

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth*

*Legislature*

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL  
AUGUSTA, MAINE

### SENATE

Monday, April 9, 1973

Senate called to order by the President.

Prayer by the Honorable Paul R. Huber of Rockland.

Reading of the Journal of yesterday.

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

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

In the Senate March 29, 1973, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-164), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

#### Non-concurrent Matter

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

In the Senate March 27, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-12) as Amended by House Amendment "A" Thereto (H-115), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "B" (H-161), in non-concurrence.

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

#### Joint Orders

WHEREAS, the proliferation of amendments to the state personnel laws providing particular variations in salaries, hours and other conditions of employment for particular classes of employees is a cause of concern to Legislators; and

WHEREAS, such amendments may tend to conflict with established principles and policies of the merit system, to create inequities in the employee compensation schedules and benefit plans and to encourage fragmentation and competition among employees and

employee groups; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the state personnel laws, as provided in the Revised Statutes, Title 5, chapters 51 to 63 and all Acts amendatory thereof, to determine the feasibility and practicality of providing greater uniformity and equity in the law; and be it further

ORDERED, that the State Department of Personnel and Personnel Board be authorized and respectfully directed to provide such technical advice and other assistance as the Committee determines necessary or appropriate to carry out the purpose of this Order; and be it further

ORDERED, that the Committee shall make a written report of its findings and recommendations, together with such legislation as it deems appropriate; and subject to its discretion, submit the same at either the next special or regular legislative session; and be it further

ORDERED, that upon passage in concurrence, a copy of this Joint Order be transmitted forthwith to said department and board as notice of this directive. (H. P. 1388)

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-163).

Which was Read.

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

WHEREAS, the Augusta State Hospital has been in serious jeopardy of losing partial accreditation by the Joint Commission on Accreditation of Hospitals for several years; and

WHEREAS, through the support of the Governor, the 104th and 105th Legislatures needed resources for improvement were provided; and

WHEREAS, the employees and administration of the hospital have diligently applied and integrated these resources into an active and progressive program; and

WHEREAS, Augusta State Hospital has been awarded for such efforts, notice of full accreditation

by the Accreditation Council for Psychiatric Facilities of the Joint Commission on Accreditation of Hospitals; and

WHEREAS, the maximum accreditation earned here represents attainment of a quality hospital where high standards are maintained and a constant effort is made to improve the quality of patient care; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature now assembled, take this opportunity to recognize and commend the outstanding effort which has been made by the administrative officers and employees of Augusta State Hospital in achieving full accreditation and wish them continued success in their inspiring leadership in humanizing this mental hospital; and be it further

ORDERED, that duly attested copies of this Order be transmitted forthwith to the said officers and employees of Augusta State Hospital expressing the thanks of the Legislature for a job well done. (H. P. 1420)

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 and Members of the Senate: This order basically congratulates the Augusta State Hospital for receiving full accreditation, and I would like to mention this morning the fact that over recent years the idea of the Augusta State Hospital ever getting full accreditation was really a goal that was beyond our wildest dreams. The fact that the State Hospital has come along this far, despite an extraordinary amount of controversy, and the fact that the State Hospital is much more an open institution, I think is attributable to the dedication not only of its new leadership but significantly because of the employees who work over there under conditions that are not necessarily the very best. I add my congratulations to the hospital.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I would like to also congratulate Augusta and point out to the Senators that there will be many bills coming up because we in Bangor would also like to have an accredited hospital.

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 Resolution today received from the House requiring reference to Committees were acted upon in concurrence, except for the following:

#### Judiciary

Bill, "An Act Relating to Civil and Human Rights of Prisoners." (H. P. 1312) (L. D. 1730)

Bill, "An Act Creating Emergency Regulatory Controls on Rent Increases for Residential Property." (H. P. 1316) (L. D. 1726)

Come from the House, referred to the Committee on Judiciary and Ordered Printed.

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

Mr. TANOUS: Mr. President and Members of the Senate: In reference to these two bills being referred to the Committee on Judiciary, I am pleased to announce to the President this morning and the members of this body that I was in the office last night, last evening, here upstairs and I scheduled all of my bills for public hearing. If things go right, my schedule is deemed to have the last public hearing on May 2nd or May 3rd. With this in mind, I move that these bills be referred to the Committee on Judiciary in concurrence.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that these two bills be referred to the Committee on Judiciary and ordered printed in concurrence. Is this the pleasure of the Senate?

