

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth*

*Legislature*

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Tuesday, April 10, 1973

Senate called to order by the President.

Prayer by Father Raymond McKeone of Augusta.

Reading of the Journal of yesterday.

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

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

In the House April 2, 1973, referred to the Committee on Appropriations and Financial Affairs.

In the Senate April 5, 1973, referred to the Committee on Health and Institutional Services, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mrs. Cummings of Penobscot, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Joint Order (H. P. 1294) relative to Environmental Protection to Control Erosion.

In the House April 2, 1973, Read and Passed.

In the Senate April 3, 1973, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having receded from its former action, the Order was Read and Passed as Amended by House Amendment "A" (H-181), in non-concurrence.

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

**Joint Order**

WHEREAS, "Love is like the measles; we can have it once, and the later in life we have it, the tougher it goes with us;" and

WHEREAS, the Honorable Edwin F. Maddox and his beloved wife, Phyllis, are so afflicted with a severe case, which is now in its fiftieth year; and

WHEREAS, the Maddoxes celebrated the 50th anniversary of this special relationship on Sunday,

April 8th, 1973; now, therefore, be it

**ORDERED**, the Senate concurring, that the members of the Senate and House of Representatives of the 106th Legislature of the State of Maine take this opportunity to extend congratulations to the Honorable and Mrs. Edwin F. Maddox on the occasion of their golden wedding anniversary and further extend very best wishes of the Legislature for many anniversaries to come; and be it further

**ORDERED**, that a suitable copy of this Order be immediately transmitted to this honored couple in special recognition of this memorable occasion. (H. P. 1424)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**House Papers**

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

Bill, "An Act Establishing the Aroostook-Prestile Treatment District." (H. P. 1276) (L. D. 1748)

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

On motion by Mr. Joly of Kennebec, referred to the Committee on Public Utilities in non-concurrence and Ordered Printed.

Sent down for concurrence.

**Communications**

**STATE OF MAINE**

Department of Transportation

April 9, 1973

To: Governor Kenneth M. Curtis and

Members of the 106th Legislature

In accordance with the provisions of Chapter 89, Private and Special Laws of 1971, 'An Act Providing for a Feasibility Study for Future Highway Improvements in the U.S. Route 1 Corridor from Warren to Belfast', the State Department of Transportation herewith submits the report entitled "Warren to Belfast Bypass Feasibility Study — U.S. Route 1 Corridor" prepared for the Maine Department of Transportation by Edwards and

Kelcey, Inc., of Boston,  
Massachusetts.

Respectfully,

Signed:

DAVID H. STEVENS  
Commissioner of Transportation  
(S. P. 574)

Which was Read and with  
accompanying papers Ordered  
Placed on File.

Sent down for concurrence.

### Orders

On motion by Mr. Shute of  
Franklin,

WHEREAS, one of the lovely  
moments which occurred during  
the 32nd annual Agricultural  
Trades Show at Augusta, came in  
the coronation of the Maine Apple  
Queen; and

WHEREAS, Her Highness, Miss  
Deborah Colpitts, daughter of Mr.  
and Mrs. Gus S. Colpitts of  
Farmington, received that time-  
honored title, crown and distinc-  
tion; and

WHEREAS, she will be the apple  
of our eye for 1973 with all the  
rights, titles and privileges  
appurtenant thereto; now, there-  
fore, be it

ORDERED, the House con-  
curring, that we, the Members of  
the 106th Legislature of the State  
of Maine now assembled, take this  
opportunity to commend her  
gracious majesty,

QUEEN DEBORAH COLPITTS  
on her achievement and offer our  
congratulations and best wishes to  
the success of her reign; and be it  
further

ORDERED, that a suitable copy  
of this Order be transmitted forth-  
with to Miss Colpitts and her  
parents in honor of the occasion.  
(S. P. 573)

Which was Read and Passed.

Sent down for concurrence.

### Committee Reports House

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

Bill, "An Act Increasing State-  
Municipal Revenue Sharing." (H.  
P. 319) (L. D. 437)

Bill, "An Act Relating to  
Restoration of Service under State

Retirement System." (H. P. 586)  
(L. D. 775)

Bill, "An Act Permitting Hotels  
to Sell Liquor not to be Consumed  
on the Premises after Hours." (H.  
P. 943) (L. D. 1240)

Bill, "An Act Permitting  
Restaurants to Sell Malt Liquor  
not to be Consumed on the  
Premises." (H. P. 944) (L. D. 1241)

Bill, "An Act Relating to Dogs  
on Leash and Providing Special  
License for Hunting Dogs." (H. P.  
1185) (L. D. 1525)

### Leave to Withdraw

The Committee on Legal Affairs  
on Bill, "An Act to Permit  
Elevator Repair by Unlicensed  
Personnel when Supervised by a  
Plant Engineer." (H. P. 764) (L.  
D. 997)

Reported that the same be  
granted Leave to Withdraw.

The Committee on Human  
Resources on Bill, "An Act  
Relating to Residency Requirement  
to be Candidate for Office in  
Penobscot Tribe of Indians." (H.  
P. 933) (L. D. 1232)

Reported that the same be  
granted Leave to Withdraw.

