majority of the Committee on Labor on Bill, "An Act Relating to Certain Permanent Impairment Compensation under Workmen's Compensation Law." (H. P. 598) (L. D. 789)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

HUBER of Knox

Representatives:

ROLLINS of Dixfield

GARSOE of Cumberland

FLYNN of South Portland

McNALLY of Ellsworth

BROWN of Augusta

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

Signed:

Senator:

KELLEY of Aroostook

Representatives:

FARLEY of Biddeford

HOBBS of Saco

CHONKO of Topsham

BINETTE of Old Town

McHENRY of Madawaska

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

Which reports were Read.

Mr. Huber of Knox moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee in non-concurrence.

Mr. Clifford of Androscoggin then moved that the matter be tabled and Specially Assigned for April 10, 1973, pending the motion by Mr. Huber of Knox to Accept the Majority Ought Not to Pass Report of the Committee.

On motion by Mr. Berry of Cumberland, a division was had. Nine Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion to table did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought Not to Pass Report of the Committee in non-concurrence?

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President, before voting on this, I would like to have at least some explanation on what the distinction between these two reports may be and what the intent of the legislation is.

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

Mr. TANOUS: Mr. President and Members of the Senate: Perhaps in making an explanation on L.D. 789, I might also explain the next one, L.D. 961. They both relate to the same subject matter and the philosophy behind both bills is similar.

We had Commissioner Keaney, the Chairman of the Industrial Accident Commission appear before the Committee relative to these bills; not as a proponent or opponent on the bills but just as an explanation to the Committee. It was the consensus, or the opinion of at least the Chairman and those who signed the Ought Not to Pass Report, at least, that both of these bills deal with the evidentiary part of the law. I am sure that Senator Richardson from Cumberland would be familiar with this and also perhaps any other attorney that does workmen's compensation work.

In effect, what we are doing is trying to legislate evidentiary law, and we feel that this is already the substantive law in the State of Maine, and the courts have so ruled. When injuries do occur, they do rule as these two particular bills seem to want the commissioners to do. In effect, this is presently the law but based on evidence and precedence, rather than statute, thank you.

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

Mr. BRENNAN: Mr. President, I am still a little unclear after that explanation. I look at the bill itself and I don't really see much about evidence. The statement of fact says that the bill clarifies the law and allows for awards of compensation, for example, when the permanent usefulness of the legs is impaired as a result of paralysis brought on by an injury to the brain or the spine. I am still a little unclear as to why it is evidentiary. It seems to me that it might be giving more protection to a working man. I would like to have a further explanation, if someone would care to further explain.

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

Mr. TANOUS: Mr. President and Members of the Senate: I am sure Senator Brennan, who is a very capable attorney from Cumberland, will agree that when we do have cases involving an accident or a workmen's compensation injury, as such, and that that particular injury incapacitates another part of the body or member of the body, an arm or a leg, and assuming the injured employee can prove he had an accident, as a result of this accident he had a brain injury, and as a result of the brain injury his arms were incapacitated or his legs were incapacitated, that there was such medical proof before the Commissioner, he would have no choice but to rule that the disability sustained to the arms or the legs or any part of the body is covered under our present Workmen's Compensation Law. All this particular bill does is seem to set it down in the statute. It is an evidentiary part of the procedure and this is already done by the Commissioners.

Some attorney perhaps wasn't satisfied with the decision of one of the Commissioners, and probably as a result we have a bill before us to try to tell the Commissioner to handle the evidentiary part of the law. I feel it is not needed in our statute; it

is already covered under our present substantive law. If Senator Brennan desires a clear explanation of this, I will hold classes later on. Thank you.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I am still a little confused, and since it could not be tabled I would just hope that we could keep this bill alive for another day or two so I could sort of study it over the weekend. So I would again oppose the motion of the good Senator from Knox, Senator Huber, and I would ask for a roll call on his motion.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I notice that one of the signers of the Ought to Pass Report was a member of the body, and is there a problem in the state that requires this legislation? Might I pose that question through the Chair to the Senator from Aroostook, Senator Kelley, who signed the Minority Ought to Pass Report?

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

The Chair recognizes the Senator from Aroostook, Senator Kelley.

Mr. KELLEY: Mr. President and Members of the Senate: The sponsor of the bill pointed out that there have been occasions in specific cases where the law was not clear on this and that there have been several settlements with the Industrial Accident Commission in which proper remedies were not provided when injuries occurred to other parts of the body than the specific area of the leg or arm. Contradictory evidence to that said that this was already covered by the law. However, since this bill does only clarify what the good Senator from Penobscot says is now substantive law, I could see no harm whatsoever in having the law be perfectly clear on this point.

I think the difference of opinion was, as the good Senator has pointed out, that the substantive law already covers this, and in most cases coverage would extend to what is being talked about here. The point in my signature and the sponsor's was that there are occasions when the Commissioner or whatever does not interpret it that way, and decisions were made to the detriment of the person injured. And what this would solely do is make perfectly clear what that area is to be. So, accordingly, that is the purpose of the law, and I don't see it doing any harm. The most it would be doing is clarifying what now in most cases is the law.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Knox, Senator Huber, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Certain Permanent Impairment Compensation under Workmen's Compensation Law." 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 Knox, Senator Huber, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Certain Permanent Impairment Compensation under Workmen's Compensation Law." a "Yes" vote will be in favor of accepting the Majority Ought Not to Pass Report; a "No" vote will be opposed. The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Berry, Cox, Cummings, Graffam, Greeley, Hichens, Huber, Joly, Katz, Olfene, Peabody, Roberts, Schulten, Sewall, Shute, Speers,

Tanous, Wyman, and President MacLeod.

