

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth*

*Legislature*

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Wednesday, April 11, 1973

Senate called to order by the President.

Prayer by the Rev. Perley M. Kelley of Randolph.

Reading of the Journal of yesterday.

### House Papers

Bills today received from the House requiring Reference to Committee were acted upon in concurrence.

### Joint Order

Out of order and under suspension of the rules the Senate voted to take up the following paper from the House:

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act Amending the Uniform Flag Law." (H. P. 500, L. D. 653) (H. P. 1430)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

### Senate Papers

Mr. Conley of Cumberland presented the following Joint Resolution and moved its adoption:

#### STATE OF MAINE

In The Year Of Our Lord One Thousand Nine Hundred and Seventy-Three  
Joint Resolution Commemorating  
Law Day, U.S.A.

WHEREAS, the first day of May of each year has been permanently designated by Congressional Resolution for national observance of Law Day, U.S.A.; and

WHEREAS, Law Day has been set aside as a special day of celebration by the American people in appreciation of their liberties and the reaffirmation of their loyalty to the United States of America; and

WHEREAS, it is a day for their rededication to the ideals of equality and justice under the law in their relations with each other as well as with other nations and for the cultivation of their respect for law that is so vital to the domestic way of life; now, therefore, be it

RESOLVED: By the Senate and House of Representatives of the 106th Legislature of the State of Maine, that in order to rededicate ourselves and the citizens of Maine to the principles of the democratic form of government; to emphasize that ours is a government of law and not men; and to further the philosophy that "the welfare of the people shall be the supreme law" that the Governor of Maine is hereby requested to designate May 1 of each year as Law Day, U.S.A. and call upon all citizens of the State to join in appropriate recognition of this special day; and be it further.

RESOLVED: That it is not the intent of this Resolution to declare another legal holiday, but a day of rededication by the citizens of Maine to the principles of democracy; a respect for law that is so vital to the democratic way of life, and to the support of our State and Federal Courts which uphold and safeguard individual rights and liberties; and be it further

RESOLVED: That suitable copies of this Resolution be immediately transmitted to His Excellency, Kenneth M. Curtis, Governor of the State of Maine, and to the Honorable Armand A. Dufréne, Chief Justice of the Supreme Judicial Court, in support of this worthy cause. (S. P. 579)

Which was Read and Adopted.  
Sent down for concurrence.

### Business Legislation

Mr. Marcotte of York presented, Bill, "An Act Providing for No-fault Automobile Insurance." (S. P. 580)

(Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10).

Which was referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

### Committee Reports

#### House

#### Leave to Withdraw

The Committee on Liquor Control on, Bill, "An Act Relating to Entertainment for Class A Restaurants, Hotels and Clubs under

Liquor Law." (H. P. 721) (L. D. 927)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

#### **Leave to Withdraw**

##### **Covered by Other Legislation**

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds to Supplement Needs of Disabled Children." (H. P. 634) (L. D. 848)

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to Continue Services to Blind and Visually Handicapped Children." (H. P. 674) (L. D. 881)

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 Veterans and Retirement on, Resolve, Providing Retirement Benefits Under the State Retirement Law for Earl A. Haines of Brunswick. (H. P. 57) (L. D. 67)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act Exempting Beehives from the Personal Property Tax." (H. P. 541) (L. D. 723)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act Relating to Use of Unofficial Certificates of Motor Vehicle Inspection." (H. P. 547) (L. D. 728)

Reported that the same Ought to Pass.

The Committee on Human Resources on, Bill, "An Act Relating to Adoption of Persons into the Penobscot Tribe of Indians." (H. P. 614) (L. D. 812)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act to Authorize Portland Renewal Authority to Provide Relocation Assistance to Other Governmental Agencies." (H. P. 777) (L. D. 1009).

Reported that the same Ought to Pass.

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

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

The Committee on Taxation on, Bill, "An Act Reducing Tax on Pari-Mutuel Pools." (H. P. 898) (L. D. 1186)

Reported that the same Ought to Pass.

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

Which report was Read.

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

Mr. SPEERS: Mr. President, I wonder if a member of the Committee on Taxation may explain what the thinking of the Committee on Taxation was in regards to this bill?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed an inquiry through the Chair which any member of the Committee may answer if he desires.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I think the best explanation is given in the note at the bottom of L.D. 1186. It says the bill will result in a revenue loss to the state, based on 1972 experience, of \$173,000, but the increased amount of handle in 1973 and ensuing years brought about by additional racing days should result in a total handle of \$25 million, and this will produce \$1,250,000 to the general fund and actually increase the pari-mutuel tax by \$200,000.

The Committee was sold on this thinking and this is the reason it reported the bill out Ought to Pass.

The PRESIDENT: It is now the pleasure of the Senate to accept

the Ought to Pass Report of the Committee in concurrence?

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

The Committee on Labor on Bill, "An Act Relating to Wage Data for Preference to Maine Workmen and Contractors." (H. P. 911) (L. D. 1200)

Reported that the same Ought to Pass.

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

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

Mr. Shute was granted unanimous consent to address the Senate.

Mr. SHUTE: Mr. President and Members of the Senate: Yesterday on your calendar you found an order which noted that a young lady from the Town of Farmington had been crowned Apple Queen in the State of Maine. This event occurred last January and, of course, you know it caused a considerable stir in the community from which I come.

Earlier this morning this young lady was introduced in the other body, and it is my pleasure now to introduce her to you, along with her parents, Mr. and Mrs. Gus Colpitts of Farmington. I now present Miss Maine Apple Queen of 1973, Debbie Colpitts of Farmington. (Applause)

Mr. President, I request permission to bring her to the rostrum.

The PRESIDENT: The Senator may approach the rostrum with the young lady.

Thereupon, Mr. Shute of Franklin escorted Miss Colpitts to the rostrum where she addressed the Senate as follows:

Miss COLPITTS: President MacLeod and Members of the Senate: For me to be here today is indeed a rare honor; no other Maine Apple Queen has been so honored. Maybe it is only appropriate because the Maine Pomological Society is celebrating its 100th

Anniversary and, of course, it is the Maine Pomological Society that sponsors the Maine Apple Queen.

I feel that the function of the Maine Apple Queen is to help publicize and promote the apple industry in Maine. That is why I am not going to talk about the fate in these halls of the recently proposed amendment to the United States Constitution; Apple Queens don't talk about things like that. But I wonder if maybe this wasn't a backlash on the fact that Eve ate the first apple.

A few months ago I really didn't know very much about apples or the apple industry, so I began to do some research, and at first discovered all sorts of apple facts, such as Spies are for pies, Cortlands don't turn brown when they are peeled, Macs are for eating and cooking, and so on, but it wasn't until I visited the Berry Orchard in Madison, owned by your colleague, Representative Glenys Berry and her husband, did I begin to really appreciate the true significance of the apple industry to Maine.

To be sure, I had seen how much people love to eat apples. On my way to make an appearance at Squaw Mountain a few weeks ago we stopped at a supermarket in Dexter and gave away an apple to each of the customers. How those people love to eat apples; they ate them right there in the store. Then later in the day at Squaw Mountain we stood at the base of the chair lift and handed out Maine Macs to each of the skiers as they prepared to ride up the lift. Can't you just imagine hundreds of little apple trees growing under that lift line in a year or two?

