

# 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, May 2, 1973

Senate called to order by the President.

Prayer by the Rev. Ralph W. Rudolph of Auburn.

Reading of the Journal of yesterday.

**Second Reader**

Out of order and under suspension of the rules, on motion by Mr. Cianchette of Somerset, the Senate voted to take up the following matter:

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

Bill, "An Act to Validate and Amend the Charter of the Kennebec Sanitary Treatment District." (H. P. 1457) (L. D. 1884)

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

Thereupon, under further suspension of the rules, sent forthwith to the Engrossing Department.

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

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

In the House April 12, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (H-198).

In the Senate April 27, 1973, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Katz of Kennebec then moved that the Senate Recede and Concur.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: This bill, the title of which is "An Act Relating to Deceptive Price Comparison Advertising under Uniform Deceptive Trade Practices Act", is under the guise of a consumer bill but, Mr. President and Members of the Senate, the real purpose of it is, or the result of it is

a discriminatory bill. It is aimed at price comparisons, at outlawing certain price comparisons, but it doesn't outlaw all price comparisons.

What it does, really, is just effectively prevent price comparisons from being sent in a catalog which is printed far in advance, and it is discriminatory.

In just this morning's papers which I received at home and in Augusta, Mr. President and Members of the Senate, there is a sheet from the K-Mart which has price comparisons in it: regular price 68 cents, sales price 34 cents. This runs all through this little hand-out sheet. Also in the Lewiston Daily Sun there was an advertisement from Cottle's Food Center on Staff foods which was full of price comparisons. And I noticed in the Portland Paper this morning, Mr. President, from Porteous, Mitchell & Braun, one of the chief proponents of this bill, that their ad is full of price comparisons: regular \$16, now \$12.99; regular \$15, now \$11.99. Now they, under the bill, would still be able to have price comparisons because the bill allows price comparisons if you can come up with a comparable price in a 60-day period.

But the catalog situation, Mr. President and Members of the Senate, is different, because it is printed so far in advance that it would effectively outlaw any and all price comparisons in a catalog system. That is why, Mr. President, I maintain this is a discriminatory bill, that it is aimed not at helping out the consumer, but at helping out one retailer at the expense of another, and I would urge that the vote be against the motion to recede and concur. Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I was not present in the Senate when this was debated last week, but I would like to take issue with some of the remarks made during that debate and some of the remarks made this morning by the good

Senator from Androscoggin, Senator Clifford.

The bill would not outlaw price comparison. It would not put any burden on any retailer in the State of Maine, except at that point where the retailer is using fraudulent price comparison. That is literally true. You know, when you go into a store and you see a ticket on a piece of merchandise that says \$125, and the article is being offered for sale for \$79, you can ask yourself whether it is a legitimate deduction or not. What this bill say, in effect, is that if you advertise something like that you must be prepared to sustain the fact that the so-called original price was a bona fide original price.

I am in retailing and, just as the members of the bar who are present in this chamber are deeply conscious of the need constantly to upgrade the ethics and the morality within their profession, so the retail profession seeks to upgrade the morality and the importance of integrity in the retail business.

I can assure this Senate that this bill does only one thing. And I call to your attention that Senator Cox from Penobscot has a very, very hard-nosed committee this year — and I pay tribute to the gentleman for being able to run a committee with thirteen diverse points of view — and the committee was unanimous Ought to Pass on this bill.

What is happening, of course, is an attempt to overturn a unanimous committee report, but I can assure you that what this bill does, and all this bill does, is say to the consumer that we will attempt to protect you against any retailer or any manufacturer who fraudulently tries to give an impression of value where that value does not exist. That is all it does. If it discriminates, it discriminates only against the merchandiser who uses unfair, illegal, and overly enthusiastic comparisons that have no basis in fact. And anyone who says it does any more than that is either uninformed about the retail business or has tunnel vision on this particular problem. It is a consumer bill purely and simply

and, insofar as a catalog is concerned, price comparisons will continue to be used in comparisons, but the people who print the catalog will be as scrupulous in the price comparisons they make as they should be.

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

Mr. JOLY: Mr. President and Members of the Senate: This bill has troubled me a great deal and I sympathize with both sides, but I would like to suggest that, should the bill be passed as it originally came out of committee, it might be in the sense of fair play to have an amendment on it that it wouldn't be effective until a year from this fall.

I say this because it is my understanding that the catalog has been printed by the company that is being talked about here; it is in the printing house. It will be out this early fall and it will be effective for a year. If they can't use this book, we are talking about a cost, from what I understand, of \$350,000. This has been going on for some time, and whether another year would be that bad, I really think, in view of the fact of what it is costing them, it might be wise to do that. I just throw that out for a suggestion.

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

Mr. KATZ: Mr. President, that is an excellent suggestion, and I would support a tabling motion until tomorrow to permit us to change the effective date on that.

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

Thereupon, on motion by Mr. Joly of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Katz of Kennebec that the Senate Recede and Concur.

#### Non-concurrent Matter

Bill, "An Act to Appropriate Funds for the Purpose of Creating an Office of Off-reservation Indian Development within the Department of Indian Affairs." (H. P. 976) (L. D. 1290)

In the Senate April 4, 1973, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-306), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

#### **Non-concurrent Matter**

Bill, "An Act to Authorize Eleven New Regions and Central Aroostook County Region for Vocational Education." (S. P. 110) (L. D. 255)

In the Senate April 4, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-56).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-239), "B" (H-240), "C" (H-297), "D" (H-298), and Committee Amendment "A" (S-56), as Amended by House Amendment "A" Thereto (H-242), in non-concurrence.

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

Mr. KATZ: Mr. President, I know the Senate is fully aware of the implications of these amendments, but I would move that the Senate recede and concur, and then perhaps I might explain briefly some of the implications.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate recede and concur with the House.

The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: Several years ago, right at the point where the state was expanding its capacity to offer undergraduate or secondary vocational education, the legislature decided to freeze any further expansion of the programs. The reason we agreed to freeze it was because we weren't quite certain in what direction we were going. And during the so-called moratorium we instructed a committee to draw up a series of proposals for meeting the needs of the rest of the state, and that is what this bill does. It seeks to meet the needs of those areas of the state which did not have vocational schools prior to the moratorium.

You will notice the title says "Eleven New Regions and Central

Aroostook County Region." I hasten to assure you that this is no private little deal for central Aroostook, which in the past has flexed its political muscles. Actually, central Aroostook had previously been authorized, so it was necessary just to incorporate the name.