The motion prevailed.

### State Government

Bill, "An Act Relating to Consolidating Reports of Budgeted State Departments and Agencies." (H. P. 1317) (L. D. 1713)

Resolution, Proposing an Amendment to the Constitution to Repeal the Office of Sheriff as Constitutional Officer. (H. P. 1322) (L. D. 1728)

Come from the House referred to the Committee on State Government and Ordered Printed.

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

Mr. SPEERS: Mr. President and Members of the Senate: I am also pleased to announce to the President and to this body that I also spent some time over the weekend scheduling bills. I also am very pleased to announce that, if all goes well and as planned, I think that the State Government Committee will be able to have its hearings on all of the bills referred to it by the end of the first week in May.

I would like to add one further note of caution, however. Obviously, with the number of bills that have been referred to the State Government Committee and the number of bills that have been referred to the Committee on Judiciary, that in order to do this, given the present hearing schedules and the number of days that we have available to us for hearings, it is certainly going to mean that there will be a particular time period allotted to each specific bill. The Committee on Judiciary, as the good Senator from Penobscot happened to mention, he feels that will be possible if we allot fifteen minutes of time to each particular bill, and in the State Government Committee this will be possible if we allot one-half hour to each bill. Some bills are not going to take that long, and other bills, obviously, are going to take much longer. But I would like to simply state that it is obvious that, given the time periods, not everyone is going to be afforded the opportunity to speak as long, and possibly some individuals are not going to be afforded the oppor-

tunity to speak at all on particular bills before us in public hearing. I think this is an unfortunate development, but I think it is a necessary development in order to have us get out of here sometime in June.

The PRESIDENT: The Chair congratulates both of the Senators for their scheduling and for the hard work and good work they are doing in their two committees.

Is it now the pleasure of the Senate that this bill and this resolution be referred to the Committee on State Government and ordered printed in concurrence.

Thereupon, the Bill and Resolution were referred to the Committee on State Government and Ordered Printed in concurrence.

### House Committee Reports

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

Resolution, Proposing an Amendment to the Constitution Limiting the Tenure of Office of the Governor to One Four Year Term. (H. P. 800) (L. D. 1070).

### Leave to Withdraw

The Committee on State Government on Bill, "An Act Relating to Operating Hours of State and Municipal Offices." (H. P. 960) (L. D. 1270)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on Bill, "An Act Relating to Tax-Sheltered Annuities." (H. P. 229) (L. D. 309)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

### Leave to Withdraw, Covered by Other Legislation

The Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Permit Initiative Amendments to

the Constitution. (H. P. 695) (L. D. 901)

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

The Committee on State Government on Bill, "An Act Increasing Compensation of the Governor." (H. P. 801) (L. D. 1071)

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

The Committee on State Government on Bill, "An Act to Provide for Nomination of the Commissioner of Educational and Cultural Services by the State Board of Education." (H. P. 901) (L. D. 1189)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### Ought to Pass

The Committee on Natural Resources on Bill, "An Act Relating to Membership on the Lewiston-Auburn Water Pollution Control Board." (H. P. 767) (L. D. 1000)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Resolve, to Reimburse Vivian Morrison of Dixfield for Property Damage by Highway Construction. (H. P. 1064) (L. D. 1388)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Name of Maine Commercial Fisheries." (H. P. 1095) (L. D. 1432)

Reported that the same Ought to Pass.

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

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

#### Ought to Pass — As Amended

The Committee on Transportation on Bill, "An Act Revising Certain Motor Vehicle Laws." (H. P. 653) (L. D. 857)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-160)

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

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

#### Divided Report

The Majority of the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (H. P. 605) (L. D. 803)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SPEERS of Kennebec  
WYMAN of Washington

Representatives:

FARNHAM of Hampden  
COONEY of Sabattus  
SNOW of Auburn  
CURTIS of Orono  
STILLINGS of Berwick  
SILVERMAN of Calais

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

Signed:

Senator:

CLIFFORD  
of Androscoggin

Representatives:

CROMMETT  
of Millinocket  
GOODWIN of Bath  
NAJARIAN of Portland  
BUSTIN of Augusta

Comes from the House, Bill and Reports Indefinitely Postponed.