The point I am trying to make is that people do like apples, and this is the basis for what is now a four million dollar industry in Maine alone. With today's modern growing methods, climate control storage methods, and with highly efficient packaging and distribution methods, people in many parts of the world now enjoy eating sweet, crisp Maine apples all year-round. I hope that

the members of your families are among them.

Thank you for allowing me to be your guest here today. You have been most gracious. Many years from now I will delight my grandchildren with the story of the day that I spent meeting and talking with some of the nicest people anywhere, the Senators and Representatives from MacIntosh country. Thank you.

Thereupon, Mr. Shute of Franklin escorted Miss Colpitts from the rostrum to the rear of the Chamber amid the applause of the Senate, the members rising.

#### **Ought to Pass**

The Committee on Legal Affairs on, Bill, "An Act Changing Name of Maine Association of Real Estate Boards." (H. P. 987) (L. D. 1307)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on, Resolve, Providing Funds for Saco Valley Association for Retarded Children. (H. P. 1094) (L. D. 1431)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Resolve, in Favor of George W. Mitchell of Peter Dana Township for Personal Injuries. (H. P. 1015) (L. D. 1334)

Reported that the same Ought to Pass.

The Committee on Education on, Bill, "An Act Validating a Community School District Consisting of the Towns of Crystal, Dyer Brook, Island Falls, Merrill, Oakfield and Smyrna." (H. P. 1175) (L. D. 1512)

Reported that the same Ought to Pass.

The Committee on Education on, Bill, "An Act Relating to Bids and Contracts in School Administrative Districts." (H. P. 1176) (L. D. 1513)

Reported that the same Ought to Pass.

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

Which reports were Read and Accepted in concurrence, the Bills and Resolves Read Once and

Tomorrow Assigned for Second Reading.

#### **Ought to Pass — As Amended**

The Committee on Legal Affairs on, Bill, "An Act to Clarify the Maine Litter Control Act." (H. P. 144) (L. D. 177)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-173).

The Committee on Judiciary on, Bill, "An Act Relating to Penalty for Reckless Driving." (H. P. 195) (L. D. 268)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-174).

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

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

The Committee on Legal Affairs on, Bill, "An Act to Require Safety Glazing in Hazardous Locations." (H. P. 465) (L. D. 613)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-175).

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

Which report was Read.

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

Mr. OLFENE: Mr. President, may I ask a member of the Legal Affairs Committee to give a brief explanation of this bill?

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

Mr. JOLY: Mr. President and Members of the Senate: This bill was brought in, and since the bill was brought in and heard by our committee some of you may have read an article in the Sunday supplement of the Portland Telegram, which told us that many states have put a similar law in.

What has happened is that in many buildings today where a lot

of glass is used, many times on the sides of the doors there are also glass panes for lighting effect and many times small children have gone through these instead of going through the regular doors.

The bill was amended on two points: one, so that it would only apply to new construction contracted for after January 1, 1964 and for replacement. Also it was amended because in the original bill — and we never did find out whether it was a typographical error or whether it was intended — but it said there would be a fine of \$10,000 for violations, and we reduced that to \$1,000. Those are the two amendments.

This also pertains to shower glass, and it is amazing, from the testimony, how many places in Maine still have ordinary glass in showers in your homes. Some of the people who testified said that people have come into stores to replace glass in showers and wanted the same glass, and they found out it was just ordinary glass, and there have been some tragic accidents occurring from this.

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

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Establishing a State Tuition Equalization Fund for Maine Students Attending Maine Private Institutions of Higher Education." (H. P. 927) (L. D. 1225)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-176).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds for Psychiatric Aids at Pineland Hospital and Training Center." (H. P. 956) (L. D. 1266)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-177).

The Committee on Taxation on, Bill, "An Act Increasing Inheritance Exemption for a Surviving Spouse and Children." (H. P. 1062) (L. D. 1386)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-178).

The Committee on Natural Resources on, Bill, "An Act Regulating Airmobiles." (H. P. 1168) (L. D. 1503)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-179).

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

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

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Possession of Deer Lawfully Killed." (H. P. 128) (L. D. 152)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-172).

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

Which report was Read.

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

Mr. ANDERSON: Mr. President and Members of the Senate: The Committee has run into mechanical difficulties on this bill. In order to make it more palatable, I would like to submit another amendment, and I would be very grateful if one of my colleagues would table this for one legislative day.

The PRESIDENT: The Chair would inform the Senator that the amendment would be in order after the bill is given its first reading. If Committee Amendment "A" needs to be indefinitely postponed, then the amendment could be offered tomorrow.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, along the lines on which Senator Anderson from Hancock is speaking, I would move that the Senate accept the Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate accept the Ought to Pass as Amended Report of the Committee. Is this the pleasure of the Senate?

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A", Filing No. H-172, was Read.

On motion by Mr. Berry of Cumberland, Committee Amendment "A" was Indefinitely Postponed and the Bill Tomorrow Assigned for Second Reading.

#### **Ought to Pass in New Draft**

The Committee on Natural Resources on, Bill, "An Act To Raise the Classification of Certain Surface Waters in the Town of Scarborough." (H. P. 961) (L. D. 1272)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1423) (L. D. 1747)

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 Taxation on Bill, "An Act to Provide Trade-in Credit for Mobile Equipment under the Sales Tax." (H. P. 913) (L. D. 1202)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COX of Penobscot

FORTIER of Oxford

Representatives:

COTTRELL of Portland

DRIGOTAS of Auburn

MERRILL of Bowdoinham

IMMONEN of West Paris

FINEMORE

of Bridgewater

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

Signed:

Senator:

WYMAN of Washington

Representatives:

MORTON of Farmington

DOW of West Gardiner

MAXWELL of Jay

SUSI of Pittsfield

DAM of Skowhegan

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

Which reports were Read.

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

Mr. CIANCHETTE: Mr. President, I wonder if the Senate might have an explanation from a member of the committee on this bill?

The PRESIDENT: The Senator from Somerset, Senator Cianchette, has asked for information from any member of the Committee who may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President and Members of the Senate: This bill, before amendment, would eliminate from the sales tax the trade-in value of equipment used in the contracting business. The basic argument given by the proponents of the bill is that it is discriminatory because trucks and automobiles do not get taxed on their trade-in values.

This is a business venture, they are operating for a profit, it is a cost of doing business, and it would serve no useful purpose to eliminate the tax. Since we have already had requests for between thirty and forty million dollars worth of sales tax exemptions—and I am hoping most of them go the same route as this Majority Report—and where they can pass along the cost in their bid, the majority of the Committee felt it was not worthwhile.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate:



Essentially, I guess if this were passed it would be laid on the Appropriations Table for further consideration, so I move that the Minority Ought to Pass Report be accepted.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, moves that the Senate accept the Minority Ought to Pass Report of the Committee in non-concurrence.

The Chair recognizes the Senator from Penobscot, Senator Cox.