If you are interested to make a note of a few of these things, it might expedite the passage of this bill, which was tabled six times in the other body.

House Amendment 239 involves the municipal offices in the original negotiation in the formation of the district and, although this might be a little cumbersome, it was felt that in the process of involving the political community it would make the future of the bill a little bit better.

House Amendment 240 provides for an annual review of the budgets.

Amendment 297 provides that membership on the cooperative board will be based on population, with one community having no more than fifty percent of the total number.

Amendment 298 involves a referendum on any bond issue for future construction.

Amendment 242 picks up an inconsistency that existed in the Senate amendment.

I am confident the bill is going to be in front of us for a couple of days, and I would hold myself ready to answer any questions. The sponsor of the legislation, Senator Cyr, of course, is deeply familiar with all the provisions of the bill, and he too would hold himself ready. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate to recede and concur with the House?

The motion prevailed.

#### **Joint Order**

WHEREAS, the Legislature processes a number of small claims during the course of each regular session; and

WHEREAS, a substantial amount of time, effort and funds are presently required for this process which, at times, exceeds the amount claimed; and

WHEREAS, this system of redress is in need of change for the

sake of expediency and economy of both claimant and state; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and directed to study the manner and costs involved by which the Legislature presently processes claims for the purpose of determining whether or not it is in the best interests of the State to establish a claims commission or other process to adjudicate all claims or those up to certain amounts; and be it further

ORDERED, that the office of the Attorney General be called upon to assist the committee in devising such procedures in light of statutory, constitutional and other requirements of law; and be it further

ORDERED, that the committee report the results of its findings, together with all necessary recommendations and implementing legislation or rules at the next regular session of the Legislature. (H. P. 1469)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. TANOUS: Mr. President and Members of the Senate: In reading over the order before us, I note that it deals with a subject matter that has been close to my heart for some four years.

At the last session I submitted a claims commission bill, which was heard by the Judiciary Committee and received a unanimous report from that committee. Unfortunately, it died on the Appropriations Table in the waning days of the session.

I again presented this bill and it was referred to the Judiciary Committee again for a public hearing. Seeing the encounter that I had at the last session, I re-referred the bill to the Committee on Appropriations so that they might hear the merits of this particular bill that I have.

It has had research, it has been studied, and I personally feel that this bill is designed for the needs of the State of Maine. It would

handle all of these claims that are presently before the various committees, especially the Legal Affairs Committee. It would do away with having to submit this legislation before us which encounters many hours of time. It would be a great time-saver, and I would hope that particular bill would be enacted at this session.

For that reason, I think that some thought should be given to this joint order before it is passed.

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

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

### House Paper

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

### Communication

State of Maine

House of Representatives

Augusta Maine 04330

May 1, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

The House today voted to Adhere to its action on the following matter:

JOINT RESOLUTION in Support of the National Guard. (S. P. 600)

Respectfully,

E. LOUISE LINCOLN, Clerk

House of Representatives

Which was Read and Ordered Placed on File.

### Committee Reports

#### House

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

Bill, "An Act Providing a Full-time Office for Registration and Licenses for Operation of Motor Vehicles in the Town of Lincoln." (H. P. 87) (L. D. 107)

Bill, "An Act Proving a Full-time Office for Registration and Licenses for Operation of Motor

Vehicles in the Town of Madawas-ka." (H. P. 98) (L. D. 119)

Bill, "An Act Providing a Full-time Office for Registration and Licenses for Operation of Motor Vehicles in the Town of Machias." (H. P. 123) (L. D. 147)

Bill, "An Act Providing a Full-time Office for Registration and Licenses for Operation of Motor Vehicles in the Town of Livermore Falls." (H. P. 148) (L. D. 181)

Bill, "An Act Providing a Full-time Office in the Town of Skowhegan for Registration and Licenses for Operation of Motor Vehicles." (H. P. 367) (L. D. 482)

Bill, "An Act Providing a Full-time Office in Farmington for Registration and Licenses for Operation of Motor Vehicles." (H. P. 425) (L. D. 574)

Bill, "An Act Providing a Full-time Office in the Town of Sanford for Registration and Licenses for Operation of Motor Vehicles." (H. P. 506) (L. D. 671)

Bill, "An Act Providing a Full-time Office in the Town of Fort Kent for Registration and Licenses for Operation of Motor Vehicles." (H. P. 524) (L. D. 706)

Bill, "An Act Providing a Full-time Office for Registration and Licences for Operation of Motor Vehicles in the Town of Millinocket." (H. P. 74) (L. D. 87)

Bill, "An Act Relating to Credit for Merchant Marine Service Under Retirement Law." (H. P. 1008) (L. D. 1322)

Resolve, Increasing Retirement Benefit of Charles S. Allen of Portland. (H. P. 1287) (L. D. 1248)

Bill, "An Act Relating to Out-of-State Service Under State Retirement System." (H. P. 951) (L. D. 1248)

Bill, "An Act Relating to Definition of Out-of-State Service under State Retirement System." (H. P. 873) (L. D. 1161)

Bill, "An Act Prohibiting the Digging of Bloodworms and Sandworms on Sunday." (H. P. 917) (L. D. 1217)

Bill, "An Act Limiting the Number of Lobster Traps Per Person in York County." (H. P. 233) L. D. 314)

### Leave to Withdraw

The Committee on Marine Resources on, Bill, "An Act to Repeal the Oversize Lobster Law." (H. P. 997) (L. D. 1316)

Reported that the same be granted Leave to Withdraw.

The Committee on Marine Resources, on, Bill, "An Act to Increase the Minimum Size of Lobsters 1/16 of an Inch for 5 Consecutive Years." (H. P. 999) (L. D. 1318)

Reported that the same be granted Leave to Withdraw.

The Committee on Marine Resources on, Bill, "An Act to Allow Coastal Wardens to Inspect Licenses." (H. P. 1215) (L. D. 1566)

Reported that the same be granted Leave to Withdraw.

The Committee on Marine Resources on, Bill, "An Act to Prohibit Lobster Fishing on Saturday During June, July and August." (H. P. 1108) (L. D. 1444)

Reported that the same be granted Leave to Withdraw.

The Committee on Marine Resources on, Bill, "An Act Relating to Use of the Lobster Fund." (H. P. 127) (L. D. 151)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on, Bill, "An Act Relating to Name of Maine Centre Courts." (H. P. 1292) (L. D. 1680)

Reported that the same be granted Leave to Withdraw.