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, Cyr, Fortier, Kelley, Marcotte, Minkowsky, Morrell, and Richardson.

ABSENT—Senator Danton.

A roll call was had. 20 Senators having voted in the affirmative, and 12 Senators having voted in the negative, with one Senator being absent, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

(See action later in today's session.)

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Permanent Compensation for Particular Injuries under the Workmen's Compensation Law." (H. P. 748) (L. D. 961)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot  
HUBER of Knox

Representatives:

ROLLINS of Dixfield  
GARSOE of Cumberland  
FLYNN

of South Portland  
McNALLY of Ellsworth  
BROWN of Augusta

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

Signed:

Senator:

KELLEY of Aroostook

Representatives:

FARLEY of Biddeford  
HOBBS of Saco  
CHONKO of Topsham  
BINNETTE of Old Town  
McHENRY of Madawaska

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

Which reports were Read.

Mr. Huber of Knox moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

Mr. Marcotte of York then moved that the matter be tabled



and Specially Assigned for April 10, 1973, pending the motion by Mr. Huber of Knox to Accept the Majority Ought Not to Pass Report of the Committee.

On motion by Mr. Berry of Cumberland, a division was had. Ten Senators having voted in the affirmative, and 22 Senators having voted in the negative, the motion to table did not prevail.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: In the hope of being somewhat consistent, I would like to ask the same question about this legislative document that I asked about the last one. I might say that my firm does have occasion to do some workmen's compensation work, and I am not aware that the law concerning permanent impairment is always as clear as the Senator from Penobscot, Senator Tanous, seems to suggest with respect to the last L. D., which just went down the chute. I would like to inquire in what way this L. D. differs from the previous one and, if we are talking about the same problem again, perhaps we should go along with the idea of keeping this document alive.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Again I have the same problem here. I don't quite understand this and it really hasn't been explained, so I would oppose the motion of the good Senator from Knox, Senator Huber. When the vote is taken, I would ask for a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, 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 Knox, Senator Huber, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Permanent Compensation for Particular Injuries under the Workmen's Compensation Law." A "Yes" vote will be in favor of accepting the Majority Ought to Pass Report of the Committee: A "No" vote will be opposed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I am somewhat bothered by these two pieces of legislation, and I voted against the last particular bill because I felt assured that the subject matter covered by that legislation was already the law. There seems to be a considerable amount of doubt as to that fact, and by way of explanation, I feel that these bills perhaps should be kept alive until there be an opportunity to further investigate that fact and I, therefore, will vote to keep this bill alive.

The PRESIDENT: Is the Senate ready for the question? A "Yes" vote will be in favor of accepting the Majority Ought Not to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Berry, Cox, Graffam, Greeley, Hichens, Huber, Joly, Katz, Olfene, Peabody, Schulten, Shute, Tanous, Wyman, and President MacLeod.

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, Cummings, Cyr, Fortier, Kelley, Marcotte, Minkowsky, Morrell, Richardson, Roberts, Sewall, and Speers.

ABSENT: Senator Danton.

A roll call was had. 16 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with one Senator being absent the motion did not prevail.

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

**Divided Report**

The Majority of the Committee on County Government on Bill, "An Act Relating to Keeping of Records on Use of County-owned Vehicles." (H. P. 875) (L. D. 1163)

Reported that the same Ought Not to Pass.

Signed:

Senators:

ROBERTS of York  
PEABODY of Aroostook  
CLIFFORD

of Androscoggin

Representatives:

FARRINGTON of China  
McMAHON of Kennebunk  
PONTBRIAND of Auburn  
DAM of Skowhegan  
CHURCHILL of Orland  
SHELTRA of Biddeford  
TANGUAY of Lewiston

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

Signed:

Representatives:

WHITZELL of Gardiner  
DYAR of Strong

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 County Government on Bill, "An Act Authorizing Legislature to Change Specific Line Categories in the County Estimates." (H. P. 1166) (L. D. 1501)

Reported that the same Ought to Pass.

Signed:

Senators:

ROBERTS of York  
PEABODY of Aroostook  
CLIFFORD

of Androscoggin

Representatives:

FARRINGTON of China  
TANGUAY of Lewiston  
McMAHON of Kennebunk  
DYAR of Strong

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

Signed:

Representatives:

CHURCHILL of Orland  
WHITZELL of Gardiner  
PONTBRIAND of Auburn  
DAM of Skowhegan  
SHELTRA of Biddeford

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

Which reports were Read.

Thereupon, on motion by Mr. Roberts of York, the Majority Ought to Pass Report of the Committee was Accepted in non-concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Election Laws on Bill, "An Act Permitting a Dollar Check-off on Income Tax Returns for Election Campaign Fund." (H. P. 1010) (L. D. 1324)

Reported that the same Ought to Pass.