On motion by Mr. Cox of Penobscot, a division was had. 11 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion did not prevail.

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

(See action later in today's session.)

#### Divided Report

The Majority of the Committee on Legal Affairs, on, Bill, "An Act Repealing the Mountain Resorts Airport Authority Act." (H. P. 273) (L. D. 395)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

ROBERTS of York  
ALDRICH of Oxford

Representatives:

BRAWN of Oakland  
FAUCHER of Solon  
SHUTE  
of Stockton Springs  
SHAW of Chelsea  
CAREY of Waterville  
DUDLEY of Enfield  
COTE of Lewiston

The Minority of the same Committee on the same subject matter reported that the same be referred to the Committee on Public Lands.

Signed:

Sensor:

JOLY of Kennebec

Representatives:

EMERY of Rockland  
FECTEAU of Biddeford  
CONNOLLY of Portland

Comes from the House, the Minority report Read and Accepted and the Bill referred to the Committee on Public Lands.

Which reports were Read.

Thereupon, on motion by Mr. Joly of Kennebec, the Minority Report of the Committee was Accepted and the Bill referred to the Committee on Public Lands in concurrence.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Penalty for Burglary." (H. P. 206) (L. D. 279)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-170).

Signed

Sensors:

TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN of Cumberland

Representatives:

PERKINS  
of South Portland  
DUNLEAVY  
of Presque Isle  
WHEELER of Portland  
McKERNAN of Bangor  
GAUTHIER of Sanford

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-171).

Signed:

Representatives:

BAKER of Orrington  
CARRIER of Westbrook  
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 "B."

Which reports were Read.

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

Mr. RICHARDSON: Mr. President, I would inquire of any member of the Senate who is on the Judiciary Committee as to the distinction between these amendments.

The PRESIDENT: The Senator from Cumberland, Senator Richardson, has posed a question through the Chair which any member of the Committee may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Thereupon, on motion by Mr. Tanous of Penobscot, tabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

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#### Senate

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Limited Supervised Practice by Certain Third-year Law Students Pursuant to Court Rules." (S. P. 259) (L. D. 756)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

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#### Ought to Pass — As Amended

Mr. Wyman for the Committee on State Government on, Bill, "An Act Relating to Competitive Bids and Fair Minimum Wages for Construction of Public Improvements." (S. P. 388) (L. D. 1134)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-69).

Which report was Read.

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

Mr. BERRY: Mr. President, I wonder if we could have an explanation of this bill at this time?

The PRESIDENT: The Senator from Cumberland, Senator Berry, has asked through the Chair for an explanation, which any Senator may answer if he so desires.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: This bill relates to the method by which bids are opened. This does not defeat the bidding process, but with the amendment provides that any bid under \$25,000 will be opened by the Bureau of Public Improvements, and not need to be opened in front of the Governor and Council as is now the case.

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

Mr. BERRY: Mr. President and Members of the Senate: I apologize to the Chairman of the State Government Committee for this rather short notice. However, I do notice that in the bill there is

language which changes the people that shall receive the proposal. The existing language of the law says that proposals for any public improvements shall be addressed to the trustees, commissioners, or such other person having the construction in charge. And the language is changed from that so that all proposals shall be referred to the Director of the Bureau of Public Improvements and shall be opened in the presence of the Director and the Commissioner of Finance and Administration. This part I don't quarrel with, however, on the face of it there appears to be a big change here in the receipt of bids.

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

Mr. SPEERS: Mr. President and Members of the Senate: In an effort to reassure the Majority Floor Leader, the Committee was also very skeptical at first of the changes that perhaps on the face of this seemed to be made. But on closer examination we realized that the bidding process itself is not being changed, that even bids of under \$25,000, or contracts of under \$25,000, will still have to be bid and put out to bid. It simply changes the methods of opening these bids.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

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Mr. Clifford for the Committee on State Government on Bill, "An Act Relating to Membership on the Advisory Board of the Department of Commerce and Industry." (S. P. 389) (L. D. 1135)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-70).

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

### Ought to Pass in New Draft

Mr. Katz for the Committee on Business Legislation on Bill, "An Act to Prohibit Interlocking Directorates in Banking Institutions." (S. P. 279) (L. D. 827)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 575) (L. D. 1766)

Which report was Read.

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

Mr. OLFENE: Mr. President, through the Chair, may I ask a member of the Committee for just a brief explanation of the original bill and the new draft bill please?

The PRESIDENT: The Senator from Androscoggin, Senator Olfene, has posed a question through the Chair which any member of the Committee may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President and Members of the Senate: The original bill prohibited interlocking directorates because of the potential conflicts, but it did not go into detail as to a grandfather clause and whether or not they could serve in the different institutions. It was found at the hearing that more information was needed, and we did it in a total redraft form. The new form not only spells out where they can serve and when they can serve, but how much time they have before they can be replaced. It just seemed easier to redraft it rather than amend the original bill.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass in New Draft Report of the Committee?

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

Mr. Katz for the Committee on Business Legislation on Bill, "An Act Relating to Investment of Trust Assets." (S. P. 360) (L. D. 1065)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 576) (L. D. 1767)

Mr. Katz for the Committee on Business Legislation on, Bill, "An Act Relating to Dealers in Antiques." (S. P. 192) (L. D. 537)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Dealers in Used Personal Property" (S. P. 578) (L. D. 1769)

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

### Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Preventing Discrimination in Reimbursement or Payment under Insurance Policies." (S. P. 153) (L. D. 387)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

COX of Penobscot  
KATZ of Kennebec

Representatives:

O'BRIEN of Portland  
BOUDREAU of Portland  
DESHAIES of Westbrook  
TRASK of Milo  
MADDOX of Vinalhaven  
JACKSON of Yarmouth  
HAMBLEN of Gorham  
DONAGHY of Lubec

The Majority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (S.P. 577) (L. D. 1768)

(Signed)

Senator:

MARCOTTE of York

Representatives:

CLARK of Freeport  
TIERNEY of Durham

Which reports were Read.

Mr. Shute of Franklin then moved that the matter be tabled and Tomorrow Assigned, pending Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, a division was had. 13 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion did not prevail.

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

Mr. SHUTE: Mr. President and Members of the Senate: I note with interest that a couple of items that

have come along here today have slid through a tabling motion without any difficulty, and I am really not surprised that this one had difficulty going to the table.

I feel that this document, which has been returned to us in new form under L.D. 1768, is the opening salvo in the war against chiropractors, the 1973 version. The original bill, L.D. 387, had some obvious errors in it, and it has been corrected with the new draft which is presented before you.

I submitted this bill in behalf of a chiropractor in Farmington who has a great interest in his profession and seeing that it is continued. And I have a great deal of interest in seeing that the chiropractic profession continues in the State of Maine.

What this bill does is put chiropractors on an equal footing with members of the healing arts in other professions. It does not extend the scope of the practice of a chiropractor. It gives more credibility to insurance companies by eliminating partially an eternal question which the public has raised: "Does my policy cover this?" Old policies, current policies, and policies that are issued in the future will no longer have misleading exclusions concerning chiropractic coverage.