The Committee on Marine Resources on Bill, "An Act Relating to Various Aspects of the Lobster Fisheries." (H. P. 1329) (L. D. 1753)

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.

### Change of Reference

The Committee on State Government on,

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Indian Representatives to the Legislature. (H. P. 214) (L. D. 287)

Reported that the same be referred to the Committee on Human Resources.

Comes from the House, the Bill substituted for the report and the Bill Recommended to the Committee on State Government.

Which was Read.

On motion by Mr. Speers of Kennebec, the Committee Report was Accepted in non-concurrence.

Sent down for concurrence.

#### **Ought to Pass — As Amended**

The Committee on Transportation on Resolve, Designating Augusta Bridge as "Father John J. Curran Bridge." (H. P. 1050) (L. D. 1369)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-292).

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

Which report was Read and Accepted in concurrence and the Resolve Read Once.

Committee Amendment "A" was Read.

Mr. Berry of Cumberland then moved that Committee Amendment "A" be Indefinitely Postponed.

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

Mr. CIANCHETTE: Mr. President, I would like to ask through the Chair the reason the Senator would have for indefinitely postponing the amendment, if he would care to answer.

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

Mr. BERRY: Mr. President and Members of the Senate: The size of the budget of the State Highway Department escapes me, but I think it is up into nine figures to the left of the decimal point, and they refuse to pay for the plaque that is going to say the Augusta bridge is the Father John J. Curran Bridge and maintain it. I am a great friend of Father Curran's, and I think the principle here is merely that I think the Highway Commission can afford to do this small item.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I appreciate the remarks of the Senator from Cumberland, Senator Berry, but you see, this is just one of thousands of requests for the Department of Transportation to do things.

The Transportation Committee, I am sure, voted unanimously to name this bridge the Father Curran Bridge after a great deal of support for that, and we were assured in the committee that if the amendment were adopted that the plaque would be going on the bridge and it would be taken care of on the local level. And I think it would be a better tribute to Father Curran if the people participated, rather than the policy be broken. So I would ask that you vote against the motion.

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

Mr. KATZ: Mr. President and Members of the Senate: The love and affection I feel for Father Curran should come as no surprise to many members of this body. He is one of the truly outstanding men whose influence has touched my life.

Sitting between the proponents and the opponents, perhaps I can solve it by saying that I personally would be very, very pleased to donate this plaque that would be put on the bridge in honor of Father Curran, and let's let the matter sit there.

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

Mr. GREELEY: Mr. President and Members of the Senate: We are just following the policy on all other bridges, and the people that put this plaque on have the right to designate what is going to be on that plaque. If the Department of Transportation put the plaque on, it is hard to tell what would be on the plaque.

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

Mr. BERRY: Mr. President, after this illuminating debate, I withdraw my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, withdraws his motion to indefinitely postpone Committee Amendment "A". Is it now the pleasure of the Senate to adopt Committee Amendment "A"?

Thereupon, Committee Amendment "A" was Adopted in concurrence and the Resolve, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on, Bill, "An Act to Revise the Maine Insurance Code as related to Separate Accounts Established by Insurance Companies." (H. P. 870) (L. D. 1158)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-291).

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

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

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Boundaries of Ocean Park Game and Bird Sanctuary." (H. P. 346) (L. D. 461)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-272).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-296).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and, on motion by Mr. Anderson of Hancock, Indefinitely Postponed in concurrence.

House Amendment "B" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

The Committee on Fisheries and Wildlife on, Bill, "An Act to Regulate the Size of Shotgun Shells for Hunting." (H. P. 1268) (L. D. 1643)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Regulate the Size of Shot in Shotgun Shells for Waterfowl Hunting." (H. P. 1466) (L. D. 1891).

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.

The Committee on State Government on, Bill, "An Act to Consolidate the State Harness Racing Commission and the State Running Horse Racing Commission." (H. P. 716) (L. D. 922)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Repeal the Compensation for the State Running Horse Racing Commission." (H. P. 1464) (L. D. 1889)

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-301).

Which report was Read and Accepted in concurrence and the Bill in New Draft Read Once. House Amendment "A" was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: This bill, as it was originally presented to the Committee on State Government, would have transferred the powers or duties of the Running Horse Racing Commission to the Harness Horse Racing Commission.

The reason this bill was introduced was to save the State of Maine an amount of money in operating the Running Horse Racing Commission, particularly since the state now does not have any running horse races; the only races having been run in the past being at Scarborough Downs, and that track at the present time is being converted to a harness horse racing operation.

The Committee was quite concerned, however, that in so transferring these powers and duties

to the Harness Horse Racing Commission that it may be precluding any opportunity in the future for running horse races to return to the state, because if the running horse races were to be allocated and operated by the Harness Horse Racing Commission, we felt that there was sufficient rivalry between the two that a Harness Horse Racing Commission, of course, would have a natural bias against the running horse racing. At the same time we didn't feel that we should continue to pay a Running Horse Racing Commission for doing nothing, and so we came out with a new draft which repeals the section in the Running Horse Racing Law which provides for compensation to the Running Horse Racing Commissioners. We also rely upon the Committee on Appropriations to take care of any office expenses that may be applied for by the Running Horse Racing Commission.

Yet we do wish to see the enabling statutes and the authorization remain on the books so that if in the future the state should desire, and there is an indication that there is a desire to bring back running horse racing to the State of Maine, that there is the vehicle still on the books to recreate or reactivate the commission so that running horse racing can have a chance to come back into the state.

The amendment that was placed on this bill in the other branch would go even further than the original bill goes, in that it would repeal the entire powers and duties of the Running Horse Racing Commission completely and would not even transfer those powers to the Harness Horse Racing Commission, as the original bill does. Therefore, I would move the indefinite postponement of House Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that House Amendment "A" be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

Thereupon, House Amendment "A" was Indefinitely Postponed

in non-concurrence and the Bill Tomorrow Assigned for Second Reading.

