

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

**April 23, 1973 to June 5, 1973**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, April 25, 1973

Senate called to order by the President.

Prayer by the Rev. Robert Orr of North Whitefield.

Reading of the Journal of yesterday.

**Joint Resolution**

Out of order and under suspension of the rules, Mr. Berry of Cumberland presented the following Resolution and moved its Adoption.

**STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-three

**IN MEMORIAM**

WHEREAS, the Members of the Senate and House of Representatives have learned with great sadness of the sudden death of Dorothy N. Schulten, wife of the Honorable Tarry T. Schulten of Woolwich; and

WHEREAS, she brought all the joys and pleasures that life can bring to her family, friends and associates in the Legislature; and

WHEREAS, the darkness of her departure is ours to share in silent moments of meditation, each in his own way; now, therefore, be it

RESOLVED: That the Members of the Senate and House of Representatives of the 106th Maine Legislature, now assembled, extend our deepest sympathy to our friend and colleague and our understanding to all others who share in the loss; and be it further

RESOLVED: That a copy of this Resolution, duly authenticated by the President of the Senate, be immediately transmitted to Senator Schulten in token of our sympathy. (S. P. 599)

Which was Read.

The PRESIDENT: Will the Senate please indicate its feelings about this Resolution by rising.

Thereupon, the members of the Senate stood for a moment of silence and the Resolution was Adopted.

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

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

Resolve, Designating Lewiston-Auburn Bridge as "Louis Jalbert Bridge." (H. P. 366) (L. D. 481)

In the House April 20, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (H-196).

In the Senate April 23, 1973, Bill and accompanying papers, Indefinitely Postponed, in non-concurrence.

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

Mr. Berry of Cumberland moved that the Senate Adhere.

Mr. Shute of Franklin then moved that the Senate Recede and Concur and, on subsequent motion by the same Senator, a division was had. Five Senators having voted in the affirmative, and 22 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

**Non-concurrent Matter**

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

In the House April 2, 1973, Passed to be Enacted.

In the Senate April 12, 1973, Indefinitely Postponed, in non-concurrence.

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

On motion by Mr. Wyman of Washington, the Senate voted to Adhere.

**Non-concurrent Matter**

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

In the Senate April 12, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-67).

Comes from the House, Passed to be Engrossed, in non-concurrence.

On motion by Mr. Clifford of Androscoggin, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act to Increase the Authorized Bonding Limit of the Maine State Housing Authority." (S. P. 434) (L. D. 1339)

In the Senate April 2, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "C" (H-236), in non-concurrence.

On motion by Mr. Marcotte of York, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act to Revise the Election Laws." (S. P. 493) (L. D. 1535)

In the Senate March 28, 1973, Passed to be Engrossed as Amended by Senate Amendment "A" (S-47).

Comes from the House, Recommended to the Committee on Election Laws, in non-concurrence.

On motion by Mr. Shute of Franklin, the Senate voted to Recede and Concur.

**House Papers**

The Bill today received from the House requiring Reference to Committee, was acted upon in concurrence.

**Committees of Conference**

On the disagreeing action of the two branches of the Legislature on Resolve to Reimburse Berkshire Mutual Insurance Company for Damage to Property of Leonard Smith by Highway Construction, (H. P. 353) (L. D. 468), the President appointed the following Conferees on the part of the Senate:

Senators:

JOLY of Kennebec  
ALDRICH of Oxford  
ROBERTS of York.

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Penalty for Recklessly Causing Death by Operation of a Motor Vehicle" (H. P. 202) (L. D. 275), the President appointed the following Conferees on the part of the Senate:

Senators:

TANOUS of Penobscot  
SPEERS of Kennebec

**BRENNAN**

of Cumberland

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Regulating Water Well Construction and Pump Installation" (S. P. 173) (L. D. 428), the President appointed the following Conferees on the part of the Senate:

Senators:

JOLY of Kennebec  
ROBERTS of York  
ALDRICH of Oxford.

**Communication**

STATE OF MAINE

House of Representatives

Office of the Clerk

Augusta, Maine 04330

April 24, 1973

The Honorable Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

The House today voted to Adhere to its action of April 24 whereby it voted to indefinitely postpone Bill "An Act Creating the Free Flow of Information Act" (S. P. 583) (L. D. 1795).

Respectfully,

Signed:

E. LOUISE LINCOLN

Clerk of the House

House of Representatives

Which was Read and Ordered Placed on File.

STATE OF MAINE

Augusta, Maine 04330

April 24, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

The House today voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Raising the Maximum Age of a Juvenile Offender" (H. P. 489) (L. D. 643). The Speaker appointed the following members to the Committee of Conference:

Messrs. WHITZELL of Gardiner

McKERNAN of Bangor  
PERKINS  
of South Portland.  
Respectfully,

Signed:

E. LOUISE LINCOLN  
Clerk

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

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta, Maine 04330

April 24, 1973

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

The House voted to Insist and  
Join in a Committee of Conference  
on the disagreeing action of the  
two branches of the Legislature on  
Bill "An Act Regulating Water  
Well Construction and Pump  
Installation" (S. P. 173) (L. D. 428)  
at today's session.

Respectfully,

Signed:

E. LOUISE LINCOLN  
Clerk of the House

Which was Read and Ordered  
Paced on File.

STATE OF MAINE  
House of Representatives  
Augusta, Maine 04330

April 1, 1973

To the Members of the 106th  
Legislature:

Pursuant to the Joint Order of  
the Special Session of the 105th  
Legislature, the Bangor State  
Hospital Study Committee hereby  
has the pleasure of submitting to  
you its unanimous report and  
recommendations.