Signed:

Senator:

CIANCHETTE

of Somerset

Representatives:

TALBOT of Portland  
HANCOCK of Casco  
SNOWE of Auburn  
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 Not to Pass.

Signed:

Senators:

SHUTE of Franklin  
JOLY of Kennebec

Representatives:

ROSS of Bath  
HOFFSES of Camden  
WILLARD of Bethel  
KELLEY of Machias

Comes from the House, the Majority report Read and Accepted and the Bill Indefinitely Postponed.

Which reports were Read.

Mr. Katz of Kennebec then moved that the Senate Accept the Majority Ought to Pass Report of the Committee.

On motion by Mr. Berry of Cumberland, a division was had. 15 Senators having voted in the

affirmative, and 13 Senators having voted in the negative, the Majority Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

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

Mr. BERRY: Mr. President, I move this bill be indefinitely postponed and I request a roll call.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Bill, "An Act Permitting a Dollar Check-off on Income Tax Returns for Election Campaign Fund", 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 Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: Before we vote on this roll call measure, perhaps an explanation of my vote is in order.

Two bills, both similar in nature, were heard before the Election Laws Committee. I questioned whether they should have been referred to Election Laws in the first instance because they both deal with taxation matters. What you are trying to do here is to amend Title 21, an election law, specifying that a basic law in taxation be changed. This is why we opposed it in our committee.

Now, if indeed you want to take this bill and recommit it to Taxation, where it properly belongs, then I probably could vote for it, but I don't believe it belongs with Election Laws and I shall continue to oppose it as part of Title 21.

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

Mr. KATZ: Mr. President, may I confess to a state of confusion. There are two bills, one which, as was indicated, permits the deduction of a dollar from refund, and

I was confused. I am in opposition to this bill and shall vote against it. I shall support the other bill when it comes along.

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

Mr. BRENNAN: Mr. President and Members of the Senate: The reason that I am going to support this bill is that I support the philosophy. I think we ought to get away from the idea of the "the fat cat" influence in our major elections or even in our minor elections. I think they tend to have a disproportionate influence after someone tends to get elected to office. So if we do it on this basis where everybody may, or at their option have a chance to, make sort of an equal contribution, we will get away from the wealthy and the affluent having a disproportionate influence in the Legislature, the Congress, and probably in the Presidency of the United States. It is for that reason that I support this measure.

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

Mr. SHUTE: Mr. President and Members of the Senate: I couldn't agree with Senator Brennan more. If you look on page 2 of Legislative Document 1324, you will find that it makes reference to a title other than Title 21, which is the basic election law.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, "An Act Permitting a Dollar Check-off on Income Tax Returns for Election Campaign Fund", 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, Cox, Graffam, Greeley, Hichens, Huber, Joly, Katz, Olfene, Peabody, Richardson, Roberts, Schulten, Sewall, Shute, Speers, Tanous, Wyman, and President MacLeod.

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley,

Cummings, Cyr, Fortier, Kelley, Marcotte, Minkowsky, and Morrell.

ABSENT: Senator Danton.

A roll call was had. 20 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the Bill was Indefinitely Postponed in concurrence.

#### Senate

#### Leave to Withdraw, Covered by Other Legislation

Mr. Speers for the Committee on State Government on, Bill, "An Act Creating the Office of Inspector General for the Department of Health and Welfare." (S. P. 10) (L. D. 63)

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

Which report was Read and Accepted.

Sent down for concurrence.

Mr. Speers for the Committee on State Government on, Bill, "An Act Creating a State Board of Health and Welfare." (S. P. 70) (L. D. 172)

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

Which report was Read.

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

Mr. SPEERS: Mr. President, I would not want the members of this body to be misled by what is a mistake in the way the committee reported these two documents out. The reports should have read "Leave to Withdraw," and not "as Covered by Other Legislation"; just simply "Leave to Withdraw".

The PRESIDENT: Is it the pleasure of the Senate to accept the Leave to Withdraw Report of the Committee?

Thereupon, the Leave to Withdraw Report of the Committee was Accepted.

Sent down for concurrence.

#### Change of Reference

Mr. Clifford for the Committee on State Government, on Bill, "An Act Relating to District Offices of the Department of Commerce and Industry." (S. P. 328) (L. D. 1032)

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

Which report Was Read and Accepted and the Bill referred to the Committee on Appropriations and Financial Affairs.

Sent down for concurrence.

#### Ought to Pass

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Authorizing File of Abstracts in Registry of Deeds in Guardianship, Conservatorship and Intestate Estates." (S. P. 352) (L. D. 1017)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Fees of Bail Commissioners." (S. P. 300) (L. D. 949)

Reported that the same Ought to Pass.

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

#### Ought to pass — As Amended

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act to Create a Committee to Study the Needs for a Traffic Court System," (S. P. 316) (L. D. 983)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-61).

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Creating the Maine Veterans Small Business Loan Authority Board and Establishing a Mortgage Insurance Fund." (S. P. 164) (L. D. 419)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-60).

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

#### Ought to Pass in New Draft

Mr. Speers for the Committee on State Government on, Bill, "An Act Establishing a Records Management Board." (S. P. 371) (L. D. 1097)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Establishing a County Records Board." (S. P. 569) (L. D. 1709)

Which report was Read.