The Committee on Natural Re-  
sources on Bill, "An Act to Permit  
Log Landings Along Route  
Numbered Public Roads." (H. P.  
1043) (L. D. 1365)

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 Appropria-  
tions and Financial Affairs on Bill,  
"An Act Increasing Salary of  
County Attorney of Sagadahoc  
County." (H. P. 162) (L. D. 204)

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

The Committee on Appropria-  
tions and Financial Affairs on Bill,  
"An Act to Increase Salaries of  
Certain Somerset County Offi-  
cials." (H. P. 301) (L. D. 403)

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

The Committee on Taxation on Bill, "An Act Eliminating Social Security Payments as Income under the Elderly Householders Tax Relief Act." (H. P. 912) (L. D. 1201)

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

The Committee on Taxation on Bill, "An Act Exempting Hearing Aids and Accessories from the Sales Tax." (H. P. 1007) (L. D. 1321)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### Change of Reference

The Committee on Veterans and Retirement on Bill, "An Act Relating to Service Retirement of State Mental Institution Employees." (H. P. 181) (L. D. 223)

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

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

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

#### Ought to Pass in New Draft

The Committee on Natural Resources on Bill, "An Act Relating to Disposal of Septic Tank or Cess-pool Waste." (H. P. 418) (L. D. 567)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1416) (L. D. 1710)

Comes from the House, the Bill in New Draft Passed to be Engrossed.

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

#### Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act to Change the Number and Representation for Commissioners of Housing Authorities." (H. P. 883) (L. D. 1170)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOLY of Kennebec  
ROBERTS of York  
ALDRICH of Oxford

Representatives:

BRAWN of Oakland  
EMERY of Rockland  
SHUTE

of Stockton Springs

SHAW of Chelsea  
CAREY of Waterville  
DUDLEY of Enfield  
COTE of Lewiston  
PECTEAU of Biddeford  
FAUCHER of Solon

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

Signed:

Representative:

CONNOLLY of Portland

Comes from the House, Bill and accompanying papers, Indefinitely Postponed.

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

#### Divided Report

The Majority of the Committee on Election Laws on Bill, "An Act Relating to the Rights of a Person under Guardianship to Vote." (H. P. 723) (L. D. 929)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin  
JOLY of Kennebec  
CIANCHETTE

of Somerset

Representatives:

BINNETTE of Old Town  
ROSS of Bath  
KELLEY of Machias  
WILLARD of Bethel  
HOFFSES of Camden  
SNOWE of Auburn  
DUDLEY of Enfield

HANCOCK of Casco  
BOUDREAU of Portland

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

Signed:

Representative:

TALBOT of Portland

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-182).

Which reports were Read.

Mr. Brennan of Cumberland then moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

Mr. SHUTE: Mr. President and Members of the Senate: I would oppose that motion and ask for a division.

The amendment which has been presented to this piece of legislation from the other body, under Filing No. 182, I ask that you refer to this because I am sure the Senator from Cumberland, Senator Brennan, is going to make reference to this. L. D. 929 was reported 12 to 1 Ought Not to Pass from the Committee on Election Laws.

This bill, presented by Mr. Connolly of Portland, on the surface appeared to have a great deal of merit to it. However, it contravenes the Constitution of the State of Maine, which has been contravened before, I admit. Section 1 of Article 2, which excepts paupers, persons under guardianship, which is what we are talking about, six months preceding any election as a requirement for voting, or three months within the state; all of these things have been discarded by legislation in these bodies. Now we are asking that another one be thrown out.

In seeking advice on this proposed legislation, we inquired from the Veterans Administration as to the number of people who are on a status of guardianship, and we were informed as follows by Robert Washburn, Director of the Bureau of Veterans Services: He says only about 25 percent of the

Maine veterans rated incompetent by the Adjudication Division of the Veterans Administration are under guardianship. The other three-quarters have had fiduciaries appointed by the Veterans Administration. The one-quarter under guardianship are usually veterans who either have no next of kin to serve as fiduciaries or their next of kin are not regarded as capable persons. The V.A. attorney pointed out to me that many of the guardians of Maine veterans are banks or, in other words, corporations. It seems incongruous to me to expect a corporation to declare on the competency of some individual ten days before an election.

This amendment changes this provision to a psychiatrist who may examine a person who is under guardianship ten days before election, and I submit to you that there are not enough psychiatrists in the State of Maine to perform under such a condition, and I move that this bill and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Franklin, Senator Shute, now moves that Item 6-16, Legislative Document 929, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: This bill would allow people under guardianship for reason of mental illness to vote if, first, a letter of certification signed by a psychiatrist is presented to the warden at the polls, dated no more than ten days prior to the election, stating that the individual has sufficient mental comprehension to vote. The original bill would require certification just of the guardian, but the amendment calls for certification by a psychiatrist.

Now, a letter from a psychiatrist must be mailed or given to the register of voters at least three days prior to the election. This is to insure certification of ability of an individual to knowingly and understandingly cast his ballot. It would not affect people in a mental

institution; it would just affect those who are on the street.

As I understand it, the Disabled American Veterans Service Officer at Togus says there are some 475 veterans in the state that would be eligible under this bill.

Now, in many respects, I think if someone is certified by a psychiatrist, we could be much more certain about his ability to knowingly and to understandably cast his ballot than those that aren't.

In reference to the argument of the good Senator from Franklin, Senator Shute, that there aren't sufficient psychiatrists, I don't visualize everybody that is under guardianship trying to do this. First, it costs some money. The ward would have to bear the expense of a psychiatrist, and I understand it costs some 35 to 50 dollars just to see him. So it would only be people that really are interested in casting their ballot. And I frankly know from experience and observation in the Portland area that there are many very, very able people that happen to be under guardianship who just happen to be sort of spendthrifts, and that is the principal purpose of their guardianship. It has nothing to do with their lucidity and their ability to vote intelligently, and a bill like this, I think, can take care of that situation.

Furthermore, I think it might be helpful with someone under guardianship. I suspect it might be much more difficult to get out from under that guardianship and, so to speak, stabilize oneself if come election day he says he can't vote because he is under guardianship.