The Committee wishes to  
acknowledge with appreciation the  
generous cooperation and valuable  
assistance of the Department of  
Mental Health and Corrections. We  
would particularly like to extend  
our thanks to the Commissioner of  
the Department, Dr. William F.  
Kearns, Jr.; the Director of the  
Bureau of Mental Health, Dr. Wil-  
liam E. Schumacher; and the  
Superintendent of the Bangor State  
Hospital, Dr. Bernard Saper. The  
Committee also extends its

gratitude to the entire professional  
and non-professional staff of  
Bangor State Hospital.

The members of the Committee  
appreciate having had the oppor-  
tunity to serve the Legislature and  
hope that the recommendations  
contained in their report will be  
beneficial to the future of the  
Bangor State Hospital and the  
people of Maine.

Respectfully submitted,

Signed:

JOHN M. NORRIS, II  
Chairman  
Bangor State Hospital  
Study Committee  
(H. P. 1458)

Comes from the House, Read and  
with accompanying papers Ordered  
Placed on File.

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

#### Committee Reports House

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

Bill, "An Act Relating to  
Supplemental Aid for School  
Administrative District No. 73."  
(H. P. 527) (L. D. 709)

Bill, "An Act Increasing Mem-  
bership in Municipal Conservation  
Commissions, Housing Authorities  
and Renewal Authorities." (H. P.  
795) (L. D. 1067)

Bill, "An Act Creating the Maine  
Martial Arts Commission." (H. P.  
946) (L. D. 1243)

#### Leave to Withdraw

The Committee on State Govern-  
ment on Bill, "An Act to Establish  
a State Board of Zoning Appeals."  
(H. P. 814) (L. D. 1075)

Reported that the same be  
granted Leave to Withdraw.

The Committee on State Govern-  
ment on Bill, "An Act Providing  
a State Lottery for Housing for  
the Elderly." (H. P. 1046) (L. D.  
1390)

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.

#### **Ought to Pass**

The Committee on Judiciary on Bill, "An Act Relating to Credibility of Witnesses." (H. P. 597) (L. D. 788)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Designating Columbus Day a Legal Holiday." (H. P. 989) (L. D. 1309)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Allowing Municipalities to Insure Against Personal Liability of Their Officers, Officials and Employees." (H. P. 1069) (L. D. 1394)

Reported that the same Ought to Pass.

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

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

The Committee on Taxation on Bill, "An Act Amending the Maine Tree Growth Tax Law." (H. P. 1073) (L. D. 1411)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-261).

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

#### **Ought to Pass — As Amended**

The Committee on Judiciary on Bill, "An Act Relating to Conveyance by Release Deed for the Penobscot Tribe of Indians." (H. P. 622) (L. D. 820)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-265).

The Committee on State Government on Bill, "An Act Extending the Hours of the Maine State Library." (H. P. 1216) (L. D. 1571)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-267).

The Committee on Judiciary on Bill, "An Act Relating to Fees of Municipal Police Officers or Constables as Witnesses." (H. P. 1257) (L. D. 1632)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-264).

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

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

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

The Committee on Legal Affairs on Bill, "An Act to Increase the Number of Members of the Augusta Parking District." (H. P. 822) (L. D. 1085)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Increase the Number and Terms of Members of the Augusta Parking District." (H. P. 1451) (L. D. 1872).

The Committee on Fisheries and Wildlife on Bill, "An Act to Require a Stamp to Fish for Atlantic Salmon." (H. P. 863) (L. D. 1148)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1452) (L. D. 1873)

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

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

#### **Divided Report**

The Majority of the Committee on Judiciary on Bill, "An Act Repealing the Prohibition against Hitchhiking." (H. P. 385) (L. D. 514)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to the

Prohibition Against Hitchhiking.”  
(H. P. 1454) (L. D. 1875)

Signed:

Senators:

TANOUS of Penobscot

SPEERS of Kennebec

BRENNAN

of Cumberland

Representatives:

PERKINS

of South Portland

McKERNAN of Bangor

WHEELER of Portland

DUNLEAVY

of Presque Isle

KILROY of Portland

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

Signed:

Representatives:

CARRIER of Westbrook

BAKER of Orrington

WHITE of Guilford

GAUTHIER of Sanford

HENLEY of Norway

Comes from the House, the  
Majority report Read and Accepted  
and the Bill, in New Draft, Passed  
to be Engrossed.

Which reports were Read.

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

Mr. SHUTE: Mr. President, I  
wonder if someone on the Judiciary  
Committee would be willing to  
explain the ramifications of these  
proposals.

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

The Chair recognizes the Senator  
from Cumberland, Senator Bren-  
nan.

Mr. BRENNAN: Mr. President  
and Members of the Senate: If we  
pass this new draft, it will still  
be illegal to hitchhike on the  
traveled portion of the highway,  
however, off the traveled portion  
you could hitchhike.

The reason I support repeal of  
this measure is, first, that I don't  
think there is anything intrinsically  
evil about hitchhiking. I think it  
is merely a case of simple charity;  
one person helping another.

Secondly, there is very little  
public transportation in this state,  
and I think some people have to  
rely on hitchhiking to get around.

Thirdly, and probably the real  
reason I support this measure, is  
that hitchhiking laws right now are  
very selectively enforced. The  
police seem to have more interest  
in enforcing them against longhairs  
than they do shorthairs. I think  
when we have selective enforce-  
ment of the law we have discrimi-  
nation and we have unequal pro-  
tection of the law, so I think we  
should do what we can to try to  
fight unequal protection of the law.

There was a case I just saw  
in the paper down in York County  
a couple of days ago where two  
young University of New  
Hampshire students were stopped  
for hitchhiking and the police offi-  
cer arrested them, took them to  
the county jail and stashed them  
in a cell with some people who  
had probably been around the  
criminal yard, so to speak, and  
all of a sudden their hair was taken  
off.

I would suspect if some of the  
good Senators here, if their car  
broke down and, you know, with  
their nice appearances and their  
senatorial dignity, if they had  
occasion to stick their hand out,  
and the State Police or some police  
came along, they wouldn't be  
arrested.