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

#### Divided Reports

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Suspension of Original Motor Vehicle Operator's License." (H. P. 204) (L. D. 277)

Reported that the same Ought to Pass.

Signed:

Senators:

SPEERS of Kennebec

BRENNAN of Cumberland

Representatives:

McKERNAN of Bangor

CARRIER of Westbrook

GAUTHIER of Sanford

DUNLEAVY

of Presque Isle

KILROY of Portland

WHEELER of Portland

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

Signed:

Senator:

TANOUS of Penobscot

Representatives:

BAKER of Orrington

PERKINS

of South Portland

WHITE of Guilford

HENLEY of Norway

Comes from the House, Bill and Reports Indefinitely Postponed.

Which reports were Read.

Mr. Tanous of Penobscot then moved that the Bill and accompanying papers be Indefinitely Postponed in concurrence.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Very briefly, we debated this very same concept last Thursday, and the question really comes down to whether or not someone who has a provisional license is entitled to a hearing before the Secretary of State and, if he can demonstrate to the Secretary of State that it may cost him his job, then the Secretary of State could give him a license so he could drive back and forth to his employment.

Now, this Senate supported a much broader bill than this last Thursday, so I hope we would be somewhat consistent in this regard and support this measure now. It is just a question of economics, I think. I see no good reason why someone should lose his job along with his license; they just don't seem to go together. And if we pass this bill, the Secretary of

State would be in a position to just extend that limited license to go back and forth to one's employment. So, for that reason, I would urge you to, first, be consistent with our position last Thursday and, secondly, I would urge you then to defeat the motion of the 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: It is my feeling that the bill of Senator Clifford from Androscoggin, which has already been passed by this body, covers this very same subject matter, and certainly, if we are going to pass two bills which bring about the same result, I guess we would be duplicitous in our action. For that reason, I move that this bill be indefinitely postponed, and I would hope that you will join me on my motion. Thank you.

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

Mr. KATZ: Mr. President, I request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: The bill that is before us relates specifically to provisional licenses, and that is a license which would be offered to an individual who is getting a license for the first time. At the present time there are procedures available for an individual who has had a license for some time, who is convicted of a moving violation, to ask for a hearing and then, at the discretion of the Secretary of State, be offered a provisional license or a temporary license solely for the purpose of going to and from his place of employment.

What this bill would do would be to offer that same kind of exception to those who were convicted of a moving violation who happen to hold a license for the first time.

I am not sure whether or not this same kind of situation would be covered by the bill that we

enacted before; perhaps the Senator from Androscoggin, Senator Clifford, could comment on that. But I think that this is a good concept, and would oppose the motion to indefinitely postpone.

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

Mr. KATZ: Mr. President and Members of the Senate: I want to apologize to the Senate for the rather inept job we must have done last week in discussing the fact that the goal of all highway safety people focused last session on the passage of certain specific and what we considered to be important legislation. One of the most important considerations was to establish the difference between the license of a first-time driver and the old pro who renews and renews.

Now, last week we got the impression we were talking about widows, and the fact is that we are not talking about widows. At the end of 1972 we had almost 19,000 original issue licenses, and who were these 19,000? By and large, they were youngsters between the ages of 15 and 17 to a very, very great extent. They were untried. We give them the right to drive on the highways, but we don't check their maturity because there is no license in the world that can check this. And the fact is that nationally the young driver, with a heavy impetus on the first driver, is responsible for more single-car accidents and fatalities than any other group. That is a fact.

It is a fact that a substantial percentage of our fatalities involve in some respect alcohol. And it is a fact that when the Secretary of State's office and the Maine Highway Safety people, and everybody else who is charged by law to try to reduce the slaughter on the highways, when everybody joined hands to pass the provisional licensing bill they heard all the arguments that you have been hearing about people needing a license to work at Mr. Big's after school; we have heard it all. But my heavens, we kill 56,000 people a year, and the people back home

say to us "Help reduce the slaughter."

This legislation that we passed last session, and this is the second attack on it in two legislative days, was a key vehicle. I have never gotten a letter from Charlie Wyman in my life, although Charlie Wyman is a good friend of mine, and Charlie Wyman, out of a clear blue sky — and it is Charlie we are talking about as the Director of the Motor Vehicle Division — out of the clear blue sky writes me a letter which gives a completely different picture than what you have been hearing from the proponents of this legislation. He pleads on behalf of the Department and those who are charged with reducing accidents and reducing slaughter not to weaken the difference between the provisional license and the regular license. It is just a question of your attitude toward giving our chosen people the tools they need to help reduce the slaughter.