On motion by Mr. Speers of Kennebec, tabled and Specially Assigned for April 11, 1973, pending Acceptance of the Committee Report.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Increasing Certain Fees of Registers of Deeds." (S. P. 354) (L. D. 1018)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN of Cumberland

Representatives:

BAKER of Orrington  
WHITE of Guilford  
PERKINS  
of South Portland  
HENLEY of Norway  
WHEELER of Portland  
McKERNAN of Bangor

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

Signed:

Representatives:

CARRIER of Westbrook  
DUNLEAVY  
of Presque Isle  
GAUTHIER of Sanford  
KILROY of Portland

Which reports were Read and the Majority Ought to Pass Report of the Committee Accepted.

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

#### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspensions." (S. P. 369) (L. D. 1095)

Reported that the same Ought Not to Pass.

Signed:

Senator:

TANOUS of Penobscot

Representatives:

HENLEY of Norway  
GAUTHIER of Sanford  
BAKER of Orrington  
WHITE of Guilford  
PERKINS

of South Portland

CARRIER of Westbrook  
WHEELER of Portland

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

Signed:

Senators:

SPEERS of Kennebec  
BRENNAN of Cumberland

Representatives:

DUNLEAVY  
of Presque Isle  
McKERNAN of Bangor  
KILROY of Portland

Which reports were Read.

Mr. Tanous of Penobscot then moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: This bill deals with the provisional licenses under Title 29 of our statutes; Section 2241, to be exact. This is a fairly new provision under which a new license is a provisional license until the second birthday following the date of issuance of that new license. Upon conviction of a moving violation, of any moving violation, whether it is a minor moving violation or a major moving violation, there is an automatic suspension of that license: first offense for thirty days, second for sixty days, and the third until the expiration of the provisional period or ninety days, whichever is longer.

All this bill does, it does not attempt to change this section on provisional licenses, except that it provides that in a situation where there is a conviction of a provisional licensee for a moving violation, it provides the mechanism and machinery for a hearing before the Secretary of State, so that if the circumstances justify it that suspension may be abated. It is not automatic. The provisional licensee who is convicted of that

minor offense has to apply for a hearing. A hearing is not automatic, but it does set up a procedure which I think protects the people as they should be protected.

I think there are circumstances, Mr. President and Members of the Senate, when it is a very great hardship on people when the license is suspended automatically for a very minor violation, for instance: failure to completely stop at a stop sign, or a loose muffler, which is defined as a moving violation; these are the kind of offenses which can penalize a person who may need his automobile desperately to get to and from his place of employment.

I know the area which I represent is a low wage area, jobs for people provide the money that they live on from week to week, and a thirty or sixty-day suspension can really work a real hardship.

All this does is provide an opportunity for a person under this provisional license statute — it does not change it — it merely provides an opportunity for that person to request a hearing. A hearing has to be given by the Secretary of State, and if he cannot justify reasons for not having the license abated, then the suspension goes forward. If he can, then the Secretary of State is empowered to lift the suspension. I think it is fair and just, and it doesn't interfere with the basic provisional license part of that section. So, I hope we vote against the Majority Ought Not to Pass Report.

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

Mr. JOLY: Mr. President and Members of the Senate: It seems that I recall this bill was put in because provisional licenses are given to young people before they get their permanent license, and it was felt that if they had a stringent law like this it would bring upon them at an impressionable age how important it is to honor all highway laws. Perhaps this is not the reason for the bill being brought in, and I am sure that a member of the committee who heard this might discuss it

— it would bring some light onto this — but if this is the fact, I am afraid that we are weakening it because we all know that you have got a hearing, and you have a hard luck story about you have got to get to class, or you have got to get to your summer job, that many times the examiners, because it is a first offense, would waive the suspension. And I am just wondering if the original purpose of the law might be harmed if this bill went in. Perhaps someone on the committee could help us out on this.

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

Mr. KATZ: Mr. President and Members of the Senate: The 105th Legislature made some perfectly splendid gains in the field of highway safety. It was the intent of the 105th Legislature, and very, very clearly, that we retain a difference in the public's mind and in our law books between a provisional license and a regular driver's license.

For the person whose license is suspended, it is not suspended out of the clear blue sky; he has had his day in court. What we succeeded in doing last session, without trampling on anyone's rights, was to reduce enormously the number of administrative hearings that were necessary before the Secretary of State. I ask you, please, let's not undo what we did in the name of highway safety just because of economic considerations of hardship upon people who have already been convicted of a moving violation.

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

Mr. CLIFFORD: Mr. President, just to clear up a couple of things, Mr. President and Members of the Senate: First of all, it applies not only to young licensees; it applies to all new licensees and, of course, this could be, and often is, the case of the widow who loses a husband, has to seek employment and doesn't have a license, and who has to seek a license. Because she is convicted of a minor offense of failure to completely stop at a stop sign, she automatically loses

her license for thirty days.

This does not tamper with the provisional license section. The provisional license situation is still in the law. All it does is that in those unusual circumstances, where there might be justification for keeping the license, that person, if she or he so desires, has to apply for a hearing. It is not an automatic hearing; that person has to apply for a hearing. And the Secretary of State's hearing examiner then, on the facts presented to him, determines as to whether or not there may be circumstances which might justify an abatement of the automatic suspension. This is all that it does. It really does not tamper with the basic provision of the provisional license.