There is no difficult transition here. Merely it is a note to all policyholders saying that in the future chiropractic care is covered with your present insurance policy. There is no increase in cost. It is possible to reduce the cost, as some cases which are currently in the hospital could very well be treated in a doctor's office.

Now, as perhaps some of you are aware, many insurance companies have voluntarily eliminated discrimination practices against chiropractic and other healing arts in their policies. This is what this bill does. It does no more than what it has done in other states. Some 20-odd states now have this type of legislation, 26 states, and Maine is asking to join these 26 to exclude discrimination against chiropractors. It gives the people who wish to have their insurance policies cover the chiropractic profession freedom of choice.

As you know, the last session of the legislature made it possible for workmens compensation to be applied in the chiropractic profession. All this does is make it possible for those persons who wish to have their other insurance policies covered by this healing profession to do so.

When the vote is taken, Mr. President and Members of the Senate, I ask that it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has 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 the Senate accept the Minority Ought to Pass in New Draft Report of the Committee on Bill, "An Act Preventing Discrimination in Reimbursement or Payment under Insurance Policies."

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

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

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President, I note on the calendar that there are two Senators that signed Ought Not to Pass relative to this bill, and I wonder if we might have the wisdom of some debate relative to their vote on this?

The PRESIDENT: The Senator from Penobscot, Senator Tanous, has posed an inquiry through the Chair which any member of the Committee may answer if he desires.

The Chair would inform the Senate that there is no motion pending before the Senate at the present time to accept either report.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. Shute of Franklin then moved that the Senate Accept the

Minority Ought to Pass in New Draft Report of the Committee.

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

Mr. COX: Mr. President and Members of the Senate: In response to the inquiry of the good Senator from Penobscot, Senator Tanous, I can say why I voted against this bill. Number 1, I voted against it because I am opposed to the theory that we should mandate in the law coverage under insurance policies. Some companies are now paying for certain parts of chiropractic coverage. These companies are refusing to pay for certain treatments because they feel possibly they are beyond the scope of their practice.

We have had several bills of this type, including eye care and psychologists, and I have applied the same philosophy to all: this should be left to negotiation between the parties wanting the coverage and the company providing the coverage. If we mandate this, then there is no room for negotiations. For those reasons, I am opposed to this bill.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Franklin, Senator Shute, that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee on Bill, "An Act Preventing Discrimination in Reimbursement or Payment under Insurance Policies." A "Yes" vote will be in favor of accepting the Minority Ought to Pass in New Draft Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS — Aldrich, Cyr, Danton, Graffam, Hichens, Huber, Kelley, Marcotte, Minkowsky, Peabody, Shute, Speers.

NAYS — Berry, Brennan, Cianchette, Clifford, Conley, Cox, Fortier, Greeley, Joly, Katz, Morrell, Olfene, Richardson, Roberts, Schulten, Sewall, Tanous, Wyman, MacLeod.

ABSENT — Anderson, Cummings.

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.

Sent down for concurrence.

#### Second Readers

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

#### House

Bill, "An Act Relating to Disposal of Septic Tank or Cesspool Waste." (H. P. 1416) (L. D. 1710)

Which was Read a Second Time.

Mr. Berry of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-72, was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: The purpose of the amendment is three-fold: It cuts the licensing fee for people who collect septic tank discharge and cesspool waste from \$200 to \$50, it eliminates the dedicated revenue feature of such licensed collections, and it changes the fine from a mandatory fine of not less than \$500 nor more than \$1,000 to a fine that shall not exceed \$500.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

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

Sent down for concurrence.

#### House — As Amended

Bill, "An Act to Designate One Dollar of Income Tax Refunds to Political Parties." (H. P. 321) (L. D. 439)

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

#### Senate

Bill, "An Act Relating to Use of Studded Tires on Motor Vehicles." (S. P. 79) (L. D. 196)

Which was Read a Second Time.

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

Senate Amendment "B", Filing No. S-71, was Read.

Thereupon, on motion by Mr. Morrell of Cumberland, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "B".

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

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

Sent down for concurrence.

### Enactors

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

An Act Relating to Appointment of Complaint Justices in the District Court. (S. P. 91) (L. D. 237)

An Act Relating to Fines Levied by the Harness Racing Commission. (S. P. 133) (L. D. 345)

An Act to Amend the Savings Bank Law. (S. P. 215) (L. D. 631)

An Act Creating Regional Library Systems. (S. P. 281) (L. D. 828)

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

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

An Act Revising the Law Relating to Dealers in Securities. (S. P. 372) (L. D. 1098)

An Act Relating to Movement of Oversize Loads on Highways. (S. P. 351) (L. D. 1048)

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

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

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

(On motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned pending Enactment)

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

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

(On motion by Mr. Richardson of Cumberland, temporarily set aside.)

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

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

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

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

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

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

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

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

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

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

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

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

An Act Providing for a Statewide Open Deer Season. (H. P. 1114) (L. D. 1450)

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

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

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

The President laid before the Senate the matter set aside at

the request of Mr. Hichens of York:

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

The same Senator then moved that the Bill and all accompanying papers be Indefinitely Postponed and subsequently asked for a Roll Call.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that An Act to Permit the Sale of Beer and Table Wine on Sunday for Off-premise Consumption, 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, Fortier, Greeley, Hichens, Huber, Morrill, Peabody, Schulten, Tanous, and Wyman.

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

ABSENT: Senator Cummings.

A roll call was had. 10 Senators having voted in the affirmative, and 22 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

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

The President laid before the Senate the matter set aside at the request of Mr. Richardson of Cumberland:

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

The PRESIDENT: The Chair recognizes the same Senator.

Mr. RICHARDSON: Mr. President and Members of the Senate: I asked that this matter be set aside in order that I could make an inquiry and, having made the inquiry, my fears concerning this legislation, I think, are justified.

This bill would extend, I think, the truly beneficial provisions of our juvenile offender law to a class of persons between their 17th and 18th birthday. In our society I am not sure that our juvenile offender law is really doing all the things that we hoped for, I assume, at the time it was enacted, but now we are going to liberalize this to extend it to this additional class of persons and exempt them from the traditional criminal law processes. I regret to say, members of the Senate, that I cannot in good conscience vote to do that, and I would hope that you would join me in voting against the enactment. I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: Just a word of explanation on this. I think there are very logical reasons for enactment of this particular bill.

Our statutes in the past have been filled with various inconsistencies on ages, separating the ages of marriage, separating the ages of the ability to contract, and juvenile offenders. There is a very serious attempt being made to at least come up with a uniform age on certain items and, frankly, this is one of the last items to have a uniform age.

Your juvenile offenders, rather than being called a juvenile under 17, it would be under the age of 18, and makes a lot of sense because punishment, regardless of whether they are treated as a juvenile or not, usually between the ages of 17 and 18, for any of-

fense of a minor nature they are sent to the Boys Training Center, not to a correctional center, unless the crime is serious. Our present law provides that the courts do send them to a correctional center if the individual's past background indicates he should be sent there, so I would hope that you would join the Judiciary Committee on a unanimous report and enact this bill. Thank you.

