

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

Thursday, May 3, 1973

Senate called to order by the President.

Prayer by the Rev. Linwood Welch of Hallowell.

Reading of the Journal of yesterday.

**Papers from the House
Joint Order**

WHEREAS, the Legislature of the State of Maine is very proud of the fine relationships which traditionally have been shared with our sister States in New England and our neighboring Provinces in Canada; and

WHEREAS, there are a great many areas of mutual interest and concern which should be discussed by legislators of the States of New England and of the southeastern Provinces of Canada; and

WHEREAS, one means to effect better communications between governments of these areas would be to conduct a week-long conference of legislators from the New England States and the Provinces of Atlantic Canada and Quebec; and

WHEREAS, such a conference is proposed for the summer of 1974 to be held at the University of Maine at Orono under the auspices of the Maine Commission on Interstate Cooperation and the New England-Atlantic Provinces-Quebec Center; and

WHEREAS, a free exchange of ideas and legislative experience, coupled with detailed consideration of topics of shared economic, political and resource interests, could be of direct benefit to each jurisdiction; and

WHEREAS, better communications among legislators cannot help but to lead to broader understanding, thus enhancing a cooperative approach to common problems; now, therefore, be it

ORDERED, the Senate concurring, that the Maine Commission on Interstate Cooperation, established under the Revised Statutes, Title 3, sections 201 to 206, is authorized and directed to aid in the organization and sponsorship of an Interparliamentary Conference at

the University of Maine at Orono during the summer of 1974; and be it further

ORDERED, that there is appropriated from the Legislative Account to the Maine Commission on Interstate Cooperation the sum of \$10,000 for the fiscal year ending June 30, 1973 to carry out the purposes of this Order and any unexpended balance shall not lapse but shall remain in a continuous carrying account until the purposes of this Order are carried out. (H. P. 1472)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: This order which was introduced by the gentleman from Orono, Mr. Curtis, is a tangible expression of the desires of the people of the state to work in harmony with their neighbors in the neighboring provinces. There has been quite a lot of action in the last few years leading to more harmonious relations to smooth out the difficulties that we have with our mechanics of having a border between the United States and Canada and also between Maine and the two provinces. This is a very progressive step and a lot of good is expected to come out of this conference.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage in concurrence?

Thereupon, the Joint Order received Passage in concurrence.

Communications

STATE OF MAINE

House of Representatives

Augusta, Maine 04330

May 2, 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: Bill "An Act to Permit Savings Banks to Invest in Obliga-

tions of the Asian Development Bank" (H. P. 1070) (L. D. 1395)

Respectfully,

Signed:

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 Relating to Carrying Persons on Passenger Tramway." (H. P. 1088) (L. D. 1421)

Bill "An Act Relating to Local Planning Boards." (H. P. 1315) (L. D. 1725)

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

Leave to Withdraw

The Committee on Legal Affairs on Bill, "An Act Relating to Installation of Sprinkler Systems in Certain Buildings." (H. P. 1128) (L. D. 1463)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on Bill, "An Act Combining Group Life and Health Insurance for State Employees into a Single Program." (H. P. 508) (L. D. 673)

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 Marine Resources on Bill, "An Act to Redefine the Legal Standard of Time for Hauling of Lobster Traps." (H. P. 375) (L. D. 504)

Reported that the same Ought to Pass.

The Committee on State Government on Resolution, Proposing an Amendment to the Constitution Clarifying the Status of Bills Presented to the Governor and

Time the Legislature Adjourns. (H. P. 1181) (L. D. 1524)

Reported that the same Ought to Pass.

Come from the House, the Bill and Resolution Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on Marine Resources on Bill, "An Act Relating to Number of Lobster Traps on Trawls in Saco Bay and Westerly, Cumberland County." (H. P. 122) (L. D. 146)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-302).

The Committee on Marine Resources on Bill, "An Act to Authorize the Commissioner of Sea and Shore Fisheries to Exercise Additional Authority in the Management of Alewife Fisheries, Shad, Smelt and Eels." (H. P. 850) (L. D. 1124)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-303).

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.

Divided Report

The Majority of the Committee on Education on Bill, "An Act Requiring that the National School Lunch Program be Implemented in All Public Schools." (H. P. 1067) (L. D. 1392)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-305).

Signed:

Senator:

KATZ of Kennebec

Representatives:

MURRAY of Bangor

LYNCH

of Livermore Falls

BITHER of Houlton
LAWRY of Fairfield
LaCHARITE of Brunswick
TYNDALE

of Kennebunkport
FERRIS of Waterville
LeBLANC of Van Buren

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

Signed:

Senators:

OLFENE of Androscoggin
MINKOWSKY

of Androscoggin

Representatives:

AULT of Wayne

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".