Now, economic hardships, I am well aware of them, but you can take all the economic hardships of all the licenses that have been suspended by unsafe drivers and add them up, pile them one on top of the other, and they pale to insignificance with all the human tragedy and the economic loss, in the billions of dollars, that is caused by slaughter on the highway.

I urge you not to look at this as a minor bill, but to support the motion of the Senator from Penobscot, Senator Tanous, and kill the bill as a step that weakens a notable move that we have made towards highway safety. I urge you to support Senator Tanous.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: The real way to reduce the slaughter on the highways is to eliminate licenses entirely; then we wouldn't have any automobiles on the highway and we wouldn't have any slaughter.

These bills really don't disrupt the concept of the provisional license. They merely allow, in the unusual circumstance, the



Secretary of State in this case to grant the limited license, and that is all this is about. They don't tamper with the provisional license section. The original license is still a provisional license, there still is an automatic suspension upon any moving violation, and only when the person goes forward and demonstrates that there is an economic hardship, and satisfies the Secretary of State, can a limited license under this bill be issued.

Sure, we are talking about highway safety, but we have got to distinguish between what this bill does and what the opponents of it say it does, and I would urge you to vote "No" on the motion to indefinitely postpone the bill.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Bill, "An Act Relating to Suspension of Original Motor Vehicle Operator's License", be indefinitely postponed. A division has been requested.

As many Senators as are in favor of the motion to indefinitely postpone will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I request a roll call.

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

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I hadn't intended to get into the debate, but as I was listening to the proponents a few thoughts as to the practical application of this

law, if it were enacted, come to my mind.

Senator Katz said that there were 17,000 new licenses and that the vast majority of these are young people. It seems to me that one reason Mr. Wyman would be very concerned with this bill would be the practical job of separating a fellow who is with a girl who say they are on their way to work from the people who really aren't. I think it is impossible for anybody to determine that a person facing suspension might be on his way to work or not. I think this would be a fantastically difficult administrative load to handle, so I would hope that you would again support Senator Tanous's motion.

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

Mr. MINKOWSKY: Mr. President, I am a little confused on this particular bill. I would like to pose a question through the Chair to any member of the Judiciary Committee. Is there a substantial difference between the bill we heard last Thursday and this one we are talking about this morning, or are they very, very similar in nature?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair to any member of the Judiciary Committee, who may answer if they desire.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: This particular bill before us today, L. D. 277, is similar to the extent that it would require a hearing for the establishment of the individual's need of that particular license to travel back and forth. So, in essence, it is very similar to the one that we debated last Thursday, because I don't see how the Secretary of State could establish the need for an operator's license unless a hearing was held, that is, the need for a license to go back and forth to work. So, in substance, it grants the right of a hearing to an individual who deems his license necessary to travel to and from work.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Bill, "An Act Relating to Suspension of Original Motor Vehicle Operator's License", 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, Cummings, Fortier, Greeley, Hichens, Huber, Joly, Katz, Minkowsky, Morrell, Olfene, Peabody, Schulten, Sewall, Shute, Tanous, and President MacLeod.

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, Danton, Graffam, Kelley, Marcotte, Roberts, and Speers.

ABSENT: Senators Cyr, Richardson, and Wyman.

A roll call was had. 19 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with three Senators being absent, the Bill was Indefinitely Postponed in concurrence.

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

Mr. KATZ: Mr. President, having voted on the prevailing side, I move the Senate reconsider its action whereby it just indefinitely postpone the Bill.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby Bill, "An Act Relating to Suspension of Original Motor Vehicle Operator's License", was indefinitely postponed in concurrence. As many Senators as are in favor of the motion to reconsider will please say "Yes"; those opposed "No".

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

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

Mr. Sewall for the Committee on Appropriations and Financial Affairs on Bill, "An Act Increasing Salaries of County Attorney and Assistant County Attorney of

Cumberland County." (S. P. 365) (L. D. 1079)

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

Mr. Sewall for the Committee on Appropriations and Financial Affairs on Bill, "An Act Increasing Salaries of County Attorney and Assistant County Attorney of Aroostook County." (S. P. 336) (L. D. 1035)

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

Which reports were Read and Accepted.