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

Mr. BERRY: Mr. President and Members of the Senate: I share the concern of the Senator from Cumberland, Senator Richardson, on this legislation. Apparently the Senator from Penobscot, Senator Tanous, is saying that because we dropped the majority age from 21 to 18 in increments in certain instances that we should raise the juvenile age to meet that. This doesn't seem to be a particularly praiseworthy objective.

If we have had a gap between the majority age and the juvenile age, there is no reason to extinguish this gap. So, I see no merit in increasing the juvenile age to 18 merely because 18 is the age at which we have now given our young people majority status.

I think that the cloaks of secrecy that we have in the courts that protect juveniles has in many, many instances rebounded against society. We don't know some of the things that go on that I think the public should know. I think that hiding juvenile criminal acts under the laws that we have that protect juveniles certainly should not apply to people in the 17 age bracket, and I hope you would vote against the motion for enactment.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: In order, perhaps, to make it a little more clear, if I may attempt to do so, my quarrel with this is that for the sake of uniformity, if we are going to talk in terms of changing it to 18, I think there are important penal and socio-

logical considerations that come to bear here, and I would be one of those who would think that we ought to be looking at changing the whole system and perhaps reducing the age of persons whom we treat as juvenile offenders. I am not aware that that is the motive behind this bill. This bill just wants to make everything uniform so that the numbers all look the same. I would like to move the indefinite postponement of this legislation and I would request a division. I hope the members of the Senate would support me in that effort.

The PRESIDENT: The Senator from Cumberland, Senator Richardson, now moves that Bill, An Act Relating to the Maximum Age of Juvenile Offender, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I would like to explain my vote briefly. What it does is it raises the age from 16 to 17. Once you reach your 18th birthday and you are charged, then it can go into the papers, so to speak. So, really what we are doing is going to keep a few things out of the paper and those who like to read about crimes are not going to have an opportunity to read about quite as many.

While I think the principal crux of this bill is rehabilitation, I personally think once someone's name goes in the paper, I think psychologically it puts forth a substantial impediment to help him rehabilitate himself. I think he may start to think of himself more as a loser I think by increasing the age we might have a better chance, and I think there is more flexibility under the juvenile law. But the principal purpose, I believe, is this idea of once someone gets identified in the newspaper as being responsible for breaking into a place, I honestly think that it is that much more difficult to rehabilitate. I think increasing this age is a step towards working in the right direction in trying to rehabilitate people if it can be done



at all; I am not so sure it can be anyway.

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

Mr. JOLY: Mr. President and Members of the Senate: Perhaps my logic is all wet, but it seems to me that there is an inconsistency here. In this twentieth century we have reduced the age from 21 to 18, based to a great extent on the fact that our young people mature a great deal earlier. This bill seems to be going in the opposite direction.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Richardson that Bill, An Act Raising the Maximum Age of a Juvenile Offender, be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone this bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 16 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

#### Emergency

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

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Orders of the Day

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

SENATE REPORT — from the Committee on State Government — Bill, "An Act Establishing Records Management Board." (S. P. 371) (L. D. 1097). Ought to Pass in New Draft with New Title: Bill, "An Act Establishing a County Records Board." (S. P. 569) (L. D. 1709).

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

Pending — Acceptance of Report.

On motion by Mr. Berry of Cumberland, retabled until later in today's session, pending acceptance of the Committee Report.

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

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

Tabled — April 9, 1973 by Senator Fortier of Oxford.

Pending — Enactment.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: With respect to this bill, L. D. 1007, "An Act Relating to Taxation of Farmland", you members of the Senate have heard, as I have heard, the very logical and persuasive arguments on both sides of this question. I am not going to debate it today, and I know you are glad to hear that. I do wish to point out, however, that I have been and remain tremendously impressed by the presentation of the Senator from Oxford, Senator Fortier, concerning the issues involved in this legislation, because I was a member of the legislature and had some small part in the enactment or the presentation to the people of the constitutional resolve permitting taxation on highest and best legally permissible use, and because I have had some small part in the past in the effort to protect Maine's lands, Maine's farmland, against the pressures of the fast buck artists and the quickie developers. I still think that initial concept of this legislation is good.

As I say, I remain impressed by the arguments of the distinguished Senator from Oxford that this legislation in its present form is doing what it was designed to do, and that any weakening of it, I think, is squarely contrary to the public interest in maintaining these lands for Maine people. Therefore, I wish to move to indefinitely postpone this bill and its accompanying

papers, and I would request a division.

The PRESIDENT: The Senator from Cumberland, Senator Richardson, now moves that bill, An Act Relating to Taxation of Farmland, be indefinitely postponed. A division has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I too am not going to get involved in argument. I do not have the eloquence of the Senator from Oxford, Senator Fortier, but I did present arguments in favor of this bill, and I would ask for a roll call when the vote is taken.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: I do not intend either to prolong this debate, but I would like to correct one argument that we hear through these legislative halls in regards to this bill. It has been told that the farmers were so afraid of this bill that they were not asking for this exemption.

I don't believe that you could find a single piece of farmland in the entire state that is now being taxed at a higher rate or at the best or highest value prejudicial to the farmer, and the reason why this is happening is that our assessors throughout the state, knowing that the farmer could get this lower assessment, give it to him anyway without making a claim for it. Consequently, in this case, the farmer is sort of eating his cake and having it too.

I do not believe that this bill is a question of being for or against the farmer. We all appreciate the economic contribution which the farmer is making and want to defend him but, on the other hand, we do want to protect ourselves against speculators, even speculators who at one time might have been farmers.

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

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

hadn't intended to speak on this bill whatever, but I have had several individuals contact me concerning their concern with the penalty provisions under the farmland law that now exists.

I would like to say that the penalty provision is really the heart of the farmland law that was passed two years ago. The basic idea of this law is that farmland may be taxed at a lower rate than other lands within the State of Maine. The purpose of the lower rate on farmland was to encourage the preservation of farmland, particularly in the urban areas where there would be a great deal of pressure to develop the open space and the farmlands around our cities. To insure that purpose, the penalty provision was put into this law. Several other states have similar laws and several other states have similar penalty provisions, that if a person wished to change the use of his farmland after he had been taking advantage of this tax law for a number of years, that if he then wished to change the use of his land, he would be required to pay the State of Maine the taxes that he had been able to take advantage of for the prior ten years. If we are to change this roll-back penalty, we are actually striking at the very heart of the farmland tax law.

As I have mentioned, I have received a number of communications and phone calls regarding this, and I have talked with the Maine Farm Bureau at quite some length. It seems to me that their basic fear or concern with this law is that the farmer who has had a homestead for a number of years, who perhaps is being taxed under this law at a lower rate than the surrounding land, if he wishes to sell that homestead, that he would be faced with a roll-back penalty at that point where he sells the land and, therefore, the penalty involves a hardship on the little old lady perhaps who owns a farm and wishes to sell it. This is certainly not the intent of this law and, frankly, I don't think it is the correct interpretation of this law. The law states that anyone who changes the use of that land is faced with a roll-back penalty.

It does not say that anyone who merely sells the land is faced with a roll-back penalty.