What happens now is that there  
is an awful lot of discrimination  
as to who you enforce hitchhiking  
against. That is my explanation  
and that is the reason for my vote,  
so I would move that the Senate  
accept the Majority Report of the  
Committee.

The PRESIDENT: The Senator  
from Cumberland, Senator Bren-  
nan, moves that the Senate accept  
the Majority Ought to Pass in New  
Draft Report of the Committee in  
concurrence.

The Chair recognizes the Senator  
from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, if  
it is in order, I would like to move  
that the bill and reports be  
indefinitely postponed.

The PRESIDENT: The motion is  
in order. The Senator from  
Cumberland, Senator Berry, moves

that this bill be indefinitely postponed.

The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: I had intended, of course, not to participate in this, but when my confrere, Senator Brennan from Cumberland, gets up and makes several statements such as he just made, why, all of us, of course, want to get up and discuss the subject.

In the first place, he alleged that the police, and I suppose he means the State Police, are discriminating against the people they stop and interrogate, and this is a statement that I think, unless it is made in jest, should be backed up.

The records show that hitchhiking is a major source of crime in Maine and that the routine searches of hitchhikers have unturned dope and weapons. Another very practical aspect of the thing is the exposing of our people in the state to possible crime. I would hope that you would support my motion and let's dispose of this.

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

Mr. TANOUS: Mr. President and Members of the Senate: Sometimes when we debate a bill, oftentimes when the question is asked and if it had been succinctly answered perhaps it would have gone under the hammer, but I do rise to support Senator Brennan's position on this particular bill and also to make some comments relative to the remarks of my good friend Senator Berry of Cumberland.

We had a state trooper that appeared before the Judiciary Committee to speak on this bill and his greatest complaint, as well as the Chief of Police from Augusta, their chief complaint was that many times the hitchhikers are in the traveled portion of the highway hitchhiking, and they were concerned with not having the people, the kids, hitchhiking while standing in the traffic portion of the highway. It appeared to me, at least, that this was their prime objection.

Relative to the enforcement provision of this bill, I think what Senator Brennan meant by his

remarks was that some officers enforce this law and others don't. I don't think that police officers discriminate as to who the individuals are, but I think some police officers are more lenient and probably don't enforce the hitchhiking law and others do. I think this is the discrimination that he was referring to.

Also, I would like to point out to you, as Senator Brennan has mentioned, that we don't have any public transportation in Maine. This is a vast rural state and we have to travel many, many miles, our students do in going to and from school, and I could imagine many instances — I know that perhaps Senator Graffam of Cumberland has many of his help that probably hitchhike to work, and I am sure that probably in Washington County some of the employees over there must have to hitchhike to work on occasion. In fact, I have known on occasion some state senators have had to hitchhike to work when they run out of gas or have car problems. It has happened to me twice this year.

Also, I can truthfully say, Members of the Senate, that when I went to college, if I hadn't been able to hitchhike I would never have been able to go to college, and I am sure that many, many people are in that same position, that they have had to hitchhike to get to and from school, either because of lack of funds or lack of transportation facilities.

I would certainly urge that you oppose Senator Berry's motion of indefinite postponement and accept the Majority Ought to Pass Report. Thank you.

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

Mr. BRENNAN: Mr. President and Members of the Senate: In response to the remarks of my good friend, the Senator from Cumberland, Senator Berry, he made the comment that I must have made this remark in jest about selective enforcement. No, I state categorically that there is considerable selective enforcement as far as the enforcement of many



laws. Presently there is substantial selective enforcement as far as the hitchhiking law. We can stick our heads in the sand and say they don't selectively enforce the law, but it is not a fact.

I am not just saying the State Police; this happens with local police and sheriffs' departments. A lot of people on these police departments do get a little more nervous about somebody with a beard and long hair, and I think a lot of them feel "Well, they are on the road. We know there is a statute against it. Generally we don't enforce it, but if we stop him we can frisk him and maybe we will find some marijuana", which is fine.

I also want to say that I have talked to many police officers who would like to see this law repealed. They feel that they don't want to get involved in selective enforcement, and it creates a problem for them when they drive by somebody who is hitchhiking and some citizen is making some observation. So there are many police officers who would like to see this law repealed.

I think this is a very reasonable repealer. The safety factor is still there: you can't stand out in the middle of the highway and hitchhike. If you do, you can still be arrested and taken off to the county jail. So I would strongly urge you to support the Majority Report, and I would ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Olfene.

Mr. OLFENE: Mr. President, may I ask through the Chair of a member of the Judiciary Committee if he would explain exactly what he means when he crosses out the words "or right-of-way of any public highway"? I interpret it as being just off the blacktop, and I would like an explanation before I vote on this issue.

The PRESIDENT: The Senator from Androscoggin, Senator Olfene, has posed an inquiry through the Chair which any Senator may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President, I would answer in the affirmative to Senator Olfene from Androscoggin. This is correct: off the traveled portion of the highway would merely designate that part where the cars travel, if this is what your question was.

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

Mr. OLFENE: Mr. President and Members of the Senate: I am pleased with the explanation and it would kind of prove to me, I think, in my own mind that there are really no changes here; the only difference being that you would not stand out on the blacktop in the middle of the road.

I oppose this and hope that you will support the good Senator from Cumberland, Senator Berry, on his motion. I don't think we need this in the state. I think that we have proof enough along the way to know exactly what has happened, what can take place from picking up hitchhikers; the situation in Massachusetts with the young students where so many have been killed, murdered, and it is all traced back to picking up hitchhikers. I just don't believe that this is a good thing, I don't think the State of Maine needs it, and I certainly hope that you will support the Senator from Cumberland, Senator Berry.

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

Mr. CONLEY: Mr. President and Members of the Senate: I stand to oppose the motion of the good Senator from Cumberland, Senator Berry, mainly because of the fact that I, as I guess all of you know, do have a large number of sons, one who just about every other week thumbs back and forth from St. Anselm's College down in Manchester, New Hampshire.