Sent down for concurrence.

#### Ought to Pass in New Draft

Mr. Morrell for the Committee on Appropriations and Financial Affairs on Bill, "An Act Making Additional Appropriations from the General Fund for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1973." (S. P. 150) (L. D. 384)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 572) (L. D. 1735)

Mr. Anderson for the Committee on Fisheries and Wildlife on Bill, "An Act Relating to Raptors for Use in Falconry." (S. P. 385) (L. D. 1131)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 571) (L. D. 1734)

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

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Due Date for Payment of Inheritance Taxes." (H. P. 15) (L. D. 15)

ask leave to report; that the Senate recede from its action whereby it Indefinitely Postponed the Bill and accompanying papers; Accept the Ought to Pass in New Draft Report of the Committee; Adopt Conference Committee Amendment "A" (S-62) submitted herewith; and Pass the Bill, in New Draft (H. P. 1144) (L. D. 1337), to be Engrossed, as

Amended by Conference Committee Amendment "A";

that the House Recede and Concur with the Senate.

on the Part of the Senate:

WYMAN of Washington

ROBERTS of York

CLIFFORD

of Androscoggin

on the Part of the House:

FINEMORE

of Bridgewater

ROLLINS of Dixfield

KELLEHER of Bangor

Which report was Read and Accepted.

Thereupon, the Senate voted to Recede from its prior action whereby the Bill was Indefinitely Postponed and subsequently the Ought to Pass in New Draft Report of the Committee was Accepted.

Conference Committee Amendment "A", Filing No. S-62, was Adopted and the Bill in New Draft Passed to be Engrossed as Amended by Conference Committee Amendment "A".

Sent down for concurrence.

### Second Readers

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

#### House

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

Which was Read a Second Time.

Mr. Tanous of Penobscot then moved that the Bill and accompanying papers be Indefinitely Postponed.

Mr. Kelley of Aroostook then moved that the Bill be tabled and Tomorrow Assigned, pending the motion of Mr. Tanous of Penobscot, that the Bill be Indefinitely Postponed.

Thereupon, on motion by Mr. Berry of Cumberland, a division was had. 12 Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion did not prevail.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would

like simply to say that I appreciate the courtesy shown last week by the members of this body in tabling this item specifically for the purpose of allowing Senators to look into the need for it over the weekend. I have done so and I have, as other Senators, received a copy of the letter from the Chairman of the Industrial Accident Commission to Senator Tanous explaining some of the provisions of this bill and the fact that it is not needed and, indeed, could be detrimental to the very individuals whom the bill was designed to help. Therefore, I feel we should be moving it along and would support the motion of the Senator from Penobscot, Senator Tanous, to indefinitely postpone.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Which was Read a Second Time.

Mr. Roberts of York then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-64, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

### House - As Amended

Bill, "An Act to Increase Examination and Registration Fees for the Board of Examiners of Psychologists." (H. P. 789) (L. D. 1025)

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

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

### Senate

Bill, "An Act Authorizing File of Abstracts in Registry of Deeds in Guardianship, Conservatorship and Intestate Estates." (S. P. 352) (L. D. 1017)

Bill, "An Act Relating to Fees of Bail Commissioners." (S. P. 300) (L. D. 949)

Bill, "An Act Increasing Certain Fees of Registers of Deeds." (S. P. 354) (L. D. 1018)

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

(On Motion by Mr. Katz of Kennebec, Temporarily set aside.)

Bill, "An Act Relating to Definition of Cigarettes under Cigarettes Tax Law." (S. P. 567) (L. D. 1698)

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

Sent down for concurrence.

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

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

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

Mr. KATZ: Mr. President and Members of the Senate: I really feel that we had the debate on this earlier today when we killed the other bill which sought to weaken provisional licensing differences. Consequently, I ask the Senate to go along with the previous position in killing any weakening of the difference between a provisional license and a regular license except to state that, if anything, this bill is substantially more offensive, is substantially more weakening in its implication, and I move that it be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Bill, "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspensions", be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: This bill was debated Thursday in the Senate and I think, contrary to the

statements being made, this present bill is less offensive and breaks down, as they say, the provisional licensing a lot less than the bill debated earlier this morning does. The reason is that legislative document 277, which was debated earlier today, allows a limited license to be granted by the Secretary of State if the license is necessary for employment, no matter what kind of offense generated the suspension of the license, whereas this bill, L. D. 1095, allows the Secretary of State to consider the nature of the offense. If it is a minor offense and if there is need, for example, for employment, then the Secretary of State can allow for a limited license. The bill L. D. 277 debated earlier only allowed the Secretary of State to consider the factor of employment. So this bill really allows more discretion within the Secretary of State, and a serious offense such as operating under the influence, a moving violation, the Secretary of State would not grant the limited license or any kind of abatement of this provision of allowing the person to retain his license.