I think a bill like this, in its amended form, if someone really wants to vote, where they have to spend the money themselves for the psychiatrist, makes a lot of sense, and I think the amended version is very much different from the original version that resulted in the 12 to 1 vote. So I would urge you to vote against the motion to indefinitely postpone and ask for a division.

The PRESIDENT: A division has already been requested. Is the Senate ready for the question? The

pending motion before the Senate is the motion of the Senator from Franklin, Senator Shute, that Bill, "An Act Relating to the Rights of a Person under Guardianship to Vote", be indefinitely postponed.

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

A division was had. 22 Senators having voted in the affirmative, and six Senators having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Penalty for Death Caused by Violation of Law by Operator of Motor Vehicle." (H. P. 201) (L. D. 274)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN

of Cumberland

Representatives:

WHEELER of Portland  
PERKINS

of South Portland  
McKERNAN of Bangor  
DUNLEAVY

of Presque Isle

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-165).

Signed:

Representatives:

CARRIER of Westbrook  
BAKER of Orrington  
GAUTHIER of Sanford  
WHITE of Guilford  
KILROY of Portland  
HENLEY of Norway

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-165).

Which reports were Read.

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

Mr. KATZ: Mr. President, might I request that some member who signed the Ought Not to Pass Report explain to this body the thinking of the Committee?

The PRESIDENT: The Senator has posed an inquiry through the Chair which any member may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I think essentially the philosophy of those who signed the Ought Not to Pass Report is that they do not support the concept of mandatory sentencing. I think we appoint our judges and we think they are pretty able and competent. We give them maximum flexibility, and each case that comes before them is a different person and there are a lot of different types of circumstances. So the essential reason is that we are in opposition to the concept of mandatory sentencing, that we think the judges should have the discretion.

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

Mr. HICHENS: Mr. President and Members of the Senate: I would ask for a roll call on that motion and I would speak on it.

A year ago this spring a young tolltaker went to cross between two tollhouses at the Kittery entrance to the Maine Turnpike. As he made his way between the two toll houses, preparing to go to work on the midnight shift, a car came hurtling down the highway, went in between the tollhouses without stopping for a ticket, struck him and killed him, and went on about half a mile before the state police were able to pull him over to the side. The man was so intoxicated that he couldn't talk intelligently to the police officer, he couldn't get out of the car under his own power, and he was arrested and brought into court subsequently.

The judge had this young man from Massachusetts stand before him, the driver of that car, fined

him \$100 and gave him a suspended sentence of 60 days for this negligent driving with several counts added to it, and that was the result of this young fellow's death.

I think this is what prompted this bill, because the sponsor of the bill worked on that tollgate, knew the circumstances, and felt the outrageous judgment of that judge.

If this was the only case in the State of Maine which had happened in the last two or three years it might be explanatory, but it has happened in several other courts of our state, and I believe that this bill here with the mandatory fine and sentence is the result of these happenings in our courts. So I would urge you to accept the Minority Ought to Pass Report with the amendment added to it.

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

Mr. TANOUS: Mr. President and Members of the Senate: I rise this morning to perhaps explain my position on this particular bill but, first of all, in reference to the delivery of my good friend, Senator Hichens from York, a few moments ago, it is my understanding that the individual he is referring to did receive a jail sentence in connection with that particular violation. I could be wrong, but I recall reading a newspaper report on it that the man was sentenced to six months in jail, if my memory serves me correct. But he has given you an example of one extreme.

I can give you an example of another extreme, and I mention this because this particular bill has been amended for a mandatory jail sentence in the event of a death caused by a motor vehicle violation. I was personally involved in this particular case in representing clients, and I will name just two brief examples of the inequity sometimes of a particular law on mandatory sentencing.

I represented a young man who was driving home one evening or one afternoon at approximately 4:00 o'clock, or 3:30 in the afternoon, and he had his baby daughter sitting in the front seat. I guess



she was perhaps two or three years old. And he had an old car — I think perhaps he couldn't afford a better one — but he made a right-hand turn in Medway, Maine onto Route 11. As he did, his right door flew open as he was making the turn. Well, what would a father or any driver do under such a circumstance with his daughter sitting there? You know, in fear that she would fall out of the car, he reached for his daughter. As he did, of course, he lost control of his vehicle. Whether she would have fallen out, who knows, but at least he did grab her and prevented her from falling out. As I mentioned, he lost control of his vehicle, the car veered to the left of the highway as he did, and unfortunately there was a young girl there who was killed as a result of this accident.

Now, granted, this individual, by virtue of this accident, was guilty of a violation of law. He was guilty for protecting his own daughter and he should have been more concerned with other people, I guess, according to law. The law imposes difficult penalties. He was convicted of losing control of his vehicle, and he was given a very stiff financial penalty, but he was not given a jail sentence in that case. The court felt that under the circumstances the man was acting as perhaps most reasonable people would do, which was to attempt to protect his own daughter from falling out of the car. He had not seen the girl there, and maybe if he had he would have acted differently.

So there are many cases that you can cite from one extreme to the other. Would you as a judge have penalized this individual by giving him a mandatory 90-day sentence? I am sure he still has horrors about this particular incident in his own mind and conscience. There is no question in my mind but what this individual is still suffering and will suffer for many years to come as a result of this unfortunate incident.

So when we argue these cases to permit the courts to dispense justice as they see fit in each particular case, there are two good

examples why we should not have mandatory jail sentences, especially in this particular area, and I would ask that we accept the Majority Ought Not to Pass Report of the Committee. Thank you.

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

Mr. KATZ: Mr. President, I want to commend the explanation given by two members of the Judiciary Committee. May I now ask whether or not the objections to mandatory sentencing could be overcome by passing the original bill and killing off the offensive amendment, because it is the amendment which includes mandatory sentencing?