### Divided Report

The Majority of the Committee on Health and Institutional Services on,

Bill, "An Act Relating to Lead Poisoning Control." (H. P. 474) (L. D. 621)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1446) (L. D. 1866)

Signed:

Senators:

HICHENS of York  
GREELEY of Waldo

Representatives:

DYAR of Strong  
BERRY of Madison  
LEWIS of Pemaquid  
SOULAS of Bangor  
SANTORO of Portland  
GOODWIN

of South Berwick  
WHITZELL of Gardiner  
LaPOINTE of Portland  
MORIN of Old Orchard

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

Signed:

Senator:

MINKOWSKY

of Androscoggin

Representative:

McCORMICK of Union

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 Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, I move that we accept the Minority Ought Not to Pass Report, and I would like to speak to my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Senator has the floor.

Mr. MINKOWSKY: Mr. President and Members of the Senate: Originally this appeared to be a very good vehicle insofar as being

a consumer protection bill, but I believe, if you will read the bill in its redraft, it has far greater implications. Actually it is discriminating a great deal against the landlords here in the State of Maine in forcing them to strip down all the paint in their homes, whether it be the window sills, the mop boards, or any area that is painted, and go through a capital improvement of approximately \$3,000 per apartment. Now, if this is in the interest of consumers, I can assure you, members of the Senate, that this will raise rents to these low income people by at least \$10 more per month.

I was very interested this morning to note in the Lewiston Daily Sun an article that did appear, which I would like to read into the record this morning. Mr. Paradis, who is Chairman of the Legislative Committee for the Rental Housing Association in the area, said "The cost of renovation of a two-bedroom apartment is estimated at \$3,000. Following a governmental guide of a 1½ percent increase on tenant's rent to cover the improvements, the average renter would be heavily hit.

"This would mean an increase in rent cost to the tenant of about \$45 per month or \$10.38 per week.

"He based his comments on the argument that no approved scientific study was made in this particular state to conclusively prove that lead paint is a major cause of lead poisoning."

Now, there has been much testimony presented to the Committee that a disease in children known as Pica, which apparently, as I understand it, is a nutritional disease, is attributed solely to lead poisoning, but they have not been able to say that this particular disease, where some children gnaw away at the woodwork, is only found to be attributed to the home environment in which they live.

It was also pointed out that there are parents, for example, who work in service stations and a father could come home with his clothes soiled, to a certain de-

gree, with gasoline which contains lead, and if this particular child had a tendency to gnaw away at the father's pants, shall we say, that he could actually ingest lead poisoning from that particular point of view.

If a person works in a junkyard, which was another example brought out, and was dismantling lead batteries, the child could get lead poisoning from this point of view.

Also, it was pointed out as to how do we control foreign imports which do not meet the standards laid down by this particular piece of legislation. There is lead content in many toys being imported, and furniture, so that really when I say very sincerely that we are discriminating against one segment in our society, the landlords in the State of Maine, I think I am justifiably correct in making this particular statement.

For these reasons, Mr. President and Members of the Senate, I hope that the Senate would support my motion that we accept the Minority Ought Not to Pass Report.

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

Mr. HICHENS: Mr. President and Members of the Senate: It is with a feeling of reluctance that I rise to my feet to oppose the motion of the good Senator from Androscoggin.

Two years ago I presented a bill to control lead poisoning in the State of Maine. I thought it was a good bill, having talked with the Health and Welfare Department and other people who had talked with me about the bill. At the hearing there were two or three apartments owners who protested, but their protests didn't seem to carry that much weight.

I can vividly remember sitting here on the morning that the bill came before us hearing a rustle behind me, and then hearing the voice of the Senator from Hancock, Senator Anderson, burst forth and call me in, I think, a feeling of respect — I hope so — about every name that could be called on the floor of the Senate; not me especially, but the bill

which I presented. He called it irresponsible, he called it foolishness, and I don't know — about 25 other adjectives were used. He had hardly finished when the Senator from Aroostook, the former Senator Harding, got to his feet, and the adjectives that Senator Anderson had left out he filled in with, and the bill was defeated.

This year when it was brought to my attention, I refused to sponsor the bill, and a representative did sponsor it. We had a much larger attended hearing than two years ago, and I was against the bill, with all the aspects of it, especially against the property owners and the apartment owners. They came out with a redraft which has given protection to these people to a certain extent and so, with reluctance, I signed the Ought to Pass Report on the bill. So, in signing that report, I feel that I must raise an objection to the motion made.

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

Mr. CLIFFORD: Mr. President, I would like to make an inquiry through the Chair to a member of the Committee as to the feeling of the Committee and the discussion in the Committee as to whether or not there is a grandfather clause attached to this bill and, if not, why not. It seems to me that the hardship of the bill would affect the landlords in having to redo areas that may have been painted a very short time ago.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I don't recollect a discussion with the committee members about a grandfather clause, but it still reverts back to the fact that most of the homes in the State of Maine we have found — and I think a percentage of about 79 percent was projected to us — are old homes. A lot of these homes are owned by people who are quite elderly or senior citizens, and this would represent a very, very substantial investment on their part to strip down all this

woodwork, window sills, and everything else to conform to this particular rule or regulation which would be administered — and as I can see here, very loosely so — by the Department of Health and Welfare. They seem to be the greatest proponent of this particular measure in the name of consumer protection.

I think if you will look at the redraft, L. D. 1866, Subsection 1322, regardless of a grandfather clause, it spells out very, very clearly "No person shall knowingly rent a dwelling or dwelling unit which has paint or building materials with lead content of 1 percent or more." People just cannot take the time out to analyze and evaluate what the content of lead in that particular establishment might be. It would impose a very, very serious hardship upon these people, and this is where I think that if they must be compelled to do this, then as an end result the consumer or the person who lives in that particular dwelling will be faced ultimately with paying a higher rent. And I don't think that they have been able to prove substantially, at least not to my satisfaction, or by any known statistics that any child in the State of Maine has died as a direct result of lead poisoning which is attributed to the dwelling in which they live.

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

Mr. BERRY: Mr. President and Members of the Senate: This legislation, as was indicated, was soundly defeated on some of the same arguments that we have heard so far today.

No one has yet mentioned the health aspects which are the objectives of this bill, and there are instances of lead poisoning in the City of Portland that result from the situations that this bill intends to correct. Lead poisoning is an extremely insidious disease. It accumulates in the body and its effects are apparent perhaps long after contact was made with the lead.

When we think back over the fact that in the old days many of our houses were plumbed with

lead pipe, and that right up until recently, until outlawed by the federal government, we were using toothpaste in lead tubes, that the incidence of lead poisoning to a large extent was unknown. As a matter of fact, under federal law, this is the last year that lead paint can be made for use in painting the outside of houses. So the facts of the situation are that lead poisoning is a very real disease and danger with us.