During the summertime I take the liberty of trying to enjoy the great outdoors, both fishing and getting out to that lovely beach out in Senator Berry's backyard, over at the state park there. I know that on many occasions in

going over there and coming back I have picked up half a dozen or so kids, even with the large number that I might have already in the car.

Just recently I had the opportunity to travel up to Presque Isle, and once you get up above Bangor and start going through the small towns it is obvious that there is a transportation problem, and I can say that I probably picked up four different kids, individuals, separately along the way, and took them from one town to another. I see no harm at all in that.

This is purely enabling legislation. No one has to stop their car to pick anyone up, and I just think it is ludicrous, and certainly support the remarks of Senator Brennan because I think sometimes we have the biggest malleted heads running around in cruisers with guns and badges and everything else. You know what my position is on deputy sheriffs playing around from one county to another, and now through sixteen counties.

One of my kids was picked up by one of the local gendarmes in Portland here a few years ago thumbing out to the beach for a summer afternoon. It is just stupidity. Furthermore, as the good Senator from Cumberland, Senator Brennan, has stated, if you get one youngster with long hair and you put him out on the street, and if he isn't picked up — and it is not the point of just picking him up for hitchhiking; what they want to do is get him down to the bastille, strip him down, shake him down, and see if he has got a little hash on him or a little something else, and if his rights aren't being impeded then no-one's are.

I support Senator Brennan wholeheartedly and hope that we would accept the Majority Ought to Pass Report.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, "An Act Repealing the Prohibition against Hitchhiking", be indefinitely postponed.

A roll call has been requested. Under the Constitution, in order for

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, "An Act Repealing the Prohibition against Hitchhiking", be indefinitely postponed in non-concurrence. 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, Fortier, Graffam, Greeley, Hichens, Huber, Joly, Minkowsky, Olfene, MacLeod.

NAYS: Senators Aldrich, Brennan, Clifford, Conley, Cox, Cummings, Cyr, Danton, Kelley, Marcotte, Morrell, Peabody, Richardson, Roberts, Shute, Speers, Tanous, Wyman.

ABSENT: Senators Cianchette, Katz, Schulten, Sewall.

A roll call was had. 11 Senators having voted in the affirmative, and 18 Senators having voted in the negative, with four Senators being absent, the motion did not prevail.

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

#### Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Raising the Maximum Age of a Juvenile Offender", (H. P. 489) (L. D. 643), the President appointed the following Conferees on the part of the Senate:

Senators:

RICHARDSON

of Cumberland

ROBERTS of York

ALDRICH of Oxford.

### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Appointment of Persons to Act as Policemen on Property of the Vocational-Technical Institutes." (H. P. 980) (L. D. 1294)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-268).

Signed:

Senators:

TANOUS of Penobscot

SPEERS of Kennebec

Representatives:

HENLEY of Norway

BAKER of Orrington

CARRIER of Westbrook

WHITE of Guilford

KILROY of Portland

McKERNAN of Bangor

PERKINS

of South Portland

WHEELER of Portland

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

Signed:

Senator:

BRENNAN of Cumberland

Representatives:

DUNLEAVY

of Presque Isle

GAUTHIER of Sanford

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

Mr. Tanous of Penobscot moved that the Senate Accept the Majority Ought to Pass as Amended Report of the Committee.

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

Mr. BRENNAN: Mr. President and Members of the Senate: With great hesitation — I don't want to spoil my record this morning, and I kind of feel it is going to be spoiled shortly — but I would like to tell you why I voted against this bill.

I have no objection to the amendment, but the bill itself calls for giving the directors of the Maine Vocational Technical Institute the power to appoint policemen who

shall possess all the powers of police officers in criminal cases.

As I understood it at the hearing, what Southern Maine Vocational Technical Institute will do is employ a private detective agency or a guard agency, they are going to pay them some \$25,000, and they are going to give those people police powers. We have really no screening situation with them. It is not like the University of Maine that have their own police departments, and I am not opposed to these universities having their own departments, but I am opposed to the proliferation and expanding of these private detectives and guard agencies.

I think we get into a dangerous area when we turn law enforcement over to the private sector. I think when you get into law enforcement for profit you can get into overzealousness and you can have some real problems.

Now, down in South Portland where they have their problem, I would like to see the State of Maine, with that \$25,000 or more that they are going to spend, try to contract with the City of South Portland and get a bona fide, fully qualified, trained police officer. I frankly think we would get a great deal of better service at the Institute if we did that.

In essence, that is the reason why I opposed this. I have no opposition to the directors being able to make rules that are enforceable as far as traffic laws, but I do oppose the concept of turning law enforcement over to the private sector and, I think, the hazards that go along with that. Again, I would hope that the Institute down there would try to work something out with the City of South Portland.

So for that reason, I would move the indefinite postponement of this bill and all its accompanying papers.

The PRESIDENT: The Senator from Cumberland, Senator Brennan now moves that Bill, "An Act Relating to Appointment of Persons to Act as Policemen on Property of the Vocational-Technical Institutes", be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: We went around the table with this the last time, those of you who were here, relative to the University of Maine, which had a similar bill in here. If you will recall, the bill was subsequently vetoed by the Governor and, after the veto, I guess there were a lot of people who felt that maybe they had gone too far in their positions. I guess both parties were quite sorry as to what happened on that bill involving the University of Maine and, as a result, after we fought quite hard to put the bill through, we were approached in the Judiciary Committee to include the legislation in the omnibus bill, which was done. All parties, I guess, had seen the light and realized that the University of Maine had to have some authority for police powers in the area of enforcement of motor vehicle violations.

Now, I agree perhaps with Senator Brennan in substance. He has no opposition to giving them the authority to pass regulations with the force of law relative to the grounds, but let me ask you: you can make all the laws you want to, but unless you have somebody authorized to enforce these laws, what good are they?