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

Mr. BRENNAN: Mr. President and Members of the Senate: In response to the question of the good Senator from Kennebec, Senator Katz, I personally would have no objection to the original bill because that, in fact, increases the discretion of the court, which I think is desirable. It is the amendment that I find offensive.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate accept the Minority Ought to Pass as Amended Report of the Committee. 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 Richardson.

Mr. RICHARDSON: Mr. President, if I may, I would like to pose a parliamentary inquiry, and that is whether or not a motion to substitute the bill for both reports would be in order and take priority at this point?

The PRESIDENT: The Chair would answer in the negative. The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Relating to Penalty for Death Caused by Violation of Law by Operator of Motor Vehicle." A "Yes" vote will be in favor of accepting the Minority Ought to Pass Report; a "No" vote will be opposed.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: Just for one second, as a final explanation, if you will read the original bill, it says "a fine of not less than \$500 and not more than \$1,000, and by imprisonment for not less than three months." I don't know, I guess Senator Brennan from Cumberland and I seem to disagree on this. I would still think it would create an imposition, and I still would oppose the motion by Senator Hichens of York.

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

Mr. BRENNAN: Mr. President and Members of the Senate: In reference to the last remarks of Senator Tanous, in the original bill, even though it calls for a fine of not less than \$500 nor more than \$1,000, and imprisonment for not less than three months nor more than eleven months, that can be suspended and probation could be granted. The original bill does not call for a mandatory sentence. I think a lot of people are deceived; it may look that way but it doesn't. Both the fine and the jail sentence can be suspended and probation granted. That is why I have no opposition to the original bill.

The PRESIDENT: Is the Senate ready for the question? A "Yes" vote will be in favor of accepting the Minority Ought to Pass as Amended Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Berry, Greeley, Hichens, Huber, Joly, Katz, Marcotte, Peabody, Richardson, Shute, and Wyman.

NAYS: Senators Anderson, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Cyr, Danton, Fortier, Graftam, Kelley, Minkowsky, Olfene, Roberts Sewall, Speers, Tanous, and President MacLeod.

ABSENT: Senators Morrell and Schulten.

A roll call was had. 12 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

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

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Election Laws on Bill, "An Act to Designate One Dollar of Income Tax Refunds to Political Parties." (H. P. 321) (L. D. 439)

Reported that the same Ought to Pass.

Signed:

Sensors:

JOLY of Kennebec  
CIANCHETTE

of Somerset

Representatives:

SNOWE of Auburn  
KELLEY of Machias  
HANCOCK of Casco  
TALBOT of Portland  
BOUDREAU of Portland  
DUDLEY of Enfield

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

Signed:

Sensor:

SHUTE of Franklin

Representatives:

BINNETTE

of Old Town

ROSS of Bath  
HOFFSES of Camden  
WILLARD of Bethel

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "B" (H-180).

Which reports were Read.

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

Mr. SHUTE: Mr. President and Members of the Senate: I believe I should explain my position on signing the Minority Report on this piece of legislation which would set aside one dollar of the income tax for the political party of one's choice.

I apologize to the Members of the Senate for not being more alert when this came along for reference. I believe that this bill should have gone to the Taxation Committee rather than Election Laws because it refers to Title 36. This is the only reason I oppose it.

I am in agreement with the bill and its principle. It had no opponents and, again, demonstrating unusual solidarity from both parties, the executive secretaries were forcefully in favor of this type of legislation. I oppose it only because of its reference.

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

Mr. Joly of Kennebec then moved that the Senate Accept the Majority Ought to Pass Report of the Committee and subsequently requested a Roll Call.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question? The pending motion before the Senate is to accept the Majority Ought to Pass Report of the Committee. 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 Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I would like to make an inquiry through the Chair to one of the members of the committee as to whether or not there is another bill — someone made reference to

it in the discussion the other day — as to whether or not there is another bill in the same area, applying not just to tax refunds but to a check-off on the income tax return. It seems to me there might be a conflict between the two bills, and I would just make that inquiry as to whether or not there is another bill somewhere.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, has posed a question through the Chair which any member of the committee may answer.

The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: That bill has been killed, the one that Senator Clifford refers to.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Joly, that the Senate accept the Majority Ought to Pass Report of the Committee on Bill, "An Act to Designate One Dollar of Income Tax Refunds to Political Parties." A "Yes" vote will be in favor of accepting the Majority Ought to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Anderson, Berry, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Cyr, Danton, Fortier, Graffam, Greeley, Huber, Joly, Katz, Kelley, Marcotte, Minkowsky, Olfene, Peabody, Richardson, Roberts, Shute, Speers, and Tanous.

NAYS: Senators Hichens, Sewall, Wyman, and President MacLeod.

ABSENT: Senators Morrell and Schulten.

A roll call was had. 27 Senators having voted in the affirmative, and four Senators having voted in the negative, with two Senators being absent, the Majority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once.

House Amendment "B", Filing No. H-180, was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

**Senate****Change of Reference**

The Committee on Judiciary on Bill, "An Act Relating to Claims Against the State and Immunity of State Officers and Employees." (S. P. 232) (L. D. 668)

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 — As Amended**

Mr. Cianchette for the Committee on Transportation on Bill, "An Act Relating to Use of Studded Tires on Motor Vehicles." (S. P. 79) (L. D. 196)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-68).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would like to explain a little bit about this amendment. We are talking about outlawing studded tires, according to the amendment, from the first day of May until the first day of October, and it has come to my attention that perhaps the first day of May is a little premature.

I understand there will be another amendment offered tomorrow in the second reading and, with that in mind, I would like to move that we indefinitely postpone Committee Amendment "A".

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

Thereupon, Committee Amendment "A" was Indefinitely Postponed and the Bill Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to License Fees and Penalties for Non-residents in the Private Detective Business." (S. P. 320) (L. D. 987)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-67).