Now, obviously, if an individual sold the land to another individual, and the buyer of that land simply continued to use that farm as farmland, there would be no roll-back penalty either for the buyer or the seller. If the seller sells the land to a developer, and the developer then begins to develop that land, it is the developer, the purchaser, who has changed the use of that land, therefore, it is the purchaser who should pay that roll-back penalty. He is the individual who changed the actual use of that land. That is the interpretation that I would place on the law at the present time. That is also the interpretation that the Attorney General's office places on the law at the present time.

I, in talking with the individuals from the Maine Farm Bureau who were concerned about the possibility that the seller of the land would be faced with paying the roll-back penalty, I offered to amend this bill, to amend the present law, to make sure, to make it absolutely clear, that it is the individual who changes the use of the land who is responsible for the penalty and not an individual who merely sells the land, and even to go further to say that merely the transaction of the sale of the land is not in and of itself a change in use. The individuals from the Farm Bureau indicated that they did not wish to introduce such an amendment at the present time. But I feel that if that is the basic concern with the law as it stands at the present time and, as I say, I don't feel that it would be interpreted that way anyway, but if that is the basic concern then we can come back again another time and further amend the basic law to indicate that it is the change in use and not simply a sale that would subject that land to the roll-back penalty.

To change that roll-back penalty, just to reiterate, would be to strike at the very heart, the very purpose, of the farmland lower taxation policy.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Richardson, that Bill, "An Act Relating to Taxation of Farmland," be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: Just in case there is any question I would urge a vote in favor of the motion of the Senator from Cumberland, Senator Richardson, to indefinitely postpone this bill.

The PRESIDENT: 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, Brennan, Cianchette, Clifford, Conley, Cox, Cyr, Fortier, Huber, Katz, Kelley, Morrell, Peabody, Richardson, Schulten, Sewall, Speers, MacLeod.

NAYS: Senators Danton, Graffam, Greeley, Hichens, Joly, Marcotte, Minkowsky, Olfene, Roberts, Tanous, Wyman.

ABSENT: Senators Aldrich, Cummings, Shute.

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 non-concurrence.

Sent down for concurrence.

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

Mr. FORTIER: Mr. President and Members of the Senate: Having voted on the prevailing side, I now move reconsideration.

The PRESIDENT: The Senator from Oxford, Senator Fortier, now

moves that the Senate reconsider its action whereby this bill was indefinitely postponed. 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.

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

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

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

Pending — Passage to be Engrossed.

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

Mr. Berry of Cumberland then moved that the Resolve be Indefinitely Postponed.

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

Mr. HICHENS: Mr. President and Members of the Senate: A few days ago arguments against passage of a proposed order were based on the fact that the bill to be corrected was passed by the 105th Legislature and should not be the business of the 106th. Here today we have before us a bill passed last year, yet not complied with by the Department of Health and Welfare, and although I went along with the argument presented on the order, I feel that this L. D. 1038 is the business of this present legislature to make sure that the intent of the 105th is carried out.

Because of a man who is determined that things be done his way or not at all, the boarding home operators of Maine have had no increase in payments for over a year, although costs have risen tremendously. After a private meeting with the executive committee of boarding home operators and the Commissioner of Health and Welfare, and a public hearing on L. D. 1038 with over 100 boarding home people present, along with the Commissioner, the majority, 10-to-three, of the Health and Institutional Services Committee felt that the payments should be made to boarding home patients, increasing the flat rate payment

in effect March 1, 1972 by a minimum of 15 percent. The Senate accepted the Majority Report last week.

Demanding that his will be carried out, the Commissioner of Health and Welfare has paced the halls of the State House badgering legislators and other department heads with the idea that because a sub-committee of the Legislative Research Committee supports a cost-plus basis for boarding home payments, that payment on L. D. 1038 has to be done in this manner. A member of the third party has been quoted as telling legislators that he represents the Nursing Home Association, and that this association believes that boarding homes should be paid on a cost-plus basis. Mr. Richard Bailey of the Auditing Department admits that cost-plus figuring did not start until the fall of 1972, several months after Chapter 170 of the Private and Special Laws of 1971 was passed.

The Nursing Home Association members have a choice as to cost-plus payments or flat rate payments. The Executive Director of the Nursing Home Association stated before the committee that this third-party member does not represent them and they have no recommendation to make as far as boarding home payments are concerned.

The other day, in anticipation of the bill being debated there was a paper put on your desk, and then because it was tabled I had them picked up again, but I would read the points in facts about Senate Paper 339, L.D. 1038. This bill should not have been introduced if the money appropriated at the last legislature had been distributed. At the last legislature, \$200,000 was appropriated to increase payments to boarding homes. The reason for the increase was due to the 1972 increase of minimum wages and cost of living. The increase was not made available before January 12, 1973 because of rent control laws. Since then it is true that some boarding homes have received an increase. They have been made to boarding homes of five beds or less. The increase

being from \$165 to \$185 a month for flat rate.

Payments to boarding homes of 10 beds or more have not been increased. By this bill, L.D. 1038, the Boarding Home Association has asked that 50 boarding homes with 10 beds or more should have an increase. Since last year the prices are still rising and the boarding homes are facing serious cost increases. When they get this increase, they will then discuss with the Health and Welfare Department the reimbursement formula based on the cost of living for 1973-74 and in the future. I humbly ask that the money that was appropriated for 1972-73 for the boarding homes be paid as recommended by the Health and Institutional Services Committee and by amendment, Senate Paper 44.

As a result, the 10-member majority of the Health and Institutional Services Committee, including all three Senators, believe that the cost-plus flat-rate arguments should not be considered in regard to L.D. 1038 due to the fact that the flat-rate payment was the only basis the payments should be paid on when the law was passed in March, 1972, and that payments should be paid forthwith at a rate of a 15 per cent increase. I, therefore, Mr. President, move that L. D. 1083, as amended by Senate Amendment 44, be accepted for passage to be engrossed and be sent to the House for their consideration.

**THE PRESIDENT:** The Chair would inform the Senator that his motion is out of order at this point. The pending motion, which has precedence, is the motion to indefinitely postpone the bill.

**MR. HICHENS:** I would ask for a division on that motion.

**THE PRESIDENT:** A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

**MR. BERRY:** Mr. President and Members of the Senate: This bill has been around for quite some time, and we have been tabling it and giving it treatment from day to day and week to week in an attempt to get everybody in unanimity on the bill. The position

and background is pretty well described by the Senator from York, Senator Hichens.

The basic problem is the reluctance of some of the operators to present the facts to the Health and Welfare Department which are necessary for the processing of their vouchers. This is a parallel situation which we had with the druggists around the state where they have, some of them, been either reluctant or almost incapable, it seems, of complying with what are fairly simple regulations by the department for reimbursement. This problem was studied by several legislative committees during the recess, and I think that this problem, as far as the pharmacists are concerned, is to get back on the road. The situation with these homes is exactly the same thing. There have been many meetings between the department and representatives of the industry and, as is true in so many instances, the industry itself has been fragmented; some of them have not kept cost records, some of them are reluctant to disclose them. However, when they are being paid by public funds, I think that everybody who has studied the problem believes that the requirements of the Department of Health and Welfare are reasonable.