So the M.V.T.I. is asking for the authority to be able to grant police powers to the people that they hire only for the grounds that they cover. Now, they have approximately 60 acres of grounds in South Portland, and they have got all kinds of narrow streets and byways, and kids with cars on the grounds and people at night, and there is no way whatsoever that they can stop these individuals, arrest them, and summons them to court. They have no laws, first of all, regulating traffic or speed on their grounds. Secondly, they have no one there who has the authority to enforce these laws. So I feel this is definitely needed legislation.

I would like to read a letter to you which I received from Mr. Greer of the Southern Maine Vocational Institute, as least parts of

it. Mr. Greer says: "As with any institution, business or industry that is located in an urban, built-up location, we have had our problems with traffic. We were simply asking in the bill for the authority to enforce movement or parking vehicle regulations similar to what are now in effect at the private college and University campuses.

"We enjoy an excellent relationship with the South Portland police department, but they cannot be expected to adequately cover the approximately 60 acres of state property. Whether we use for this coverage state personnel, contract personnel or constables, each will need the authority to enforce the rules or regulations. The old fort roads are narrow and must be kept open for fire exits. Numerous instances of vandalism, thievery, breaking and entering, pilferage and hot-rodding also require us to have all the coverage that our budget will allow.

"A student-faculty safety committee endorses this bill, as does the Department of Educational and Cultural Services, in its amended form. I hope that the committee does recommend move for passage.

"I will be very happy to supply any additional information that is needed. My thanks for your consideration. John S. Greer, Director."

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that Bill, "An Act Relating to Appointment of Persons to Act as Policemen on Property of the Vocational-Technical Institutes", be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I was waiting a decent interval hoping that Senator Brennan from Cumberland would have listened to the good words of Senator Tanous from Penobscot and withdrawn his motion. However, in view of the fact that he hasn't, I would request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, I would like to direct an inquiry to any member of the committee who would like to answer. If this has been checked with the Attorney General's office on the constitutionality of it, is not there a conflict with local ordinances? Most local ordinances, as I know them, right now give that power to appoint policemen or a constable to do private functions such as what is being asked here. This would have to go through the local committee, either town committee or city council. I am just wondering if there is a conflict with the local ordinances?

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

Mr. TANOUS: Mr. President and Members of the Senate: In answer to Senator Cyr of Aroostook's question, no, there is no conflict with local authority or statute relative to this area.

He raised a pertinent point though relative to constables. The city of South Portland could swear in these people as constables, but the City of South Portland doesn't want to because there are legal implications involved for the employees of the City of South Portland. They then become responsible because they are the ones that swore them in as constables, and they indirectly become an employee of the City of South Portland.

Incidentally, the City of South Portland Police Department, through its representative, Mr. Perkins, has endorsed this legislation, or don't have any objections to it, I might add.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: If this is so then what the good Senator from Penobscot, Senator Tanous, is saying is that this is a local problem in South Portland that has been created in that area. If we

do approve this, aren't we opening the door for further widening of this conflict?

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that Bill, "An Act Relating to Appointment of Persons to Act as Policemen on Property of the Vocational-Technical Institutes," be indefinitely postponed.

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I would like to pose a question through the Chair, if I may, to the good Senator from Penobscot, Senator Tanous: Would he please explain to the members of the Senate what training these policemen or special, whatever we call them, have prior to taking the job?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair which the Senator from Penobscot, Senator Tanous, may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I would imagine Senator Conley's question perhaps raises some doubts as to who they will hire, but I would assume that the State of Maine, at least an institution of the State of Maine, with such competent people as Mr. Greer that the individuals they would retain for this capacity to be employed as officers would certainly have the qualifications needed of them. This is my feeling, and I would completely feel that they would be entrusted with the authority which was granted them and carry it out in good faith.

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

Mr. CONLEY: Mr. President and Members of the Senate: I hold the very same fears for expanding police powers to particularly a group such as this, and I think the good Senator from Aroostook, Senator Cyr, has certainly raised a valid question.

Twice a month on our local council agenda we always have appointments or approval of licenses for special policemen. We grant these permits, but we grant them only on the basis that they are not allowed to carry guns. I am telling you, after seeing what I have seen with what we call trained policemen in this state when it comes to handling weapons, I certainly would hold my breath twice before I could vote for something like this.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Just briefly, I want to comment on the question of the very eloquent Senator from Cumberland, Senator Conley, because he has been especially eloquent here this morning, in reference to his question. It should be categorically answered that these people require absolutely no training.

Secondly, I am for law enforcement at the Vocational Technical Institutes, and I would support a bill to permit the Vocational Technical Institutes to hire their own people and become state employees so that the state could screen these people and we could set some standards. But again, I very vigorously oppose turning this over to the private sector where there is no quality control whatsoever. Again, I hope you would support the motion to indefinitely postpone this.

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

Mr. BERRY: Mr. President and Members of the Senate: The tenor of this debate reminds me very much of the one that we had of the University of Maine police two years ago; the same actors are

participating and they are saying the same words exactly. I just recall to the members of this Senate's memories the words of Senator Tanous as to what the subsequent story was.

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

Mr. CONLEY: Mr. President and Members of the Senate: I can recall only too vividly in the last session the debate that took place on this particular item. The wording in the bill at that time was contiguous streets and highways. They have not used the same language — I don't know; I haven't had an opportunity — but apparently, to settle any question in my mind, it certainly appears from the debate here this morning that that is what is going to be allowed; that once they take into pursuit, there they go; sixteen counties are wide open.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that Bill, "An Act Relating to Appointment of Persons to Act as Policemen on Property of the Vocational-Technical Institutes," be indefinitely postponed. A roll call has been ordered. 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 Aldrich, Anderson, Brennan, Clifford, Conley, Cyr, Danton, Kelley, Marcotte.