Signed:

Senators:

JOLY of Kennebec  
ROBERTS of York

Representatives:

SHAW of Chelsea  
ALDRICH of Oxford  
BRAWN of Oakland  
SHUTE

of Stockton Springs  
EMERY of Rockland  
DUDLEY of Enfield  
COTE of Lewiston  
FECTEAU of Biddeford  
FAUCHER of Solon  
CAREY of Waterville

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

Signed:

Representatives:

CONNOLLY of Portland

Which reports were Read.

On motion by Mr. Joly of Kennebec, tabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

**Divided Report**

The Majority of the Committee on Education on Bill, "An Act to Provide Students with Benefits of Environmental Education." (S. P. 400) (L. D. 1205)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-66).

Signed:

Senators:

KATZ of Kennebec  
OLFENE of Androscoggin

Representatives:

FERRIS of Waterville  
GAHAGAN of Caribou  
LAWRY of Fairfield  
MURRAY of Bangor  
LeBLANC of Van Buren  
LaCHARITE of Brunswick  
LYNCH

of Livermore Falls

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

Signed:

Senator:

MINKOWSKY

of Androscoggin

LEWIS of Auburn

BITHER of Houlton

Which reports were Read.

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

Mr. BERRY: Mr. President, I wonder if the Senate could have the enlightenment of some member of the committee on the impact of this legislation.

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

Mr. KATZ: Mr. President and Members of the Senate: I will preface my remarks by saying that the committee amendment is in error and I will subsequently move to indefinitely postpone it to put a proper amendment on it.

This bill identifies the fact that there is emerging in the state a substantial interest in environmental education. Although there are a handful of schools that have programs under way, most school systems do not, and this states, in effect, that it shall be state policy that our youngsters have the benefit through the years of environmental education.

There is also an appropriation on this bill which also will be further reduced because of the timing of the bill but, essentially, it will give some dollars to the State Department of Education to offer the leadership during the early years of the transition from practically no environmental education to what we hope will be statewide environmental education.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass as Amended Report of the Committee?

The Majority Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A", Filing No. S-66, was Read.

On motion by Mr. Katz of Kennebec, Committee Amendment "A" was Indefinitely Postponed.

Thereupon, on further motion by the same Senator, tabled and Specially Assigned for April 12, 1973, pending Assignment for Second Reading.

### Divided Report

The Majority of the Committee on Transportation on Resolve, Designating a Certain Bridge Across the Androscoggin River as "The Veterans Memorial Bridge." (S. P. 329) (L. D. 1033)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

SHUTE of Franklin

CIANCHETTE

of Somerset

Representatives:

McNALLY of Ellsworth

WOOD of Brooks

McCORMICK of Union

BERRY of Madison

DUNN of Poland

WEBBER of Belfast

FRASER of Mexico

KEYTE of Dexter

STROUT of Corinth

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

Signed:

Senator:

GREELEY of Waldo

Which reports were Read.

Mr. Shute of Franklin 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 Olfene.

Mr. OLFENE: Mr. President and Members of the Senate: I will start out by saying that I rise in opposition to the motion that was placed before you by the good Senator from Franklin, Senator Shute, and I hope to be able to substantiate why I believe we should accept the Minority Ought to Pass Report of the Committee.

We have just very fortunately been able to close out, hopefully on a permanent basis, the longest conflict in this nation's history, our involvement in Viet Nam. Many

hundreds of thousands of service boys who went to Viet Nam were very fortunate to return in good physical condition; many others returned seriously and permanently injured, and many more returned never to walk again and live under the almighty.

What we are asking here is that this new bridge which is under construction, although a portion of it is being used, what I am asking you is that we designate and name this bridge the Veterans' Memorial Bridge, directed to those in the Lewiston and Auburn twin city area who lost their lives during this terrible conflict.

I have left on your desks or had placed on your desks this morning some evidence to substantiate my position. I say that I believe this is a local Lewiston and Auburn situation; we are asking that you allow us to name this bridge in their honor. You will find among your papers a resolution unanimously signed and passed by the Auburn City Council, signed by all of its members and its mayor. Likewise, you will find one unanimously signed and passed by the City Council of Lewiston by all of its members and its mayor. I might say in all cases these are elected officials of the municipalities representing the people. You will find also copies of the American Legion posts in the area who are in complete support of this bill and, above all, the names of those who have lost their lives who were residents of our twin cities. I might point out in the Lewiston list that Thomas Joseph McMann was a Congressional Medal of Honor winner. We believe that this is only fitting.

We believe that this is a local Lewiston and Auburn situation, and certainly you have the evidence before you supporting it in the fact that the municipalities are in full support of this bill. I, therefore, would hope that we do not accept the motion of the good Senator from Franklin, Senator Shute, and I feel very certain, Mr. President and Members of the Senate, that there may be other speakers on my behalf. Thank you.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: Today I must say that I am truly disappointed with the committee report. As the good Senator from Androscoggin, Senator Olfene, has pointed out, both of our municipalities, through its elected officials, have wholeheartedly endorsed this proposal for the Veterans Memorial Bridge.

I think personally of primary importance is the endorsement of the grass roots of our community, our own people, who are not up here parading around projecting their image, but expect us to do what is right and proper in their behalf.

I think it is very appropriate to note that the Veterans Organizations in our area did endorse this particular proposal, and I think it is of paramount importance to note that the veterans who Senator Olfene, as well as myself and Senator Clifford, want to pay homage to paid the most supreme sacrifice in this last Viet Nam conflict, the supreme sacrifice of their lives.

Insofar as what has been referred to as a companion bill, in my estimation, I would really classify this as a cruel hoax perpetrated against the people of our community. It is wrong, definitely wrong, to attempt to glorify or eulogize a person.