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

Mr. SPEERS: Mr. President and Members of the Senate: In speaking of economic considerations, I would venture to say the reason to defeat this bill could very well be said to be an economic reason in that, as Senator Katz from Kennebec mentioned, under the present law administrative hearings were done away with under the Secretary of State's office.

As it stands now, there of course is a very grave threat to any person who holds a provisional license and who may be stopped for any minor violations and, of course, that includes major violations as well. You can easily envision a minor moving violation, as Senator Clifford mentioned, going through a stop sign or a loose muffler, and that individual is threatened with losing his license completely. I would venture to say that that threat and the realization after one has been in court, even if he is found guilty, that he has lost his license, unless he takes the additional step of applying to the Secretary of State's office for an administrative hearing, and even after holding the hearing, he is not in anyway guaranteed that he will be able to keep his license; I think that that is sufficient threat to impress upon the people who would have a provisional license. The seriousness of a moving violation.

I think there could be extenuating circumstances in some individual cases whereby the loss of a license would by no means be the kind of punishment that should be meted out to an individual for a minor moving violation, and I would oppose the motion to accept the Majority Report.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Very briefly, first I support the remarks of Senator Clifford, the Senator from Androscoggin. But in reference to the remarks of the good Senator from Kennebec, Senator Joly, saying that this is designed for young people, of course it also covers older folks. Let's assume it was designed for young people, I personally feel that young people or old people, they ought to get the same fair hearing under the law. I strongly feel that we ought to treat the young and old equally under the law, and that is why I can't subscribe to the remarks of Senator Joly.

In reference to the hearing that you can get, Mr. Wyman from the Secretary of State's office says that they are able to give a hearing in twenty-four hours. So if someone loses his license and they want it held up in a little hearing, he can give them one in twenty-four hours if I recall the testimony before the committee on a comparable bill.

Thirdly, if after the hearing, and this is for economic purpose as spelled out by Senator Clifford, he could give him his license back restricted to his job hours. This is a very, very important thing. We are trying to keep the young people working, and if someone loses his job because his license is taken away we are really not helping out very much. So, I would urge you to defeat the motion of the good Senator from Penobscot, Senator Tanous.

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

Mr. TANOUS: Mr. President and Members of the Senate: I would like to take just a few moments to explain to you the provisions

under the provisional license in Maine which most of you aren't familiar with. It includes anyone that applies for his first license in the State of Maine. It doesn't apply to anyone who comes from out of state who has held a license in another state.

Now, a provisional license is for the first time that an individual holds a driver's license, and in perhaps 99 percent of the cases it involves a youngster of the age of 15, 16, in that area, 17, or whatever age it is that they can hold a license — as I recall, it is 16 years old. And the provisional law which we enacted two years ago states that upon conviction of a first offense the holder of a provisional license shall lose his license for 30 days. The second offense during that provisional period is 60 days, and the third offense is for 90 days. It could be longer than 90 days, providing that his second birthday doesn't come up before that time. It would be up to his second birthday from the date that he received his provisional license.

In that area of the second birthday, apparently there are inequities by this second birthday situation, and we do have a bill coming out of Judiciary to correct this inequity.

I can sympathize with Senator Clifford's feelings. I mean there are certain cases, no question about it, on these provisional licenses where inequities will exist; there are some people who are indeed facing extreme hardship. But we have to weigh the equities and the inequities and do what we feel is best for the people generally. Now, if we feel that a provisional license is the avenue to perhaps make youngsters more aware of their driving habits — in fact, they do know this, incidentally. My son was granted a license a year ago, and he was very familiar with the provisions of a provisional license. He had taken a driver ed. course and was certainly made aware of this, so they are made aware of this. So it boils down to this: if you think there are sufficient inequities in the law that they should be given a hearing, fine,

vote for the bill. If you feel that it is going to increase the work load on the Secretary of State, or if it is going to weaken the provisions whereby a youngster may be more careful in driving, then oppose this measure. This isn't the first one. You have two or three other bills in this area that are attempting to crack open the provisional law that we have. So whichever way you go, you are going to have other bills to follow soon as we have several bills in this area.

Now, the time for a hearing, for instance — and presently it is difficult to get a hearing — it isn't that difficult, but if you get a hearing in the regular course of events, it may be six weeks, eight weeks, or two months, unless you are in a hurry and you call up the Secretary of State's office — he will see you the next day if you want a hearing — but if you get a hearing in the regular course and channels — and this, incidentally, provides that he is to retain that license while the hearing is pending — so it might be two months before he gets a hearing. Now, will it two months later have the effect upon a youngster that is brought in for a hearing? Will it at that point have the effect on him as to the effect on his license, or is immediate punishment better? I mean, these are things you have to weigh. I am sure two months later the Secretary of State would perhaps be a little hesitant about taking his license away from him. If he has done a good job in the last two months then perhaps he will let him keep it. So it is a matter of education, I guess, and other concerns.

Now, the Secretary of State mentioned that there were 2,000 provisional licenses in the last two years since this law has been in effect. Divide that by two and you get 1,000 hearings a year. Now, one hearing examiner probably could handle 500 of those, so if you are talking economy, fine, then consider that perhaps a reason for voting against the bill because we may have to add two new hearing examiners. Now, short of that, I will answer any questions any of you may have. Thank you.