There have been in the past few days several steps taken to correct this problem from a long-range standpoint, and this morning I heard a comment made by one very intimately associated with the problem that in three or four days the problem would be straightened out, that the operators are beginning to come around.

Now I consider and I think that most of those who are familiar with the problem feel that this is unnecessary legislation. I don't think it would kill anybody if we passed it, but I think now it has been around long enough and its purpose has been accomplished. I assure you. I hope you will support my motion.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Very briefly, I rise in support of the motion of the Senator from Cumberland, Senator Berry. I think what Senator Hichens is trying to get at can more appropriately be done through the Executive Department, and that is the proper function of the executive branch of government. I don't think the legislative branch really is the proper vehicle to use to try to do what he is doing.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Resolve, Relating to Immediate Payment of Boarding Home Funds, 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.

A division was had. 21 Senators having voted in the negative, the Resolve was Indefinitely Postponed.

Sent down for concurrence.

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

Pending — Enactment.

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

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

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

Tabled — April 10, 1973 by Senator Berry of Cumberland.

Pending — Consideration.

(House — Passed)

(Senate — Indefinitely Postponed)

(House — Passed as Amended by House Amendment "A" (H-181).)

On motion by Mr. Berry of Cumberland, the Senate voted to Recede from its prior action whereby the Joint Order was Indefinitely Postponed.

The same Senator then moved that House Amendment "A" be Adopted.

House Amendment "A", Filing No. H-181, was Read.

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

Mr. CYR: Mr. President and Members of the Senate: There is something that disturbs me in regard to this item right here. First of all, it calls for H. P. 1294 which, as far as I know, refers to House Paper 1294. At that stage it is in the referral stage to a committee before it acquires an L. D., and it hasn't reached that stage, from what I can see.

Now, if you refer to House Amendment "A", H-181, you will read in the second paragraph "Ordered, the Senate concurring, that the Commission on Environmental Laws, created pursuant to L. D. 542 of the 106th Legislature, or in the event said Commission is not established, the Legislative Research Committee be authorized and directed to study the subject matter of the Bill," and so forth. Well, first of all, this is confusing language. Has L. D. 542 been passed or has it been rejected? And it says in the event that said Commission is not established, then this will be sent to Legislative Research.

Now, L. D. 542, if you will refer to your book, the title of it is "An Act Creating a Study Commission on Environmental Laws", and if you keep on reading into it, it calls for an appropriation of \$50,000 to do that study. Now, is this going into this Legislative Research study that they are asking here? If so, from the experience that I have had in the last eight years that I have been here, I have seen in many cases square pegs in round holes in this Legislative Research, and I personally wouldn't advise this body to go along with a \$50,000 appropriation. Not only

that, but this title here, L. D. 542, says "Study Commission on Environmental Laws."

Now, in this right here it says "relative to environmental protection control erosion", so we are getting into a different field. Control of erosion is the prerogative and the field of the Soil Conservation Service, the U.S.D.A. Soil Conservation Service, for which I worked four years and I know something about. They have studied and they know all about this erosion problem, and certainly you don't have to send it to Legislative Research to get any more information in regards to it. So I don't know, unless someone explains to me all of these discrepancies and contradictions — maybe they are imaginary; I don't know — but unless someone explains it to me, I will in turn come back with a motion to indefinitely postpone this.

Mr. President, where can we find H. P. 1294, which they are referring to? What does it say on that? Does anyone have a copy of it? I don't.

The PRESIDENT: It was printed on the calendar when it was before the Senate. The Senate indefinitely postponed it, and it went back to the House where House Amendment "A" was added. It is not in front of you at the present time, but it was on the printed calendar a few days ago.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, my act so far has been merely a mechanical one, but I would subscribe to the final statement of the good Senator from Aroostook, Senator Cyr, that this matter is unquestionably worth the attention of the Senate.

To straighten out any question about the status of the two things, we are merely saying that if House Amendment "A" is adopted, and this Commission which is appointed by 542 does come into existence, it would study the erosion problem. If it doesn't come into existence, then the Research Committee would study the problem.

It had been my intention to put it on the Legislative Research Study Table if this amendment is

passed, however, I would be very happy to join the good Senator in defeating the joint order, if he wishes.

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

Mr. Cyr of Aroostook then moved that the Joint Order be Indefinitely Postponed and subsequently requested a division.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President and Members of the Senate: This Joint Order here was taken as a precautionary measure by the member of the other body in the fear that hoped for legislation, which has not yet been heard, might not pass. He feels quite strongly that the State of Maine should have a study of the environmental protection control of the effects of erosion.

The L. D. 542 which is referred to is an act creating a study commission on environmental laws, and it so happens that I am the sponsor of that particular bill. I have not been in any great hurry to put the bill out to committee hearing because we have so many other bills to be heard, and I was afraid, where this set up a study commission of its own to actually delve into all sorts of comprehensive review of all the legislative acts and laws that we have on our books relating to environment, that those who are not such strong supporters of environmental laws might seize upon this as an opportunity to withhold passage of all legislation during the 106th Legislature.

So, while I have not scheduled this particular bill for a hearing, I have done so with a twofold purpose: A, that we have more than enough to concern ourselves with, and we still don't see the light at the end of the tunnel as far as our bills before the Natural Resources Committee and, B, feeling that this would be such a comprehensive study, that no one would be adversely affected if the hearing were not conducted until later in the session.

I do feel, however, and this has been supported by many people

throughout the state, that we are at the point in time where we need a real study of our present environmental laws. I know that this particular bill, when it is heard, will receive much support throughout the state and, for this reason, I can understand perhaps the feeling of trepidation that a sponsor of another bill might have if he is waiting for a period of time to find the outcome of a bill that hasn't even been heard.

So I would feel that if it is possible for the mechanical aspects of the legislative process to accept this joint order, pending the outcome of the legislature's action on L. D. 542, then I would certainly recommend it because I believe both steps are of vital concern to all the citizens of the state. And as far as L. D. 542 is concerned, the bill that I have sponsored, I feel that the time is well past when we must take a hard look at all of our laws concerning the environment so that we will be in a position when the 107th Legislature comes to pass that, whoever is here, will for the first time in history know what is on the books, who it restricts, who it helps, and how important our present laws on the books are to the State of Maine, so that, hopefully, if we find some weak spots we can bolster those; if we find spots that are too restrictive, we might even consider amending those, but this is a very necessary bill.

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

Mr. CYR: Mr. President and Members of the Senate: If I read correctly the good Senator, this order was introduced and the author is trying to pass this order in the event that L.D. 542 doesn't go through. This is the first time, this is the first new gimmick as far as I am concerned; I have never heard of this before, but I think I know what is behind this bill and where they are heading for. What they want, what the environmentalists want, they want control of the soil conservation. They want the Soil Conservation Department or Service under the Environmental Protection, and I,

for one, will fight to my dying breath against such a move.