The thing I think that is of paramount importance is that these boys never had any input in our community; all they are now are just plain names. Other people in the political arena have had input over a number of years, but I believe it is of supreme importance that these men who gave the supreme sacrifice, their lives, be recognized by the people of our community and by the people of the State of Maine.

I recollect so vividly during the 103rd Legislature, when this bond issue came up, that at that particular segment of time there were many things being spoken of insofar as names of a bridge, but a particular person from the City

of Auburn was brought up several times as the name, that it should be named after him, being the Jacobs Memorial Bridge. But I never have believed very sincerely in naming a bridge after a politician; I believe there is a great deal of statesmanship that goes into this. I think the people of the State of Maine spoke loud and clear when we, during the 103rd Legislature, the legislature itself, worked very diligently as a group to have this particular bond issue placed on the ballot so the people of Androscoggin County and the other fifteen counties in the State of Maine could vote upon this issue.

Gentlemen, I sincerely hope through your good reason, your logic, your judgment, that you will accept the Minority Ought to Pass Report in good conscience on behalf of the people of our community.

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

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

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I rise to concur with my fellow Senators from Androscoggin Senator Olfene and Senator Minkowsky. I won't repeat all they said, but I will say that I served with the members of the Lewiston City Council, and in the election of 1972 they all were re-elected by the citizens of Lewiston; I think they have a feel for the community. I also think, Mr. President and Members of the Senate, that the war in Viet Nam has been an unfortunate war in that the P.O.W.'s, as they returned, got a lot of favorable publicity in the press, on the television and in the media, and I was very happy with that, but I think that the veterans throughout the war, and the deceased veterans, really did not get the kind of coverage and the kind of support that they deserved. I think this is a mere token of an indication that this

Senate appreciates what those 25 people did. I would also point out and reiterate that one of those 25, Specialist 4 Thoman McMann, was a recipient of the Congressional Medal of Honor.

I think that naming the bridge the Veterans Memorial Bridge, and the posting of the names of those deceased soldiers, would be most appropriate and most appreciated by the citizens in the Androscoggin area. Thank you, Mr. President.

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

Mr. SHUTE: Mr. President and Members of the Senate: I think we had better place this document in its proper context. There are two other bills that came before the Committee on Transportation. One of them would have named the bridge, the third bridge, the much needed bridge, across the Androscoggin between Lewiston and Auburn for Leslie Jacobs, former Republican politician from Auburn. The bill which is in the other body would name it after a current member of the legislature, Representative Jalbert. And this bill, which would name it not after the Viet Nam Veterans who died in the Viet Nam War, but for all veterans, I presume, the Veterans Memorial Bridge.

Just to set the record straight with my friends from Androscoggin, I am a veteran and I went into the service from Lewiston and I belonged to a veterans organization following World War II in the Lewiston-Auburn area, and I am very proud of this association.

Let's go back to the hearing on these three bills. Representative Snowe presented a bill on behalf of the name for Leslie Jacobs, a politician of some renown, representing areas of Somerset County as well as the City of Auburn. There were no proponents; there were no opponents. Then the Representative from Mexico, Representative Fraser, presented the bill which would name the bridge for Representative Jalbert. A proponent, a gentleman for whom I worked for many years, a former member of the State Board of Education, a gentleman for whom I have the highest

regard, as a matter of fact, presented the case for Representative Fraser, and he offered proponent after proponent. There was a fireman, there was a veteran, there were individual citizens, as well as other officials from the Cities of Lewiston and Auburn. At the end he asked all those in favor to stand up, and there were fifteen or perhaps twenty people, men and women, who favored this piece of legislation. Then Senator Olfene presented his bill, documented, as you see, by affidavits from the city councils of both cities and members of the veterans organizations, but one important feature: there was no deposition from these people. There were no other proponents and, indeed, no opponents.

Finally, I made judgment based upon who had done the most to make possible the third bridge between Lewiston and Auburn. For many years I have worked in Lewiston and I lived in Auburn, and I know very well what a problem it has been to get from one City to another, and what a great relief the third bridge is.

It may very well wind up with this bridge being named after a well-known pond in the Lewiston area, No Name Pond, because if the other body approves the other bill, and this body approves this bill, it is obvious what is going to happen. But I don't think that there is any person in the Lewiston-Auburn area or, indeed, the State of Maine who did more to secure the approval of the bond issue following the 104th Legislature's approval of it, and approval at the second referendum in November of that year. The 103rd passed it. I was a member of the other body during that period when the bond issue was passed. It was defeated in November. The 104th tried again, and no person in the State of Maine did more to secure the passage of that bond issue than did Representative Jalbert. And because he did so much, in cooperation with people like Senator Olfene and Senator Minkowsky, I believe that Representative Jalbert should be honored by having this bridge

named for him. This is why I oppose this piece of legislation, because of this deep feeling.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I agree with the remarks of the good Senator from Franklin, Senator Shute. I think that Representative Jalbert should be lauded and commended for the tremendous effort he made, particularly after its defeat, showed great tenacity to come back and fight -

The PRESIDENT: The Chair would call to the Senator's attention, and also the Senator from Franklin, Senator Shute, that we would prefer not to refer to members of the other body by name. You can talk all you want to about the Louis Jalbert Memorial Bridge, but not the Representative himself.

Mr. BRENNAN: Again, I would commend the tremendous effort he made, along with others, but he definitely did a very good job, but I think we ought to somewhat defer to the City Council of Auburn, to the City Council of Lewiston, to the three Senators in this body that represent those areas, and their feeling seems to be unanimous for Veterans Bridge.