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

Mr. MINKOWSKY: Mr.
President, I move the Senate
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 in
non-concurrence.

The Senator has the floor.

Mr. MINKOWSKY: Mr. Presi-
dent and Members of the Senate:
This basically makes this a manda-
tory program in the school system,
right through the high school age
group. I have done some checking
in our own local area with our
superintendent of schools, and we
find in the high school system
today you cannot regiment these
youngsters into a definite program
to have pre-cooked meals as it is
purported in this particular bill.

The general consensus amongst
the students that we have found
in the Lewiston school system indi-
cates very clearly that they prefer
to have a sandwich of their choice
and a soft drink beverage of their
particular choice. But insofar as
having them file in and eat at a
certain time, this cannot be
accomplished either because of the
system in the school, and I think

this is a system that is prevalent
in many schools in the State of
Maine.

On that particular basis, Mr.
President, I would now hope that
we accept the Minority Ought Not
to Pass Report.

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

Mr. OLFENE: Mr. President
and Members of the Senate: I
signed this Minority Report on the
strength that I just don't believe
it is required that we make this
a mandatory situation through our
school systems. I refer directly in
some of my comments to my own
local area and my own well known
high school, Edward Little High
School.

I have before me a letter that
has been written to me by the
assistant superintendent of schools
in the Auburn School District,
which I will just pick a few com-
ments from, and then I will speak
a bit more on this piece of legisla-
tion. His letter says "At the
present time we offer hot lunch
programs in all of our schools
except the high school, therefore,
the bill would only affect Edward
Little. They are presently selling
sandwiches, potato chips, etc., but
this does not meet the require-
ments of a type A lunch." Then
he talks about the cost if we went
into this thing. "It is estimated
to put in a kitchen arrangement
in our local high school" — and
keep in mind, Senators, that this
would affect your schools in many
cases also — they estimated to put
a kitchen into Edward Little High
School to meet the requirements
of this bill would be in the
neighborhood of \$25,000 to \$35,000.
"At the present time the school
lunch program is totally self-
supporting, one of the few maybe
that are in the state. We have kept
for the last year and a half exact
cost analyses of each of our
programs showing that the junior
high schools are not self-
supporting, therefore, if this were
put into our high school level it
in turn undoubtedly would not be
self-supporting."

We feel in our community that
this could be an extreme cost

factor of not only implementing the program, gearing up for the program but, equally so, in continuing the program. Therefore, because it is what I oppose on many occasions, a mandatory type of piece of legislation, I would highly recommend that you support the motion of my good friend from Androscoggin, Senator Minkowsky, to accept the Minority Ought Not to Pass Report. Thank you.

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

Mr. KATZ: Mr. President and Members of the Senate: In rising to oppose the motion, I must say that the orchestration from Lewiston-Auburn is very effective, but I point out that the debate misses two points.

In the first place, it is not necessary for Edward Little High School to put in a kitchen to the extent of \$25,000 or \$45,000, whatever it is, nor is it necessary for every high school student to have hot lunches. What this bill says is that somewhere in the Lewiston-Auburn area hot lunches are being prepared, and whether or not they put a brand new kitchen in at Edward Little is interesting, but not required by the bill because the lunches can be brought in from the outside, as is the case in many communities.

The City of Portland had a very, very interesting attitude towards this, and I call to your attention that the committee amendment on this is in response to Portland's request — and it was a reasonable one — that they are going to have some capital problems and they wanted more time to meet them. What Portland is going to do — and Portland has many low income people — and basically this bill is geared to low income families with working mothers — Portland is going to have a central preparation area and they will serve hot lunches around the city from this central area.

It is easy to look upon this as an openhanded give away, but it is an extremely expensive program. The average cost of a meal runs from 45 to 60 cents. The amount of federal money

supporting this is enormous. In case of low income youngsters, the feds pick up pretty much the entire cost of the meal, and then it is scaled down. Most youngsters in the state have the benefit of a hot meal service; they are not forced to take advantage of it. If a youngster would rather have a coke and some popcorn and eat out on the front lawn, that is his prerogative. But the problem with accepting the Minority Report, which would be the easy thing to do, the problem with that is that you completely preclude thousands of Maine youngsters from getting free meals paid for by the federal government under a low income program. They can't get the free meals if there is no meal service.

I suggest, ladies and gentlemen, that this is a very, very modest bill. Most schools in the state are doing this now, and you might say the bill gives equal protection under the law to all youngsters, whether or not they come from the City of Augusta or the City of Portland.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I rise to support the motion of the Senator from Androscoggin, Senator Minkowsky, and I do so for two reasons.