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

Mr. JOLY: Mr. President and Members of the Senate: I would like to just add two more comments. One is that I follow the traffic violations that are being held in our courts quite regularly because I handle some ALA work, and I am amazed at the number of people that are of the ages that we are talking about, 17 and 18. Consistently it is the young people that are brought in for traffic violations.

The second point is that I think all of you who have youngsters know that your insurance rates are quite high if the youngsters are under, I believe, 25. This bill was put in to help offset these things. I think too often we try to help a very small group by hurting a larger group. I am sure there are a very few widows in this state whose husbands die and they don't have driver's licenses and they apply for them, but this is a small number compared to the number of youngsters that we are aiming at. This is why the bill was put in for and, as the good Senator from Kennebec, Senator Katz, mentioned, they are taught this in the driver education schools. I think it is a good bill as it is, and I would hope that we would kill this bill.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I think we are getting to the point where we are belaboring it. It seems to me that this does not disturb the basic principle of the provisional license. It merely requires a hearing upon request; It is not an automatic hearing. The third thing is that the Secretary of State in most cases, even when there is a request for a hearing, will deny the abatement and continue the suspension in effect. So, I would request a division on this.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I hope the Senate will forgive me for

speaking again, but I worked so hard in this area last session that I feel strongly about it. I will take issue with the Senator from Androscoggin, Senator Clifford, that this does weaken the distinction between the provisional license and a regular license. The distinction between the two licenses was very carefully debated and decided upon last session.

I just got a note from a member of this body who said that he is in favor of supporting Senator Tanous' position and killing the bill because his son was arrested and his license was suspended. This has acted, according to my informant, as a very real deterrent to this young kid.

In our attempt to be understanding, and in our attempt to consider economic considerations, I suggest that we don't overlook our overriding responsibility to protect lives and property and human suffering in the state. Pretty darn close to 50 percent of the accidents in the State of Maine are single-car accidents. They involve young people, they frequently involve liquor and, although Senator Clifford from Androscoggin very promptly points out that we might be talking about a muffler violation, there is an excellent chance we are talking about a high rate of speed which ends up in a one-car accident around some tree out in the dark woods.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President, I would ask for 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 these 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 Penobscot, Senator Tanous, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Hearing for Provisional Motor Vehicle License on Suspension". A "Yes" vote will be in favor of accepting the Majority Ought Not to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Berry, Cox, Hichens, Huber, Joly, Katz, Olfene, Peabody, Schulten, Shute, Tanous, and President MacLeod.

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, Cummings, Cyr, Fortier, Graffam, Greeley, Kelley, Marcotte, Minikowsky, Morrell, Richardson, Roberts, Sewall, Speers, and Wyman.

ABSENT: Senator Danton.

A roll call was had. 13 Senators having voted in the affirmative, and 19 Senators voting in the negative, with one Senator being absent, the motion did not prevail.

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

#### Reconsidered Matter

Mr. Speers of Kennebec moved that the Senate reconsider its prior action whereby the Majority Ought Not to Pass Report of the Committee was Accepted on Bill, "An Act Relating to Certain Permanent Impairment Compensation under Workmen's Compensation Law." (H. P. 598) (L. D. 789)

The same Senator then moved that the Bill be tabled and Specially Assigned for April 10, 1973, pending the motion by that Senator to reconsider.

On motion by Mr. Berry of Cumberland a division was had. 17 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion to table prevailed.

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

Mr. BERRY: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, under the Constitution 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 Kennebec, Senator Speers, that Bill, "An Act Relating to Certain Permanent Impairment Compensation under Workmen's Compensation Law", be tabled and specially assigned for April 11, 1973, pending the motion of that Senator to reconsider. A "Yes" vote will be in favor of tabling this bill until Tuesday next; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, Cummings, Cyr, Fortier, Greeley, Kelley, Marcotte, Minikowsky, Morrell, Peabody, Roberts, Shute, and Speers.

NAYS: Senators Anderson, Berry, Cox, Graffam, Hichens, Huber, Joly, Katz, Olfene, Richardson, Schulten, Sewall, Tanous, Wyman, and President MacLeod.

ABSENT: Senator Danton.

A roll call was had. 17 Senators having voted in the affirmative, and 15 Senators having voted in the negative, with one Senator being absent, the Bill was tabled and Specially Assigned for April 11, 1973, pending the motion by Mr. Speers of Kennebec to reconsider.

#### Second Readers

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

#### House

Bill, "An Act Broadening the Sales and Use Tax Exemption on

Water and Air Pollution Control Facilities." (H. P. 60) (L. D. 72)

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

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

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

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

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

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

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

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

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

Bill, "An Act Providing for a State-wide Open Deer Season." (H. P. 1114) (L. D. 1450)

(On motion by Mr. Speers of Kennebec, temporarily set aside.)

Bill, "An Act Relating to Permits for Out-of-Door Fires Issued to Licensed Guides." (H. P. 1335) (L. D. 1661)

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

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

The President laid before the Senate the matter set aside at the request of Mr. Speers of Kennebec:

Bill, "An Act Providing for a State-wide Open Deer Season". (H. P. 114) (L. D. 1450)

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President, I would ask a question through the Chair to a member of the Fisheries and Wildlife Committee, as to whether or not this particular item

had the support of the Department of Inland Fisheries and Game?