Furthermore, I think it is a terribly, terribly dangerous precedent to name a bridge or something like this after living people, particularly living people who are still active in the political arena. I think that is a terribly dangerous precedent. So, I would urge you to vote against the motion of the good Senator from Franklin, Senator Shute, to accept the Majority Ought Not to Pass Report.

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

Mr. CONLEY: Mr. President and Members of the Senate: Again, I would like to reiterate some of the words the good Senator from Franklin, Senator Shute, has spoken, particularly as to the efforts and the work that was done to get the referendum not once, but twice before the people of the State of Maine. Although the particular



individual that has been mentioned is no great hero of mine, on many occasions I find myself generally on the other side of the roadway, but I do think we should recognize the fact that he has probably been one of the hardest working elected officials representing the City of Lewiston for many, many years. I know he is referred to as the Dean of the House, and several other titles that he has picked up, but I honestly can't think of anyone from the community of Lewiston that has really worked so hard over the last twenty years or so that he has been here at Augusta.

Just recently the Portland School Board, for example, upon the construction of a new school in the City of Portland, just last week named a school after a gentleman who has given many, many years of his time to the City of Portland as the Principal of Portland High School, the Honorable Howard Reiche, who retired approximately six or seven months ago. It was fitting for that school body to name the school after Mr. Reiche because he had given many of our youngsters in Portland over the years a great deal of insight, and certainly is one of the finest men ever to live in our community.

Although, as I have stated, I may not agree with the gentleman we are discussing on many occasions, I do think the occasion is fitting, and I would support the motion by Senator Shute.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of the Senate: I was a member of this body when Mr. Jacobs was Chairman of the House Appropriations Committee back in 1949. I was also a member of this body when the gentleman we are talking about naming this bridge for was a member of the House in 1947.

I was also a member of this Senate when a former mayor of Lewiston was a member of this body. His first term in the House, I think, was 1935, and his second term in the House was 1937, and he came into this body in 1939. I am talking about Jean Charles

Boucher. His name hasn't been mentioned but, if we are going to name this bridge for any single individual, Jean Charles Boucher should have a little consideration.

I intended to say a lot more but I am going to cut this talk a little bit short. I will agree one hundred per cent that the Representative from Lewiston did a lot of work to get the bridge built in Lewiston, the Lewiston-Auburn Bridge. I also believe that he is doing quite a lot of work to get it named the Louis Jalbert Memorial Bridge. In my opinion, these over 20 veterans, who gave up their lives in that hell hole we call Viet Nam, should have a high preference over any individual serving in this legislature, and I hope that you oppose the motion of the Senator from Franklin, Senator Shute.

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

Mr. OLFENE: Mr. President and Members of the Senate: Just very briefly in summary, I would like, if there are any questions on your mind, just to answer the good Senator from Franklin on the manner in which he explained how the hearing went. I again am a veteran, a former member of the same U.S. body as the good Senator, and we served together in other capacities during the military. Let me say this, and I am sure he took my word to be true, I could have brought him all kinds of people at that hearing. I told him busloads if he wanted them. I felt I had all the evidence that was needed. This was in full concurrence of the communities, and here you see the harmony within the Senate in the Senate delegation from Androscoggin County.

I urge you once again for the veteran, the boy that lost his life, the 335 in the State of Maine and approximately 25 here in the Lewiston-Auburn area, they certainly, the least, the very least you can do, is to give them recognition for what they did in supreme sacrifice by going along with this bill and voting against the motion on the floor. Thank you, sir.

The PRESIDENT: The pending motion before the Senate is the

motion of the Senator from Franklin, Senator Shute, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Resolve, Designating a Certain Bridge Across the Androscoggin River as the "Veterans Memorial Bridge." 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 is the motion of the Senator from Franklin, Senator Shute, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Resolve, Designating a Certain Bridge Across the Androscoggin River as "The Veterans Memorial Bridge." A "Yes" vote will be in favor of accepting the Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Cianchette, Conley, Danton, Fortier, Kelley, Marcotte, and Shute.

NAYS: Senators Anderson, Berry, Brennan, Clifford, Cox, Cummings, Cyr, Graffam, Greeley, Hichens, Huber, Joly, Katz, Minkowsky, Olfene, Peabody, Richardson, Roberts, Speers, Tanous, Wyman, and President MacLeod.

ABSENT: Senators Morrell, Schulten, and Sewall.

A roll call was had. Eight Senators having voted in the affirmative, and 22 Senators having voted in the negative, with three Senators being absent, the motion did not prevail.

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

#### Second Readers

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

#### House

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

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

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

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

#### House — As Amended

Bill, "An Act Revising Certain Motor Vehicle Laws." (H. P. 653) (L. D. 867)

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

#### Senate

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. 572) (L. D. 1735)

Bill, "An Act Relating to Raptors for Use in Falconry." (S. P. 571) (L. D. 1734)

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

Sent down for concurrence.

#### Enactors

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

An Act Relating to Purchase of Blind-made Products by State and Political Subdivisions. (S. P. 105) (L. D. 250)

An Act Providing Funds for a Fishway at Pitcher Pond in Lincolnville. (S. P. 367) (L. D. 1081)

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

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

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

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

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

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

An Act Creating a Standardbred Breeders and Owners Development Fund of Maine. (H. P. 518) (L. D. 683)

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

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

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

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

(On motion by Mr. Sewall of Penobscot, tabled and Specially Assigned for April 12, 1973, pending Enactment.)

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

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

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

An Act Relating to Voting Checklists as Public Records. (H. P. 973) (L. D. 1280)

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

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.