So, the bill we are discussing now does not really erode the basic principles of a provisional license. Only if there is an automatic suspension, upon request of the provisional licensee, and not automatically, there is a provision for a license. The Secretary of State, after hearing, with the burden of proof on the provisional licensee, can in his discretion abate the license temporarily, issue a limited license, or do the same things that he can do now under other provisions of the motor vehicle laws.

So this law, contrary to the statement of the Senator from Kennebec, Senator Katz, does less to erode the provisional license than the other one does. It is a better bill, it allows more discretion, and I would urge a vote of "No" on the motion to indefinitely postpone. Thank you.

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

Mr. KATZ: Mr. President and Members of the Senate: If it is the thrust of the argument of those who support this bill that it is mild, that it doesn't do anything bad to the distinction between a provisional license and a regular license, I will read one sentence from the Secretary of State's office "L. D. 1095 is a bill which I feel, if it gains passage, almost completely nullifies the effect that the provisional license law has upon the original licensee." It is that nullification that I ask you to avoid this morning and vote to indefinitely postpone this bill.

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

Mr. TANOUS: Mr. President and Members of the Senate: When I debated this bill last week, last Thursday, I tried to be as impartial as I possibly could in giving you the pros and cons relative to L. D. 1095. I feel, as Chairman of the Committee, that it is my obligation to at least give the Senate the pros and cons on each bill that comes before our committee so that you can impartially make a decision when a bill is being debated.

There were a couple of items brought up relative to suspension of a motor vehicle license without a hearing. I would just like to bring out that in cases of driving under the influence of intoxicating liquor, for instance, there is no right of a hearing in that particular instance; it is mandatory, or a license is suspended for four months without a hearing, there is no provision for a hearing whatsoever. So the arguments that are used on L. D. 1095 for a right for a hearing could well be used to open up the drunken driving statute to provide for a right of a hearing. I think it is important to bring this out so that you can use this in your judgment on deciding how to vote on this particular bill.

It is not a novel law the fact that they don't have a right for a hearing on licenses of this type, provisional licenses, that is, and

another item which we should all remember is that once you open the door on the provisional licenses I am of the firm opinion that you might just as well do away with provisional licenses, I mean, repeal the section, because this is just exactly what, in my opinion, we are doing.

Another interesting point, Madam and Members of the Senate, is that Maine is one of the very few states, I might add, that permits operators to get a license, individuals to get a license, at fifteen years old or sixteen years old. Most of our states deal with seventeen or eighteen-year-olds, and a lot of them won't grant licenses until you are eighteen years old. So that you have got to keep this in mind when you say that a provisional license is given to a fifteen-year-old; you are not talking about an eighteen-year-old or a seventeen-year-old in that sense. Maine is one of the few states that grant licenses to minors, and the reason for that is because we are a rural state, we are a farm state, and we recognize that in many instances the farmers need their sons to drive trucks and vehicles. So, I feel that it has been a good highway safety factor; this is the evidence that was presented before the committee. And as Senator Katz from Kennebec has pointed out, let's at least work under this law for a couple more years to determine whether it is working or not. Thank you.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I suspect that this bill is in a little trouble, but there was a remark made in reference to the Secretary of State's office in that it would require more hearings, and I am sure that most department heads don't want any hearings. I am sure they would like to do it just by sort of a dictatorial manner, but a lot of people, I am sure, that are frustrated by law enforcement would prefer to do away with the a hearing and, for good cause courts.

All this thing does is talk about shown, they may modify the

suspension. I can appreciate it makes it an awful lot easier if you don't have to have hearings, if it was just a one-sided program. So again, I would submit that this bill here is a very reasonable one. First, good cause must be shown after a hearing, and I really feel that hearings are ingrained in due process and the concepts of American life, and that is what we are talking about here, hearings, a chance to be heard, before something is taken away from you, so I would oppose the motion.