The problem of existing apartments painted with lead paint could be eliminated gradually with a grandfather clause. It would seem to me that if something were added to this bill saying that after a year from now, or after December 31st of this year, that no more interior paint would use lead. I think this is almost a practical situation and I think it should be done if that is the need to get the bill through. I think the bill in its present form is a good bill, and I certainly would support the amendment if this would get votes from other members of the Senate.

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

Mr. MINKOWSKY: Mr. President and Member of the Senate: To a certain degree, Senator Berry from Cumberland is correct in his evaluation and, as a father of five children, I am quite sure I would be very concerned about the health of my particular children also. But also, I think he must bear in mind that landlords in many cases—I am not one, and I am not defending landlords by any means—do not always paint their own apartments. Sometimes they leave it up to the discretion of the individuals who live in the apartments to paint their own and they allow them a rebate in rent, or something along this line.

We have found in some cases some of these people who work in industry — let's use, for example the shipbuilding industry—that a father finds a gallon of paint which suits his fancy insofar as color, he may not stop to look at the total content of what the paint is composed of, and brings this particular paint home and paints a

crib for one of the children. Then actually the child in time does accumulate lead. And as we stand on this particular bill here, with or without a grandfather clause, the landlord is held liable because the person paying to live in that particular dwelling, and immediately the onus is placed upon the landlord and all the responsibility is placed on him.

It just seems that if we are going to do this then we better get into the area of amending it to include every single item that has lead content, even including batteries, gasoline, and everything else of this nature.

This is really a one-sided, lopsided particular bill, and I think the far-reaching implications it might have will be long regretted by the members of the legislature if this should be enacted into law.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Lead Poisoning Control."

The Chair will order a division. As many Senators as are in favor of accepting the Minority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, I would ask for a roll call.

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

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

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I am going to vote against the motion to accept the Minority Report because I would like to have the opportunity to have the Majority Report accepted and then to work on an amendment to insert a grandfather clause. I am against the bill in its present form, but I think to kill it would be premature.

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

Mr. Danton of York moved that the matter be tabled and Tomorrow Assigned, pending the motion by Mr. Minkowsky of Androscoggin that the Senate Accept the Minority Ought to Pass Report of the Committee.

On motion by Mr. Berry of Cumberland, a division was had. Ten Senators having voted in the affirmative, and 20 Senators having voted in the negative, the tabling motion did not prevail.

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

Mr. BERRY: Mr. President and Members of the Senate: My request for a division was purely in the interest of making progress. I support 100 percent the views of Senator Clifford of Androscoggin, and I would be glad to work out an amendment.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Those who support the views of the good Senator from Androscoggin, Senator Clifford, I would hope that they vote to accept the Majority Report so you can get it into a status where it can be amended.

Now, I have heard an awful lot of concern about the landlords and I understand that, but as I look at the bill, and I have only looked at it very briefly, it says "No person shall knowingly rent a dwelling or a dwelling unit . . .", so it is not a very simple type thing in order to find somebody responsible; it is only when you do it knowledgeably and with full information of the facts. But I would hope that you vote against the pending motion, if that is the mo-

tion of the good Senator from Androscoggin, Senator Minkowsky, to accept the Minority Report because the bill is dead then. I would strongly urge you to vote this time against that motion so we can accept the Majority Report and then start hearing about amendments tomorrow.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: The section that the good Senator from Cumberland, Senator Brennan, is referring to that "No person shall knowingly . . ."; a person does not knowingly rent an apartment or a dwelling to a potential family with the intent of trying to do damage to the children, and they would have to have the equipment to determine exactly what the lead content is. This is why I brought up earlier the fact that a lot of these apartments are very, very old; the majority of the dwellings in the State of Maine are very, very old and have been painted time and time again. So you don't knowingly do this, but yet under this particular provision it can be proven in a court of law that maybe they did knowingly do this, and again, these people are not in a financial situation to get into a legal entanglement and defend their particular apartment as to whether or not they were the guilty party involved in this particular action.

Also I think there was some mention made that now we are going to water-base paints but, if I remember correctly, a former member of the other body who is now deceased, Carl Kelley, who was a painter, as I understand, about 30 years, spoke on this matter during the last session and I think he clearly spelled out that by changing from lead to water-base we are going to a high mercury content. So which is the worst; lead or mercury?

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act

Relating to Lead Poisoning Control." A "Yes" vote will be in favor of accepting the Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Anderson, Cianchette, Cyr, Fortier, Grafam, Huber, Minkowsky, Olfene, Peabody, Wyman.

NAYS: Senators Berry, Brennan, Clifford, Conley, Cox, Cummings, Danton, Greeley, Hichens, Joly, Katz, Kelley, Marcotte, Roberts, Schulten, Sewall, Shute, Speers, Tanous, MacLeod.

ABSENT: Senators Morrell, Richardson.

A roll call was had. 11 Senators having voted in the affirmative, and 20 Senators having voted in the negative, with two 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.

#### Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Relating to Credit Unions," (H. P. 602) (L. D. 793)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-293).

Signed:

Representatives:

MADDOX of Vinalhaven  
TIERNEY of Durham  
DESHAIES of Westbrook  
O'BRIEN of Portland  
BOUDREAU of Portland  
CLARK of Freeport  
TRASK of Milo

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

Signed:

Senators:

COX of Penobscot  
KATZ of Kennebec

Representatives:

DONAGHY of Lubec  
JACKSON of Yarmouth  
HAMBLIN of Gorham

Comes from the House, the Majority report Read and Accepted

and the Bill Passed to be En-grossed as Amended by Committee Amendment "A" (H-293).

Which reports were Read.

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

Mr. KATZ: Mr. President and Members of the Senate: In moving for the indefinite postponement of this bill, I would like to share with the members of the Senate the thinking of those of us who signed the Ought Not to Pass Report.

What this bill does is to create a statewide banking system through the credit unions of the State of Maine, and those of us who signed the Ought Not to Pass Report felt that the real strength of credit unionism in the State of Maine was the small compact group of men and women, frequently from a fraternal group of a church, who had common interests and who shared a common bond. And we felt that to take and create a statewide system of banking, such as that which does not exist anywhere in the state today, through the guise of this bill was undesirable and opening up a back door to a statewide system.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Bill, "An Act Relating to Credit Unions", be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action whereby the Bill was Indefinitely Postponed.