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

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: In answer to the Senator from Kennebec, Senator Speers, yes, it did have the favor of the Department. It is simply that there should be an open season on deer in each calendar year in all counties of the state from the fifth Monday preceding Thanksgiving to the Saturday following Thanksgiving, that would be October 15 to December 1.

The PRESIDENT: Is the Senate ready for the question?

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

#### House — As Amended

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

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

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

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

#### Senate

Resolve, to Reimburse Frank E. Wise of Gorham for Plane Damage at Augusta State Airport. (S. P. 428) (L. D. 1298)

Which was 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 to Increase Outdoor Advertising License and Permit Fees and Extend Controls. (S. P. 276) (L. D. 764)

(On motion by Mr. Schulten of Sagadahoc temporarily set aside.)

An Act to Exempt Methods of Payment for Laboratory Services Provided to Persons Outside of the State. (S. P. 242) (L. D. 693)

An Act to Provide Funds for the Development of an Airport in the Rumford-Mexico Area. (H. P. 462) (L. D. 611)

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

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

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

An Act Relating to Management and Maintenance of State of Maine Building at Eastern States Exposition. (H. P. 780) (L. D. 1012)

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

An Act Providing for Mandatory Retirement for Teachers. (H. P. 834) (L. D. 1093)

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

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

An Act Relating to Resetting, Tampering or Disconnecting Odometers on Motor Vehicles. (H. P. 896) (L. D. 1183)

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. Schulten of Sagadahoc:

An Act to Increase Outdoor Advertising License and Permit Fees and Extend Controls. (S. P. 276) (L. D. 764)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SCHULTEN: Mr. President and Members of the Senate: On our redrafted bill, L. D. 764, which was originally L. D. 252, since

there has been some area of controversy and misunderstanding concerning these bills, I felt that since we are now at the enactment stage, or possible enactment stage, perhaps it would be well to try and clarify the background on these bills.

Originally L. D. 252 was designed to increase the fees for outdoor advertising. It developed that the Department of Transportation was receiving an income of approximately \$33,000 a year for issuing permits for billboard signs. The cost to the department was running around \$75,000 a year. So this was a step to increase fees so the income would then jump up to approximately or hopefully around \$90,000 a year.

In the consideration of this bill, it was felt that since we had it under discussion perhaps there were other areas that should be implemented to make a more practical bill. So, the department introduced an amendment that basically would do two more things: one would increase the height of these billboard signs from 25 to 35 feet. The reason this was done was so that for once and for all there would be a common understanding of what actually was a true height of a billboard sign. In the past it has been known that some of the signs were measured at places other than the ground. This provision specifically says that measuring to 35 feet will be from ground level, so that in many cases the increase in height will be a reduction probably in the height of the sign.

The other matter L. D. 764 incorporates is the matter of measurement to include embellishments, cut-outs or dimensional effects, and to cover these three items here the size of the billboard was increased from 700 to 760 square feet.

All in all, the committee looked at these modifications, amendments, and felt that it was a good bill. It felt that basically this was a step forward and a very realistic approach to controlling billboards in our state.

Now, certainly over the years I have not been considered what you might say is an ardent booster of

some of our state departments nor of their methods of operation, but because of the adverse discussions and criticisms that had arisen on the handling of this particular L. D., I felt concerned enough that perhaps a little research into the background of legislation covering billboards in the state might be of interest to all concerned. So, with your indulgence, I would like to take just a few minutes to pretty much read the results of what I found out by delving into some of the background material.

In that so-called research I found that the original legislation, the original billboard legislation, was passed by our legislature in 1935 and was sponsored by the State Highway Commission, with the result that the State of Maine was one of the first states, if not the first in the country, to provide for the licensing of individuals and organizations erecting outdoor advertising devices along the highways and also to permit fees on an annual basis. This legislation was the nucleus of such action as has taken place from that time right up to this present session of the legislature.

Back in the early 50's legislation was sponsored by the Highway Commission in an attempt to inject into the law an appreciation for the aesthetics and beautification. And for your information, this was a long, long time before the federal government became interested in this particular activity. Unfortunately, in this particular case Maine was not allowed to lead as the legislation was not passed; we were ahead of our time.

In 1957, under the leadership of our present Chairman of the Transportation Department, but more importantly to many of those here today, under the sponsorship of Senator Bill Cole, restrictions were set up in regard to outdoor advertising devices on controlled access highways. Unfortunately, even this legislation was not accepted.

In 1959, legislation resulting in Chapter 339 of our Public Laws was enacted which provided for interim restrictions relating to outdoor advertising devices being

placed 160 feet beyond the right-of-way line of the Interstate. It also further provided for the state to comply with the federal statutes to the extent that the state became eligible to receive a bonus payment of one-half of one percent of the construction costs on certain sections of the Interstate system because of the control of advertising devices on that system in our state.

In 1961, legislation was enacted in regard to signs located in urban areas along the Interstate system that might be included in commercial-industrial zones.