NAYS: Senators Berry, Cox, Cummings, Fortier, Graffam, Greeley, Hichens, Huber, Joly, Minkowsky, Morrell, Olfene, Peabody, Richardson Roberts, Sewall, Shute, Speers, Tanous, Wyman, MacLeod.

ABSENT: — Senators Cianchette, Katz, Schulten.

A roll call was had. Nine Senators having voted in the affirmative, and 21 Senators having voted in the negative, with three Senators being absent, the motion to Indefinitely Postpone did not prevail.

Thereupon, the Majority Ought to Pass as Amended 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.

#### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Repealing the Statute Authorizing a Civil Action for Alienation of Affections." (H. P. 1136) (L. D. 1471)

Reported that the same Ought to Pass in New Draft under New Title "An Act Relating to Civil Action for Alienation of Affections." (H. P. 1455) (L. D. 1876)

Signed:

Senators:

TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN of Cumberland

Representatives:

WHITE of Guilford  
WHEELER of Portland  
KILROY of Portland  
DUNLEAVY

of Presque Isle  
PERKINS

of South Portland  
BAKER of Orrington

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

Signed:

Representatives:

HENLEY of Norway  
CARRIER of Westbrook  
GAUTHIER of Sanford

Comes from the House, the Majority report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed.

Which reports were Read.

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

#### Senate

##### Leave to Withdraw

Mr. Brennan for the Committee on Judiciary on Bill, "An Act Relating to Retirement of Justices of the Supreme Judicial Court, the Superior Court and Judges of the

District Court." (S. P. 163) (L. D. 418)

Reported that the same be granted Leave to Withdraw.

Mr. Brennan for the Committee on Judiciary on Bill, "An Act Relating to Limitation of Exclusion or Modification of Warranties on Consumer Goods." (S. P. 314) (L. D. 980)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.

Sent down for concurrence.

##### Ought to Pass

Mr. Aldrich for the Committee on Legal Affairs on Bill, "An Act to Clarify the Notice Procedure on Decisions of Zoning Board of Appeals." (S. P. 321) (L. D. 988)

Reported that the same Ought to Pass.

Mr. Joly for the Committee on Legal Affairs on Resolve, Designating Seaplane Base on Lake Maranacook, Town of Winthrop, as "Richard D. Varney Seaplane Base". (S. P. 489) (L. D. 1555)

Reported that the same Ought to Pass.

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

##### Ought to Pass — As Amended

Mr. Roberts for the Committee on Legal Affairs on Bill, "An Act Relating to Displaying of Fireworks at Blue Hill Fair Grounds on Sunday." (S. P. 405) (L. D. 1207)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-92).

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

Mr. Joly for the Committee on Legal Affairs on Bill, "An Act Repealing the York Beach Village Corporation and the York Harbor Village Corporation." (S. P. 47) (L. D. 104)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-93).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted and under suspension of the rules, the Bill, as Amended, given its Second Reading.

Mr. Joly of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-96, was Read.

Thereupon on motion by Mr. Hichens of York, tabled and Tomorrow Assigned pending Adoption of Senate Amendment "A".

### Second Readers

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

#### House

Bill, "An Act Relating to Committees on Status of Women, Children and Youth, and the Aged." (H. P. 392) (L. D. 521)

Bill, "An Act Authorizing City of Portland to Levy Local Assessments for Snow Removal on Sidewalks." (H. P. 738) (L. D. 941)

Bill, "An Act Relating to Utility Promotion and Advertising Expenses." (H. P. 1450) (L. D. 1870)

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

#### House — As Amended

Bill, "An Act Providing for Voluntary Continuance of Residence at Juvenile Institutions and the Military and Naval Children's Home for Program Completion Beyond the Age of 18 Years." (H. P. 347) (L. D. 462)

Bill, "An Act to Increase Fees for Motor Vehicle Inspection." (H. P. 625) (L. D. 823)

Bill, "An Act Relating to Deceptive Price Comparison Advertising under Uniform Deceptive Trade Practices Act." (H. P. 1057) (L. D. 1381)

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

Bill, "An Act to Amend the Charter of the Freeport Sewer District." (H. P. 783) (L. D. 1020)

Bill, "An Act Relating to Vacation and Sick Leave Pay for County Employees." (H. P. 890) (L. D. 1177)

(On motion by Mr. Minkowsky of Androscoggin tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

Bill, "An Act to Exempt Houseparents at Boys Training Center from Law Dealing with Housing and Food Supplies Furnished by State Departments." (H. P. 1025) (L. D. 1347)

Bill, "An Act Increasing Indebtedness of Eagle Lake Water and Sewer District." (H. P. 1116) (L. D. 1452)

Bill, "An Act Changing the Form of Notice of the Department of Health and Welfare to Municipalities of Recipients of Public Assistance." (H. P. 1447) (L. D. 1867)

Resolution, Proposing an Amendment to the Constitution Providing for Early Inauguration of the Governor. (H. P. 1001) (L. D. 1326)

(On motion by Mr. Speers of Kennebec, tabled and Specially Assigned for May 2, 1973, Pending Passage to be Engrossed.)

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

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

Bill, "An Act Relating to Deceptive Price Comparison Advertising under Uniform Deceptive Trade Practices Act." (H. P. 1057) (L. D. 1381)

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

Senate Amendment "A", Filing No. S-95, was Read.

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

Mr. COX: Mr. President and Members of the Senate: The purpose of this bill is to prohibit deceptive price comparison. Many people in the State of Maine are now doing that, using duplicate prices: one for the actual selling price and one for the so-called



retail price. If deceptive retail prices are not used, there is no basis for action. L. D. 1381 gives the individual businessman the power to bring a complaint against the violator of the law through action by his attorney. This action by the businessman, in effect, gives protection to the consumer and makes effective the laws already on the books but not presently being enforced.