Mr. Marcotte of York then moved that the Bill be tabled and Specially Assigned for May 7, 1973, pending Acceptance of Either Report.

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

Thereupon, on motion by Mr. Katz of Kennebec, the Bill and all accompanying papers were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

### Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services." (H. P. 1288) (L. D. 1673)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-289).

Signed:

Senators:

KATZ of Kennebec

OLFENE

of Androscoggin

MINKOWSKY

of Androscoggin

Representatives:

TYNDALE

of Kennebunkport

LaCHARITE of Brunswick

AULT of Wayne

BITHER of Houlton

MURRAY of Bangor

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

Signed:

Representatives:

FERRIS of Waterville

LAWRY of Fairfield

LeBLANC of Van Buren

LEWIS of Auburn

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.

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 and the Bill, as Amended, Tomorrow Assigned for Second Reading.

### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on, Bill, "An Act Relating to Penalty for Death Caused by Violation of Law by Operator of Motor Vehicle." (H. P. 201) (L. D. 274) ask leave to report: that the House recede from its action whereby it Passed the Bill to be Engrossed, as amended by Committee Amendment "A" (H-165). Indefinitely

Postpone Committee Amendment "A" and Pass the Bill to be Engrossed.

That the Senate Recede and Concur with the House.

On the part of the House:

BAKER of Orrington

GAUTHIER of Sanford

On the part of the Senate:

TANOUS of Penobscot

BRENNAN

of Cumberland

SPEERS of Kennebec

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

Which report was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur.

### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on, Bill, "An Act Relating to Penalty for Recklessly Causing Death by Operation of a Motor Vehicle." (H. P. 202) (L. D. 275) ask leave to report: that the House Recede from its action whereby it Passed the Bill to be Engrossed as amended by Committee Amendment "A" (H-167) Indefinitely Postpone Committee Amendment "A"; and Pass the Bill to be Engrossed; that the Senate Recede and Concur with the House.

On the part of the House:

BAKER of Orrington

GAUTHIER of Sanford

On the part of the Senate:

TANOUS of Penobscot

BRENNAN of Cumberland

SPEERS of Kennebec

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

Which report was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur.

### Senate

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

Bill, "An Act to Clarify Zoning Enabling Legislation." (S. P. 490) (L. D. 1567)

#### Leave to Withdraw

Mr. Joly for the Committee on Legal Affairs on, Bill, "An Act Relating to Consolidation of Existing Housing and Urban Renewal Authorities." (S. P. 376) (L. D. 1103)

Reported that the same be granted Leave to Withdraw.

Mr. Joly for the Committee on Legal Affairs on, Bill, "An Act to Authorize Municipalities to Contract with an Urban Renewal Authority for Services." (S. P. 348) (L. D. 1047)

Reported that the same be granted Leave to Withdraw.

Mr. Joly for the Committee on Legal Affairs on, Bill, "An Act Authorizing Housing Authorities to act as Urban Renewal Authorities." (S. P. 375) (L. D. 1101)

Reported that the same be granted Leave to Withdraw.

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

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.

Sent down for concurrence.

#### Ought to Pass

Mr. Speers for the Committee on State Government on, Bill, "An Act Establishing an Office of Early Childhood Development in Maine." (S. P. 515) (L. D. 1639)

Reported that the same Ought to Pass.

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to Continue Emergency Employment Act Services at Bangor State Hospital." (S. P. 504) (L. D. 1588)

Reported that the same Ought to Pass.

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Upgrade the Quality of Care at Ban-

gor State Hospital." (S. P. 531) (L. D. 1689)

Reported that the same Ought to Pass.

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

#### Second Readers

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

##### House

Bill, "An Act to Establish within the Department of Indian Affairs a Bureau of Indian Police." (H. P. 1462) (L. D. 1887)

Bill, "An Act Authorizing the Maine Criminal Justice Academy Trustees to Establish Certification Standards for Law Enforcement Officers." (H. P. 1463) (L. D. 1888)

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

##### House - As Amended

Bill, "An Act Relating to Membership in South Kennebec Agricultural Society." (H. P. 1290) (L. D. 1678)

Which was Read a Second Time.

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

##### Senate

Bill, "An Act Relating to Examinations for Motor Vehicle Operators' Licenses." (S. P. 602) (L. D. 1893)

Which was Read a Second Time.

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

##### Enactors

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

An Act Establishing by Statute the Division of Eye Care for Services to the Blind. (S. P. 104) (L. D. 249)

An Act Providing for Judicial Review from Decisions of the Banking Commissioner. (S. P. 226) (L. D. 661)

An Act Authorizing Use of the Name "Maine Association for

Children with Learning Disabilities." (S. P. 319) (L. D. 986)

An Act to Clarify Municipal Home Rule Procedures. (S. P. 491) (L. D. 1556)

An Act Relating to Sudden Infant Death. (S. P. 514) (L. D. 1621)

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

An Act Requiring the Ramping of Curbs at Crosswalks for Physically Handicapped and Elderly Persons. (S. P. 585) (L. D. 1797)

An Act Relating to Credibility of Witnesses. (H. P. 597) (L. D. 788)

An Act Relating to Vacation Pay for County Employees. (H. P. 890) (L. D. 1177)

An Act Relating to Appointment of Persons to Act as Policemen on Property of the Vocational-Technical Institutes. (H. P. 980) (L. D. 1294)

An Act Allowing Municipalities to Insure Against Personal Liability of Their Officers, Officials and Employees. (H. P. 1069) (L. D. 1394)

An Act Extending the Hours of the Maine State Library. (H. P. 1216) (L. D. 1571)

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

An Act Relating to Fees of Municipal Police Officers or Constables as Witnesses. (H. P. 1257) (L. D. 1632)

An Act to Increase the Number and Terms of Members of the Augusta Parking District. (H. P. 1451) (L. D. 1872)

An Act to Require a Stamp to Fish for Atlantic Salmon. (H. P. 1452) (L. D. 1873)

An Act Relating to Civil Action for Alienation of Affections. (H. P. 1455) (L. D. 1876)

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.

Bill, An Act Limiting Sunday Harness Racing. (H. P. 900) (L. D. 1188)

Comes from the House, Indefinitely Postponed.