Now, the Soil Conservation Service was established after World War I, and it has been very efficient. It has introduced diversion ditches, contour stripping, reforestation, waterways, and all of the other contraptions that go into trying to control soil erosion and water erosion on the farms.

I think that the environmental people should take a lesson from the structure, from the organization, which has come down the line as the Soil Conservation Service Department. The USDA Soil Conservation part of it is entirely professional; They supply you with the professional part of it, and the district itself is in the hands of the farmers that are involved in this. Consequently, the whole program is done on a voluntary basis, and they have achieved a lot of success in doing it. I don't believe that we should try to disturb that set-up. Now, my indefinite postponement of this order still stands, and I ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President and Members of the Senate: I would hope that nothing that ever transpires here would be of such major significance that the good Senator from Aroostook would have to defend with his last breath, but I do feel the very arguments that he has employed to vote for the indefinite postponement of this order are the very reasons why we feel the study is necessary. I do not feel that anyone need fear a study that will set on record the actual operations of erosion or anything else that pertains to environment.

In essence we have two ideas to study: one, the effects of erosion, and then a completely comprehensive bill, L.D. 542, which would include erosion hazards and danger. So that there is actually nothing in either of these bills that would do anything other than make the 107th Legislature aware of what has transpired to date and give them a set of guidelines on



what is best for the State of Maine in the future.

So, I do not feel that the motion to indefinitely postpone this Joint Order is in the best interests either of the Soil Conservation people, the State of Maine, or any of us involved in environmental concerns.

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

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending the motion by Mr. Cyr of Aroostook to Indefinitely Postpone.

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

Senate Reports — from the Committee on Legal Affairs — Bill, "An Act Relating to License Fees and Penalties for Non-residents in the Private Detective Business." (S. P. 320) (L. D. 987) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (S-67) Minority Report — Ought to Pass.

Tabled — April 10, 1973 by Senator Joly of Kennebec.

Pending — Acceptance of Either Report.

On motion by Mr. Clifford of Androscoggin, the Majority Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

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

Tabled — April 10, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

This being an emergency measure and having received the affirmative votes of 25 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Senate Report — from the Committee on State Government — Bill, "An Act Establishing Records Management Board." (S. P. 371) (L. D. 1097). Ought to Pass in New Draft with New Title: Bill, "An Act Establishing a County Records Board." (S. P. 569) (L. D. 1709).

Pending — Acceptance of the Committee Report.

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

Mr. SPEERS: Mr. President, I would like this to move along at this point. There are further amendments that may be coming forth on this bill, and I therefore move acceptance of the committee report.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate accept the Ought to Pass in New Draft Report of the Committee. Is this the pleasure of the Senate?

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

### Papers From the House

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

#### STATE OF MAINE

In The Year Of

Our Lord

One Thousand Nine Hundred and Seventy-Three

In Memoriam

WHEREAS, the Legislature has received word of the tragic death of our beloved colleague, the Honorable Peter T. Snowe of Auburn; and

WHEREAS, Representative Snowe first came to the Legislature as its youngest member in 1967 and was currently wholly dedicated to the duties of a Member of the House of Representatives; and

WHEREAS, at age 30, Peter was actively identified in business while at the same time prominent in the councils of his party; and

WHEREAS, he has at all times worked in an energetic and personable way to forward the best interests of the State of Maine, the County of Androscoggin and the City of Auburn in which he made his home; now, therefore, be it

RESOLVED: That We, the Members of the 106th Legislature now assembled, inscribe this token of our enduring affection and esteem for the memory of our beloved colleague and extend our deepest sympathy to his family and our understanding to all others who share in the loss; and be it further

RESOLVED: That a copy of this Joint Resolution, suitably engrossed, be immediately transmitted by the Secretary of State to his wife, Olympia, and his mother and father, Mr. and Mrs. G. Carleton Snowe, as a lasting token of our esteem; and be it further

RESOLVED: That when the Members of the Senate and House of Representatives of the 106th Legislature of the State of Maine adjourn this day, they do so in honor and out of respect to his memory. (H. P. 1427)

Comes from the House Read and Adopted.

The PRESIDENT: The Chair would ask the Senators to indicate their approval of the adoption of this order by rising.

Thereupon, the Members of the Senate stood for a moment of silence and the Joint Order was Adopted in concurrence.

#### Reconsidered Matter

Mr. Cianchette of Somerset moved that the Senate reconsider its prior action whereby on Bill, "An Act to Provide Trade-in Credit for Mobile Equipment under the Sales Tax", (H. P. 961) (L. D. 1202), the Majority Ought Not to Pass Report of the Committee was Accepted.

Mr. Berry of Cumberland then requested a division.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would consider it a courtesy if the Senator would allow me to say a word on this item.

The PRESIDENT: The Senator has the floor. The matter before the Senate is the motion to reconsider and it is debatable.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would like to inform the Senate that I will not be debating the merits of this bill today or any time in the future. The sponsor of this bill, a very good friend in the other body, for some reason missed the opportunity to debate this in the other body. Since the bill had a well divided report, I thought that we could extend the sponsor of the bill the courtesy to bring this back in non-concurrence in the other body so he may have an opportunity to debate the bill. I would appreciate your courtesy in doing this for our good friend over there.

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

Mr. BERRY: Mr. President and Members of the Senate: This is one of the many disagreeable duties that the Majority Floor Leader must discharge. I am in full sympathy with the courtesy that should be extended to a sponsor of a bill who probably hasn't had a chance to debate it. However, I think the merits on this particular issue are known to us. There is a real basic erosion of the sales tax base here with which we are concerned. I think, knowing this that the sponsor of the bill would realize that this was not done behind his back and that there was no offense meant. I would hope that you would vote against the motion for reconsideration.

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

Mr. Brennan of Cumberland moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Cianchette of Somerset to Reconsider.

On motion by Mr. Berry of Cumberland, a division was had. 13 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion did not prevail.

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 support Senator Cianchette's motion for reconsideration on this bill. Very briefly, my reason for supporting him is this: this item, in my opinion, this morning perhaps wasn't properly debated as far as the pros and cons are concerned.

I just had an opportunity to read this particular bill, and we do have an inequity in our sales tax law in this area. We are talking about mobile homes in this particular instance. These are homes for people to reside in. When you buy real estate or a home with a foundation under it, nobody pays any sales tax on a home when they purchase it, but yet when people buy another type of home, which is as much of a home to these people as a residence built of brick, mortar, or wood, now, they are exempt from the sales tax in the purchase of a home, but yet the mobile homeowner or purchaser is subject to a sales tax. So there is a lot of merit to this particular bill, so I am going to support Senator Cianchette from Somerset and hope that this might be well debated and aired out at this session. I received a lot of complaints in the last three or four years relative to discrimination of sales tax in this area, and I hope

that we can debate it and resolve it. Thank you.

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

Mr. COX: Mr. President and Members of the Senate: L. D. 1202 has nothing to do with mobile homes; it is mobile equipment used primarily in the construction business.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Somerset, Senator Cianchette, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee on legislative document 1202. As many Senators as are in favor of reconsideration will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 13 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion did not prevail.

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(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until 1:30 tomorrow afternoon.