Resolve, Providing Funds for Portrait of Honorable Margaret Chase Smith. (S. P. 433) (L. D. 1338)

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

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

Which was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

### Emergency

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

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

### Emergency

An Act Providing Funds for Treatment of Cystic Fibrosis. (S. P. 269) (L. D. 794)

(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 Relating to Certain Permanent Impairment Compensation under Workmen's Compensation Law." (H. P. 598) (L. D. 789)

Tabled — April 5, 1973 by Senator Speers of Kennebec.

Pending — A motion by the same Senator to Reconsider the Acceptance of the Majority Ought Not to Pass Report.

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

Mr. SPEERS: Mr. President and Members of the Senate: This is a companion measure to a bill which we considered yesterday and which has been tabled so that we could over the weekend investigate the effect on the workmen's compensation law. The same evidence that was presented to the body on the bill yesterday applies to this particular bill as well. I would ordinarily withdraw my motion to reconsider at this point, although I feel that if I were to do so that that would effectively

stop any other individuals in this body from making the same motion, therefore, I would not withdraw that motion but I would urge the members of this body to vote against that motion.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Speers, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report will please say "Yes"; those opposed, "No".

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

Sent down for concurrence.

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

Bill, "An Act Relating to Size by Voting Places." (H. P. 895) (L. D. 1182)

Tabled — April 9, 1973 by Senator Conley of Cumberland.

Pending — Enactment.

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

Mr. SHUTE: Mr. President and Members of the Senate: I assumed, I guess, that Senator Conley was going to make some comment about this. This is a document, L. D. 1182, which again was supported by the executive directors of both parties. I think that it has reference to problems in some of the larger communities where a voting place is also a separate room within a municipal building, within a schoolhouse, or wherever, and that the walls constitute the railing around the voting place, thus effectively barring the entrance of political workers from either party from entering inside. I think this is what this bill attempts to achieve.

It has been brought to my attention that there may be some problem in some of the smaller communities where voting takes place in front parlors or in very small rooms, and that perhaps we had better take a second look at this. So I would appreciate it if someone would table this for a couple of days so that we might take another look at it in this light.

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

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Specially Assigned for April 12, 1973, pending Enactment.

The President laid before the Senate the third 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 9, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

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

#### Reconsidered Matter

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

Mr. KATZ: Mr. President, is the Senate in possession of L. D. 165, "An Act Relating to Bilingual and Bicultural Education" (S. P. 62) (L. D. 165)?

The PRESIDENT: The Chair would answer in the affirmative, the paper having been held at the request of the Senator.

Mr. KATZ: Mr. President and Members of the Senate: This bill has conflicting amendments at the other end of the corridor, so I move that the Senate recede from its action whereby it concurred with the House.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate recede from its action whereby it receded and concurred with the House. Is this the pleasure of the Senate?

The motion prevailed.

On further motion by the same Senator, the Senate voted to Recede from its action whereby Committee Amendment "A" was Adopted.

The same Senator, then moved that Committee Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, a word of reassurance to those who wonder what the procedure is:

There was a committee amendment that was put on by the committee and subsequently, yesterday, we presumed we were withdrawing from our previous position in the interest of harmony in concurring with the House. Unfortunately, when the House assumed its new position, although it put House Amendment "B" on it, it neglected to kill the Committee Amendment, which is in direct conflict. This is just a house-keeping chore, and this is why I now move that Committee Amendment "A" be indefinitely postponed.

The PRESIDENT: Is it now the pleasure of the Senate that Committee Amendment "A" be indefinitely postponed?

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

Sent down for concurrence.

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

Mr. TANOUS: Mr. President and Members of the Senate: It is a rare occasion that I prepare a speech to deliver at any time before the legislature, but I deemed this subject matter most important and I therefore prepared a statement.

Mr. President and Members of the Senate: Recently members of this Legislature in debating certain bills have used their public office and privilege to impugn the integrity and ability of the Chairman of the Industrial Accident Commission, John Keaney, and also the Insurance Commissioner, Frank Hogerty.

As a third-term Chairman of the Labor Committee, and as Chairman of a Commission to study our Insurance Laws, I cannot sit silently and permit such unfounded charges to be entered into the records of the 106th Maine Legislature without answer or rebuttal.

Commissioner Keaney, at my request as Chairman of the Labor Committee, has always been most

helpful to the Labor Committee as an adviser involving Bills dealing with our workmens compensation law. His assistance and counsel have always been given in an impartial manner, without delving into the merits of the proposed legislation. His function and administration of our Industrial Accident Commission has been lauded by both management and labor in the State of Maine. Under his administration, the State of Maine has gained the reputation of having one of the finest workmen's compensation laws in the country. In spite of these attacks, he has shown continued interest in assisting the Labor Committee with his guidance and counsel.

As Chairman of the Interim Study Commission on Aspects of our Insurance Laws, Commissioner Hogerty was also most helpful to the Committee. His assistance and counsel was always most appreciated by the members of the study commission; his advice and counsel was always given in an impartial manner. Commissioner Hogerty is also well recognized nationally for his integrity and ability.

Granted, at times it must be difficult for these two gentlemen, with limited funds, personnel, and technology to administer their respective departments as well as perhaps they would like to, but certainly this should not be sufficient cause for unwarranted attacks upon them.

It is indeed ironic that these attacks made upon these two fine public servants should come from members of their own political party whose appointments were made by Governors of the same party.

I don't know for how long the scars of these unfounded accusations will remain with Mr. Keaney and Mr. Hogerty — only time will tell — but I hope that these statements being placed on the record now will in some way relieve the wrong inflicted upon these two gentlemen.

In the interest of fair play and justice, I feel confident that the members of the Maine Senate will never resort to the use of such tactics in an attempt to influence the decision of legislation. Thank you.

(Off Record Remarks)

On motion by Mr. Berry of Cumberland,

Adjourned until ten o'clock tomorrow morning.