Mr. Hichens of York then moved that the Bill be Indefinitely Postponed in concurrence.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would like to speak just briefly about this bill. I believe this is a part of a total overall package of a new harness racing industry in the State of Maine. I believe it is a good bill and I don't think we ought to indefinitely postpone it. I would 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: This is the fourth bill that has come before us during this session to open up Sunday for sales, entertainment, drinking, gambling, and so forth, and there are others yet to follow. Opposition to the previous bills have been light, but here we are being considered somewhat stupid in the apparent hopes of the sponsor as indicated by the statement of fact, which reads:

"The amendment to Title 8 is necessary to allow and limit pari-mutuel harness racing to the hours after 1 p.m. on Sunday". I ask you, fellow members of the Senate, how we can limit something which does not now exist. Thus we have the words "to allow" preceding the words "to limit". Therefore, if we do not allow harness racing on Sunday we don't have to be concerned with limiting anything.

The harness racing crowd have already managed to have a bill passed through to the Appropriations Table providing the state pay for a stud program to keep the profession alive. With Scarborough switching to harness racing, and the fairs having five to six days for harness racing, I do not feel that it is necessary to open up Sundays for such events.

I now ask for a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of at least one-fifth of those Senators present and

voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that Bill, An Act Limiting Sunday Harness Racing, 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, Cummings, Fortier, Greeley, Hichens, Olfene, Peabody, Schulten, Shute, Speers, Tanous, MacLeod.

NAY: Senators Aldrich, Berry, Brennan, Cianchette, Clifford, Cox, Cyr, Danton, Graffam, Huber, Joly, Kelley, Marcotte, Minkowsky, Roberts, Sewall.

ABSENT: Senators Katz, Morrell, Richardson, Wyman.

A roll call was had. 13 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with four Senators being absent, the motion did not prevail.

Thereupon, the Bill was Passed to be Enacted in non-concurrence.

Sent down for concurrence.

#### Emergencies

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

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

An Act Amending the Maine Tree Growth Tax Law. (H. P. 1073) (L. D. 1411)

An Act Relating to Conveyance by Release Deed for the Penobscot Tribe of Indians. (H. P. 622) (L. D. 820)

An Act Changing Name of Administrative Hearing Office to Administrative Court. (S. P. 217) (L. D. 633)

An Act to Permit Residents of Adjoining Counties to Serve as

Assistant County Attorney in Oxford County. (S. P. 203) (L. D. 548)

These being emergency measures and having received the affirmative votes of 28 members of the Senate, were Passed to be enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Orders of the Day

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

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

Tabled — April 25, 1973 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

House Amendment "A" (H-271).

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

Senate Amendment "A", Filing No. S-100, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President and Members of the Senate: This amendment would reduce the amount of time between the original convening of the legislature and the inauguration of the Governor, which would happen in the first part of December, and the convening of the recessed session of the Legislature.

As the original bill is written, at the present time the legislature would meet for four days at the beginning of December and then recess until the third Tuesday in January. The amendment would have the legislature recess only until Tuesday of the first full week in January, so that we would not have a hiatus of two or three weeks in January, but would get under way as quickly as possible.

The PRESIDENT: Is the Senate ready for the question?

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

Sent down for concurrence.

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

Bill, "An Act Designating Columbus Day a Legal Holiday." (H. P. 968) (L. D. 1309).

Tabled — April 26, 1973 by Senator Speers of Kennebec.

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

Mr. SPEERS: Mr. President and Members of the Senate: I have no particular reason for voting against Columbus Day and making that a legal holiday. I would like to explain at this point, however, my reasons for tabling this particular bill.

I think many of you know, and those who don't know, the reasons are simply because of the Third Tabled item on this particular calendar. I would save any further comments on the second tabled item and include those when we are discussing this third item.

The PRESIDENT: Is the Senate ready for the question?

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

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

HOUSE REPORTS — from the Committee on State Government — Bill, "An Act Designating Remembrance of Martin Luther King a Legal Holiday." (H. P. 168) (L. D. 210) Majority Report — Ought to Pass in New Draft with New Title, (H. P. 1440) (L. D. 1810) Bill, "An Act Designating a Commemorative Day in Remembrance of Martin Luther King, Jr.,"; Minority Report — Ought Not to Pass.

Tabled — April 30, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

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

Mr. HICHENS: Mr. President and Members of the Senate: This is one of those days when I wish I was an eloquent speaker, that I could stand up here and speak right from the heart without benefit of notes, but that is one of

the things that I have not been granted the privilege of being able to do. If I get up without notes. I usually forget the important part of my speech in my haste to get back to my seat again. So, I apologize for having to read my speech this morning, but it is truly right from the heart, and I hope I may have the attention of those seated here and also those in the back of the room as to statements made on this subject.

Those of us in the 106th Maine Legislature have had the great privilege to live in a time in history that will be long remembered as the time of equal rights for the minorities. Over a hundred years ago the negroes of this country were liberated from slavery, as far as the laws were concerned, but down through the years these people have been in bondage in many facets of our society, until almost a score of years ago when there arose from their ranks a man who shouted to all America, "We shall overcome", organized his people and marched upon the Capitol of this nation seeking equal rights and liberties for the blacks.

Caught up in the wave of hope and excitement generated by this man, who was inspired by his trust in a God who loves all people regardless of color and creed, blacks and whites alike gathered in Washington, and later in cities all over the nation, ever with that slogan spurring them on "We shall overcome". Strife, revolts, murders and rioting accompanied these marches and demonstrations, even though the man who led them sought to accomplish his goals through peaceful negotiations with the leaders of this nation, and we can all remember the many times this man admonished his followers to pray rather than fight.

Violence, seemingly the answer for many people, prevailed, and a shot which has echoed and re-echoed down through the years, and will continue to be heard in the hearts and minds of Americans for generations to come, snuffed out the life of this great man. The flame which he kindled will never be snuffed out.

Today we have a bill before us designating January 15th of each

year as Martin Luther King Jr. Day, stating that the Governor may annually issue a proclamation inviting and urging the people of the State of Maine to observe the day in schools and other suitable places with appropriate ceremony and activity.

The words "may" and "inviting and urging" make this permissive legislation as far as the future Governors of Maine are concerned. In other words, if these Governors so choose, the proclamation can be entirely ignored as time goes by, and the day forgotten.

Furthermore, commemoration days can become a-dime-a-dozen affairs, and as we look back in time we see other men who in different areas of service to their country and mankind deserve like recognition for their contributions to history. Even Lincoln's birthday is hardly noticed nowadays, even though back in my childhood there was a commemorative holiday observed in all schools. Washington's birthday changed to Monday is nothing but a big bargain day in our stores of the state. If we were to set aside days to commemorate all of these great men of the past, and those who are yet to become great, there would be little time left to educate the pupils in our schools; not that just a few moments of remembrance might not be better well spent than the time taken in teaching some of the things our little children are being taught in our public schools today.