The only penalty involved is that reasonable attorney's fee for the complainant in cases of willful violation only be awarded and that illegal advertising cease. This is all that I feel is necessary to set things right.

The proposed amendment was discussed with the Business Legislation Committee and was voted unanimously not to accept. Apparently the good Senator was absent that day. Since some manufacturer's aid and abet the deceptive price practice because they have more than one retail price on an individual article, I have to oppose this amendment, and I request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from York, Senator Marcotte.

Mr. MARCOTTE: Mr. President and Members of the Senate: In explanation of this amendment, the only thing that it really does is that it allows the retail merchandiser, the merchant, to come up with the suggested manufacturer's retail price as opposed to his offering price so that the people, the consumer, can then make a comparison. This is all that it basically does.

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

Mr. SPEERS: Mr. President and Members of the Senate: This act is talking about price comparison, and the good Senator from York, Senator Marcotte, mentioned that. His amendment merely state that the individual can compare the price that a retail outlet offers the item with the suggested manufacturers retail price. I would suggest, however, that such a comparison would be meaningless because if

prices he may be led to believe that he is going to save, let us say, \$50, but if the stores in the same trading area are offering a particular item as well at substantially less than the suggested manufacturer's retail price, then that individual isn't actually saving \$50; he is only saving the difference between that low price and the price set by other stores in that actual trading area. So to that extent, I feel that the price comparison practice that is going on at the present time is somewhat deceptive.

I don't believe that this amendment would correct that problem because the manufacturer's suggested retail price can be set at anything by the manufacturer and has no relation really to the prevailing price in a particular trading area. Therefore, Mr. President, I would move the indefinite postponement of this amendment and would ask for a division.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that Senate Amendment "A" be indefinitely postponed and asks for a division.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: The original bill, it seems to me, is directed specifically at those retailers who use a catalog because it prohibits any price comparisons unless the retailer can establish that he has sold a substantial number of sales within a thirty-day period immediately prior to when the two prices are indicated. These catalogs are printed months in advance, and it really results in an inability of these retailers to use the catalogs — catalogs which have been a tremendous convenience to the public, so that it seems to me what the amendment does is merely allow the catalogs to continue, and it just insures that the retail price in the catalog is in fact not a deceptive price but the price suggested by the manufacturer.

It seems to me that the amendment is in order, and that the bill itself really is directed

against those businesses using the catalogs and would really prevent any kind of price comparison which, it seems to me, would be restricting the options of the consumer.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would like to answer the good Senator from Androscoggin, Senator Clifford, in that this particular bill would not in any way outlaw the use of catalogs. We would still have the ability to use catalogs. What it would do, it would require a catalog to state one specific price, and that price is the one price at which individuals may go to a store and buy the particular item.

The problem with having comparative prices listed in the catalog is that an individual will be led to believe he is saving considerably more money by shopping at this one particular place than he is actually saving. He may very well be saving some money. If the suggested retail price is \$50, and the particular store is offering that item at \$20, then by looking at those two prices the individual would be led to believe that he is going to save \$30. But if the stores in the same area are offering that item at, say \$40, the individual still may be saving money, but he is only saving \$20, not the \$30 he is led to believe that he is saving. So that is the issue really that we are faced with.

It is in no way going to affect the distribution of catalogs. What it is going to affect is the kind of pricing that may be included in those catalogs. I think the good Senator is probably correct in that it will do away with this comparative pricing. I think what the effect will be is that the catalog will state one particular price, and the shopper can use that price to compare with other stores in the trading area.

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

Mr. COX: Mr. President and Members of the Senate: My understanding is totally different from the good Senator from Kennebec,

Senator Speers. This bill, in my understanding, is not geared at catalog companies, on the one hand; it is geared at any companies that have deceptive practices. Furthermore, it does not do away with the duplicate pricing. All the bill intended is that the retail price that is listed not be deceptive and again, I repeat, some manufacturers have more than one suggested retail price for one article, and that is why I oppose the amendment.

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

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

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Speers, that Senate Amendment "A" 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 Cox, Morrell, Peabody, Sewall, Speers, Tanous, Wyman, MacLeod.

NAYS: Senators Aldrich, Anderson, Berry, Brennan, Clifford, Conley, Cummings, Cyr, Danton, Fortier, Graffam, Greeley, Hichens, Huber, Joly, Kelley, Marcotte, Minkowsky, Olfene, Richardson, Roberts, Shute.

ABSENT: Senators Cianchette, Katz, Schulten.

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 to Indefinitely Postpone Senate Amendment "A" did not prevail.

Thereupon, Senate Amendment "A" was Adopted.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

#### Senate

Bill, "An Act Amending the Municipal Industrial and Recreational Obligations Act." (S. P. 236) (L. D. 687)

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

Sent down for concurrence.

#### Senate — as Amended

Bill, "An Act to Provide Hospital Administrators under the Department of Mental Health and Corrections." (S. P. 3) (L. D. 30)

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

Sent down for concurrence.