The year 1966 saw some very far-reaching legislation proposed as it became necessary to revise the laws of the state to comply with the 1965 Federal Beautification Act. The proposed legislation was referred to an interim committee, and it was not until 1969, when the legislature enacted Chapter 257 of the Public Laws, that our state laws were finally changed to coincide with the requirements of the Federal Beautification Act of '65.

Now, this has been a very brief history of the legislation relating to outdoor advertising devices. All of it was sponsored by the Highway Commission, and for many years — and I think this is interesting — it really was assisted only by the activities of the Federated Garden Clubs. Of course, in recent years we know that there have been others who at times have indicated their approval of the restrictive legislation.

As Chairman of the Natural Resources Committee, I felt it was important to take a few minutes of your time to give you the results of this little research, so-called, which I instigated on my own. I instigated it because I am concerned. Now, I am a practical person, or I have always tried to be a practical person, so when I am attacked by superficial, unknowledgeable people, I try to consider the source, and I try to allot the degree of consideration that I judge that particular criticism to merit. So when the integrity and dedication of my committee members is impugned, then I am motivated into righteous self-

indignation, and I am delighted at this opportunity to put on the record just how I feel about these attacks.

Now, in the background of all that I have said concerning this particular L. D. 764 is another L. D., 380, which we just accepted as Item 6-5 on the calendar, Ought to Pass, as Amended. This act, "An Act Relating to the Control of Outdoor Advertising", is known as the "Jumbo Sign" legislation. The statement of fact on this is as follows: "This bill extends the control of outdoor advertising signs beyond the 660-foot strip adjacent to certain state highways to prevent the erection and maintenance of jumbo signs intended to be seen and read from the highways." Now, there is an amendment on this particular bill, but that is to include ramps and interchanges. It does nothing more than to strengthen the bill. And I might say that on this "Jumbo Bill", which really is of the greatest importance to the state and to all others concerned, there is a federal regulation which has never been acted upon, but failure to comply with the federal regulations could involve the withholding of 10 percent of federal highway funds, construction funds, and I understand in 1972 these funds amounted to \$28 million, so we are not talking peanuts here; we are talking real dollars and cents.

But to go back to the bill under discussion, which is up for enactment, it is a good bill, it is designed to protect the State of Maine from billboard blight, and I urge that the Senate enact this at this time. Thank you for your consideration in listening.

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

Mr. SHUTE: Mr. President and Members of the Senate: I, for one, appreciate the explanation given by Senator Schulten about the billboards and these two bills that are before us at this time. I think we all have become kind of chary about billboard legislation in view of what happened after passage of the so-called enlightened act of the 104th Legislature, because not long

following the passage of that act, throughout the state there were instances where new billboards were erected, I think, in violation of the law. In one instance, within a few miles of my own home, three new billboards were erected within a year after passage of this anti-billboard act during which time, of course, we saw some Hollywood celebrities come in and chop them down, burn them up, or whatever — three new billboards were erected in my area, and two of them violated the law again by obstructing a scenic view. So, I hope these bills prove to be much better than the one past by the 104th Legislature, at least enforced by it.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Resolve, to Reimburse Audrey G. Pray of Hersey for Loss of Poultry by Foxes. (H. P. 554) (L. D. 734)

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

#### Emergency

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

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

#### Orders of the Day

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

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

Tabled — April 3, 1973 by Senator Cyr of Aroostook.

Pending — Passage to be Engrossed.

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

Mr. KELLEY: Mr. President, I would like to have this tabled until Thursday next. The purpose being that there is a compromise being worked out, I understand, with the sponsor of the bill now and other members of the Aroostook delega-

tion, and for that purpose to work out —

The PRESIDENT: Is the Senator making a tabling motion?

Mr. KELLEY: Yes.

The PRESIDENT: The Senator is out of order. The Senator has been debating a tabling motion.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Thereupon, on motion by Mr. Cyr of Aroostook, retabled and Specially Assigned for April 12, 1973, pending Passage to be Engrossed.

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

Senate Reports — from the Committee on Taxation — Bill, "An Act Relating to Definition of Cigarettes under Cigarette Tax Law." (S. P. 220) (L. D. 636) Majority Report — Ought to Pass in New Draft S. P. 567) (L. D. 1698); Minority Report — Ought Not to Pass.

Tabled — April 4, 1973 by Senator Hichens of York.

Pending — Acceptance of Either Report.

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

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

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

Tabled — April 4, 1973 by Senator Cianchette of Somerset.

Pending — Passage to be Engrossed.

Mr. Cianchette of Somerset then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-63, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — April 4, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

Thereupon, on motion by Mr. Wyman of Washington, retabled and Tomorrow Assigned, pending Enactment.

The President laid before the Senate the fifth tabled and today 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 4, 1978 by Senator Schulten of Sagadahoc.

Pending — Enactment.

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

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

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

Tabled — April 4, 1973 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

Thereupon, on motion by Mr. Tanous of Penobscot, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the seventh tabled and today 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 4, 1973 by Senator Kelley of Aroostook.

Pending — Motion of Senator Berry of Cumberland 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, the Senate voted to Recede and Concur.

**Recommitted Matter**

On motion by Mr. Huber of Knox, the Senate voted to Substitute the Bill for the Committee Report on 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)

On further motion by the same Senator, the Bill was Recommitted to the Committee on Labor.

Sent down for concurrence.

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 9, 1973, at ten o'clock in the morning.