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

Mr. ANDERSON: Mr. President and Members of the Senate: I was impressed a few minutes ago by the remarks made by the good Senator from Kennebec, Senator Katz, in regard to accidents by teenagers. I was coming down from Bangor Saturday with my wife and daughter, and we decided to turn into my son's home. I looked down the road and there was a car coming, perhaps over a hundred yards away, and evidently I misjudged the speed and I turned in. Well, this girl that was driving the car was a seventeen-year-old girl, and she never tried to slow up at all, and she had plenty of room to go by me; there was nothing coming. As a result she hit us right amidship. My wife suffered a bruise on her hip, my daughter a bump on her head, and I got a sprained finger out of it, but we were very fortunate. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspensions," be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion of indefinitely postponement will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 19 Senators having voted in the affirmative, and nine Senators having voted in

the negative, the Bill was Indefinitely Postponed.

Sent down for concurrence.

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

Mr. KATZ: Mr. President, 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.

### Senate—As Amended

Bill, "An Act to Create a Committee to Study the Needs for a Traffic Court System." (S. P. 316) (L. D. 982)

Bill, "An Act Creating the Maine Veterans Small Business Loan Authority Board and Establishing a Mortgage Insurance Fund." (S. P. 164) (L. D. 419)

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

Sent down for concurrence.

### Enactors

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

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

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

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

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

An Act Relating to Hunting Bear with Dogs. (H. P. 191) (L. D. 230)

An Act Clarifying the Law as to Keeping Wild Animals in Captivity. (H. P. 257) (L. D. 337)

An Act Relating to Seizing Firearms Equipped with a Silencer. (H. P. 357) (L. D. 472)

An Act Amending the Uniform Flag Law. (H. P. 500) (L. D. 653)

An Act Relating to Community Based Services for the Mentally Retarded. (H. P. 509) (L. D. 674)

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

An Act Authorizing the Department of Environmental Protection to Make Planning Grants to Municipalities for Solid Waste Disposal. (H. P. 631) (L. D. 845)

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

An Act Relating to Use of Waters of Kezar Lake by Westways Maintenance Corporation. (H. P. 715) (L. D. 921)

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

(On motion by Mr. Fortier of Oxford, Tabled and Specially Assigned for April 11, 1973, pending Enactment.)

An Act Relating to Size of Voting Places. (H. P. 895) (L. D. 1182)

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

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.

### Emergencies

An Act to Place the Position of Director, Bureau of Aeronautics and Director, Bureau of Waterways in the Classified Service. (S. P. 162) (L. D. 417)

An Act Relating to the Marking of Egg-bearing Lobsters. (H. P. 708) (L. D. 913)

These being emergency measures and having received the affirmative votes of 29 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

### Emergency

Resolve, Providing for a Feasibility Study of Marine Resources Development in Washington County. (H. P. 529) (L. D. 711)

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

### Orders of the Day

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

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

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

Pending — Passage to be Engrossed.

(Committee Amendment "A" (S-44).)

On motion by Mr. Berry of Cumberland, retabled and Specially Assigned for April 11, 1973, pending Passage to be Engrossed.

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

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

Tabled — April 5, 1973 by Senator Wyman of Washington.

Pending — Enactment.

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

The President laid before the Senate the third 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 5, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled and Specially Assigned for April 11, 1973, pending Enactment.

The President laid before the Senate the fourth tabled and specially 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 5, 1973 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-65, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Pending — Consideration.

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

Mr. KATZ: Mr. President and Members of the Senate: What this non-concurrent matter does, in effect, is that it strips away a substantial portion of the implication of this bill which we debated earlier this session. Under the amendment that is pending before us, which is the basis for non-concurrence with the House, it would restrict bilingual instruction to a youngster for not more than

five years, I believe, of education sometime during his early years. Bilingualism would be restricted, or bilingual education would be restricted, to those portions of the state that have a high concentration of such children. Personally I do not favor this amendment. I feel that we are looking at shadows that really don't exist. I would like to see the state opened up to utilization in our school system of a second foreign language, if not on an unlimited basis than on a restricted basis, throughout the child's school experience. But in the interest of salvaging something for bilingualism this session, reluctantly I move that the Senate recede and concur.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the senate recede and concur with the House. Is this the pleasure of the Senate?

The motion prevailed.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until 10 o'clock tomorrow morning.