#### Enactors

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

An Act Relating to Competitive Bids and Fair Minimum Wages for Construction of Public Improvements. (S. P. 388) (L. D. 1134)

An Act to Establish a State Veterans Home. (S. P. 436) (L. D. 1340)

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

An Act Establishing the Maine Training Fund. (S. P. 587) (L. D. 1805)

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

An Act to Exempt Sales to Institutionalized Persons from the Sales Tax. (H. P. 426) (L. D. 575)

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

An Act Repealing the Distribution of the Railroad Tax. (H. P. 552) (L. D. 733)

An Act to Prohibit Interference with Signaling or Safety Devices used for Work on Public Ways. (H. P. 705) (L. D. 910)

An Act Authorizing Games of Chance at Agricultural Fairs. (H. P. 714) (L. D. 920)

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

An Act Relating to Motorcycle or Motor Driven Cycle Learner's Permit. (H. P. 949) (L. D. 1246)

An Act Relating to Organization of Unincorporated Townships. (H. P. 993) (L. D. 1313)

An Act Relating to Wild Animals in Captivity. (H. P. 1024) (L. D. 1346)

An Act to Create a Commission to Prepare a Revision of the Probate Laws and the Administration Thereof. (H. P. 1045) (L. D. 1373)

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

An Act Providing for Group Insurance for National Guardsmen Called up to State Active Duty. (H. P. 1131) (L. D. 1466)

An Act Providing Funds for Fishway on the Kennebec River. (H. P. 1193) (L. D. 1544)

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

An Act Relating to Delinquent Dog Taxes. (H. P. 1208) (L. D. 1560)

An Act to Raise the Classification of Certain Surface Waters in the Town of Scarborough. (H. P. 1423) (L. D. 1747)

An Act to Validate Land Title in the Wildlands. (H. P. 1436) (L. D. 1794)

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

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

An Act Authorizing Games of Chance at Agricultural Fairs. (H. P. 714) (L. D. 920)

Mr. Hichens of York then moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

Mr. PEABODY: Mr. President and Members of the Senate: I oppose my good friend, Senator Hichens from York, and I ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I spoke on this L. D. quite extensively when it was first brought to our attention. I would just like to review the statement of fact: "It has been traditional since ancient days to permit games of chance of limited amount at fairs. A strict application of present law, without this amendment, prohibits any such games, no matter how small the amount wagered. In effect, this legislation would only legalize conduct which has been carried on with overwhelming public approval and participation."

Again, I would re-emphasize my statements before that we are now just trying to legalize something that has been against the law all of these many years. It has been brought to our attention in several bills this year that when someone breaks the law the best way to get around it is to make it legal so they won't be breaking that law any more.

With these youngsters here in the auditorium today, I think I would also re-emphasize the fact that these are the young people that are going to be taken advantage of. We have a limit of twenty-five cents as the amount that can be wagered but these youngsters, as I have said before, go to a fair with five or ten dollars in their pocket to have a good time riding on the different attractions there, have money to buy popcorn, hot dogs and so forth, but yet as they walk down the midway somebody reaches out and grabs them and says "Here, put a quarter down, I will spin the wheel, and you will double your money or win a prize." Before they know it, the youngsters are fleeced of their money and they spend the rest of the afternoon looking enviously at everyone else riding on the attractions and buying their things to eat, and they have to go home thwarted.

I think this is just another opportunity for these gamblers to make more money at the expense of the

young people of our state. So I will request a roll call please.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that Bill, An Act Authorizing Games of Chance at Agricultural Fairs, 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, Conley, Cox, Cummings, Graffam, Greeley, Hichens, Olfene, Shute, Tanous, Wyman, MacLeod.

NAYS: Senators Aldrich, Berry, Brennan, Clifford, Cyr, Danton, Fortier, Huber, Joly, Kelley, Marcotte, Minkowsky, Morrell, Peabody, Richardson, Roberts, Sewall, Speers.

ABSENT: Senators Cianchette, Katz, Schulten.

A roll call was had. 12 Senators having voted in the affirmative, and 18 Senators having voted in the negative, with three Senators being absent, the motion to Indefinitely Postpone 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.

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Resolve, to Reimburse Mrs. Wellington E. Fifield of Patten for Payment of Malt Liquor License. (H. P. 1214) (L. D. 1565)

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

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Resolve, Authorizing Conveyance of State Land and Easements to City of South Portland for Sewage

Collection and Treatment Project. (H. P. 941) (L. D. 1237)

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

Resolve, to Reimburse Bass Shoe Employees Federal Credit Union for Damage to Property by Escapees of Women's Correctional Center. (H. P. 1036) (L. D. 1361)

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

### Emergency

An Act Reducing Tax on Pari-Mutuel Pools. (H. P. 898) (L. D. 1186)

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

### Emergency

An Act Relating to Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park. (H. P. 1072) (L. D. 1397)

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

Mr. GREELEY: Mr. President, this bill involves \$20,000 for a pair of bridges in Baxter State Park. There is an emergency clause on the bill, and the reason for that is so the money will be available this spring. I move enactment of this bill.

Thereupon, 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.

### Emergency

An Act Relating to Additional Roads on Indian Reservations at Pleasant Point and Indian Township. (H. P. 1141) (L. D. 1476)

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

Mr. GREELEY: Mr. President and Members of the Senate: This bill involves building roads down in Pleasant Point and Peter Dana Point in Washington County. There

are federal funds set up for \$440,000 for a community building, \$1,783,000 for housing, and \$300,000 for water and sewage at Pleasant Point. There are also federal funds set up at Peter Dana Point for housing in the amount of \$1,032,000, and water and sewerage in the amount of \$262,100. Now, this is a tentative situation, and to get final approval we have got to have the enactment of this bill to build these roads. There is \$195,000 involved.

I move enactment of this bill.

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

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

### Orders of the Day

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

House Reports — from the Committee on Education — Bill, "An Act Relating to School District Reorganization." (H. P. 1076) (L. D. 1398) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — April 24, 1973 by Senator Minkowsky of Androscoggin.

Pending — Acceptance of Either Report.

On motion by Mr. Minkowsky of Androscoggin, the Bill was Indefinitely Postponed in concurrence.

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

Bill, "An Act Relating to Railroad Crossings." (H. P. 815) (L. D. 1082)

Tabled — April 24, 1973 by Senator Clifford of Androscoggin.

Pending — Passage to be Engrossed.

Mr. Clifford of Androscoggin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A". Filing No. S-94, was Read and Adopted and the Bill, as Amended Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

**Papers from the House**

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

**House Paper**

Bill "An Act to Validate and Amend the Charter of the Kennebec Sanitary Treatment District."  
(H. P. 1457)

Comes from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which was referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.