I, therefore, Mr. President, in due respect for Martin Luther King Jr., whom I as an individual will never forget, and one of whom I shall talk about to my grandchildren; and in due respect for the representative who thoughtfully presented this bill, now move that the Minority Ought Not to Pass Report be accepted.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President and Members of the Senate: I didn't realize until I heard the distinguished Senator from York,

Senator Hichens, speak on this bill that I had any interest in it at all. I am not sure at the moment that I do have, other than his remarks brought back to mind the night that Dr. King was on television, which I am sure most of you saw. This was the night before he was assassinated, when he finished a rather lengthy, tremendously inspiring speech, in which he exhorted people to come together to carry on, to realize the oneness of man, and he finished his speech with a benediction, a prayer, or a confession of acceptance that I have never forgotten. Because of the memories of this, I shall support Senator Hichens' motion.

Also, I would like to share it with you the concluding remarks of Dr. King at that time. I was so terribly impressed that I have never forgotten. It went, "Free at last, free at last, thank God Almighty, I'm free at last."

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I was one of the signers of the Minority Ought Not to Pass Report on this bill. My feelings at the time of signing an Ought Not to Pass Report were simply that there are so many great men in America and in American history that, as the good Senator from York, Senator Hichens, mentioned, it would be very difficult to set aside days commemorating all of them.

It is in a sense a reaffirmation of democracy, a very great tribute to democracy, that in a society in which we live there can be so many individuals who can rise to the point of greatness. Dr. Martin Luther King had a dream, and that dream was not alone for his own people, but that dream, Mr. President, was for all of us; it was for all mankind.

I agree with the Senator from York that we are indeed very privileged individuals to have lived through the 1960's, and to have lived through a movement that was so fraught with emotion, and so dedicated to the very ideals of democracy that it was in and of

itself a reaffirmation of the faith in America, a reaffirmation of democracy itself, a reaffirmation of justice. Justice not for black people, not for white people, not for Americans, Chinese, or Russians, but rather justice for all mankind.

The dream that Dr. Martin Luther King had was a dream not only born out of desire, but rather a dream born out of the work of his life and the dedication of his life. And it was a dream that he nearly saw fulfilled, and a dream when he stated that he had this dream he could with assurance realize that some day it would indeed be fulfilled. His dream was a dream that someday all men would enjoy freedom, freedom from fear, freedom from prejudice and freedom from the hatred which dwells within each and every one of us, and when unleashed leads to violence and war not only between men but between nations as well; freedom from all of these that enslave all mankind.

So when we think of that song which was born out of the frustrations and desires of an entire people who had been enslaved literally a hundred years ago, and in so many ways figuratively throughout the ensuing one hundred years, we should think of that song not as a song alone of the civil rights movement, but as a song for all of us to eternally dedicate our lives that we shall overcome. A truth shall make us free. Deep in my heart I do believe we shall overcome someday.

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

Mr. CONLEY: Mr. President and Members of the Senate: In listening to the statements made by the excellent Senators, the remarks on Dr. Martin Luther King, it appears that everyone here is ready to canonize him, but not very willing to recognize this American, as far as the state is concerned, on a particular day of the year.

I think that all we have to do is look back to the early days of Dr. King and his movement and the problems of what existed across this land, and I submit, Mr. President, Dr. King and his fol-

lowers pricked the conscience of every American within this country, I think a lot of hard work, tears and fears, and everything else came into play.

As I recall, back in this very Senate not too many years ago, in fact, but a few sessions ago, a bill was passed here relative to discrimination in some of our own private clubs existing in the State of Maine. I thought that was an accomplishment when both bodies, the House and the Senate, passed this bill and the Governor signed it into law, only to find that after it became law, that once we tried to comply with the law some bodies took this law right to the very highest court of this nation, the United States Supreme Court, which upheld the Maine Legislature in its action. I don't think we can continually meet here session after session, continue to pass laws on discrimination, and feel that that is going to be the end of it. I think that we have to take positive action through the courts, through the Attorney General's Office, and County Attorneys right across the state, and I think that is what Dr. Martin Luther King stood for. I think that the Bill of Rights, the Constitution, and every other sacred document that we hold dear spells it out very clearly as to what the rights are of all Americans, but the fact of the matter is no one wants to recognize it, and that is why legislators become bogged down year after year picking away and trying to put statutes on our books on the state level to see if we can enforce some of the rights in the Bill of Rights and also under the United States Constitution. So, I stand here this morning to oppose the motion to indefinitely postpone, or to accept the Minority Report, and would ask for a roll call on the motion.

The PRESIDENT: A roll call has been requested. The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Designating a Commemorative Day in Remembrance of Martin Luther King, Jr." 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 the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Designating a Commemorative Day in Remembrance of Martin Luther King, Jr.," A "Yes" vote will be in favor of accepting the Minority Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Berry, Brennan, Cummings, Grafam, Greeley, Hichens, Huber, Joly, Katz, Olfene, Peabody, Roberts, Schulten, Shute, Tanous, Wyman, MacLeod.

NAYS: Senators Aldrich, Cianchette, Clifford, Conley, Cox, Cyr, Danton, Fortier, Kelley, Marcotte, Minkowsky, Sewall, Speers.

ABSENT: Senators Morrell, Richardson.

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

Mr. BRENNAN: Mr. President, would the Chair state the question again?

The PRESIDENT: The motion before the Senate is the motion to accept the Minority Ought Not

to Pass Report of the Committee. A "Yes" vote would be in favor of accepting the Ought Not to Pass Report; a "No" vote would be opposed.

Mr. BRENNAN: I would like to change my vote.

Mr. Brennan of Cumberland was granted permission to change his vote from Yea to Nay.

A roll call was had. 17 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with two Senators being absent, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

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 W a s t e w a t e r Treatment Plants in the Operator Certification Program." (S. P. 478) (L. D. 1534)

Tabled — May 1, 1973 by Senator Berry of Cumberland.

Pending — Consideration.

In the House — Passed to be Enacted.

In the Senate — Indefinitely Postponed.

House Insisted and asked for a Committee of Conference.

On motion by Mr. Cianchette of Somerset, the Senate voted to Adhere.

#### (Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.