The first reason is that — I am not sure it was fully understood — in some of the high schools they have a campus type schedule. That is, the students do not come in at 8:00 o'clock in the morning and go home at 2:00 o'clock in the afternoon. Some of them come in, the first class maybe, at 10:00 o'clock in the morning, and some of them may leave at 11:00 o'clock in the morning if their classes are ended. So that a mandatory lunch program is very awkward to administer.

The second reason, and I think the more important reason, is that this legislature in recent history passed the home rule bill, and I think the overall purpose of that act was to allow this kind of decision to be made at the local level.

No one is prevented right now under the law from a hot lunch program. If the local school board wants it, then they are certainly free to put it in, and 85 percent of the school children in this state have it. So it is a local problem and I think that perhaps the people at the local level might know the best way to handle the situation rather than us in Augusta telling them and mandating what they should do.

It does present a problem for many high schools which have campus type scheduling, and this is the kind of thing that is coming, so it seems to me that the best thing to do would be to leave it to the local school board in accordance with the home rule law and the home rule philosophy. Thank you, Mr. President.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I rise in support of the remarks of the distinguished Senator from Kennebec, Senator Katz, the Chairman of the Education Committee, and I rise in support of the majority nine-to-three report of that Committee. I think Senator Katz has covered most of it.

As I understand it, some 85 percent of Maine's schools have adopted the national lunch program since the 1940's. This here would bring into line the other 15 percent. And I further understand that the money necessary for this is already provided for in the Part I Budget and, as I read it, and as I have discussed it with some people who are very interested, there is no necessity under this bill to build any separate kitchen facilities. What can be done is what is done in Portland: they have one central area and they service out of that central area these satellite schools.

Personally, I think it makes an awful lot of sense to be assured that some of the lower income kids have a hot lunch or have something to eat while they are at school, and I think this is a serious problem in this state. And particularly where the federal government is paying most of the

bill, I think we ought to do what we can to make sure that every kid in this state has that opportunity.

So I would very much oppose the motion of my very good friends from Androscoggin, all three of them. I am very sorry to have to oppose them, but sometimes I can't always agree with their judgment. I would request a roll call, and again I oppose the motion to accept the Minority Ought Not to Pass Report.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: There has been referred to several times the low income people; I think kids are kids, and I don't know whether they are low income or not. As someone has expressed, they sometimes prefer a bag of potato chips and a cold drink. But I would like to inquire of any member of the Education Committee that heard this bill if there was any demand for this bill, or where did the demand for it come from?

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, if the Senator from Kennebec, Senator Joly, would ease his head over slightly, he can see a partial listing of the enormous number of people who appeared. The opposition was basically the question of timing, and the committee adjusted its amendment to the request for additional time.

May I make a couple of comments to the Senate that might clarify your mind. In the first place, you will notice that the opposition has come from the Lewiston-Auburn area. My local people are not bashful, and when they object to the provisions of a bill they let me know. And I ask every member of the Senate here to evaluate what kind of hubbub they have gotten from their local area, from their board of education or the superintendent of schools,

urging them to vote against the bill. There is wide statewide support for it, enormous support.

Second, the debate has mostly centered around the desirability of having hot lunches in high school, and may I suggest to the gentlemen who have opposed it on this basis that I would be willing to have the Senate make up its mind as to whether high schools should be included. But you can't face that debate if you kill the bill first. So I would ask the members of the Senate, if this is the big hang-up, to vote against the motion to accept the Minority Ought Not to Pass Report, and then let's get an amendment before us to decide whether the Senate wants to include high schools or not.

Basic to the philosophy of the bill is the fact that 38 percent of the labor force of the State of Maine is women, and many youngsters just don't get any hot food before they go in to school in the morning, and many youngsters don't have a home to go to at noontime because the mother is working, so this may be the first hot food in their little bellies all day. It is a compassionate bill, and I want to thank the Senator from Cumberland, Senator Brennan, for pointing out certainly the important fact that there is money for this in the Part I Budget, but it generates a very substantial amount of federal dollars to improve the nutritional balance prospects for Maine's young people.

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

Mr. OLFENE: Mr. President and Members of the Senate: I would like to just make a couple of brief remarks in regard to the comments that have been made. First, before I do, I speak to the remark just made by my good friend, the Senator from Kennebec, Senator Katz. It was always the policy in my home in bringing up my children that it was the general practice that we had something to eat before we went to school in the morning. Now, I don't know if we find this to be a real hardship in some homes, but I am sure it

is not because of the lack of funds to buy the food; it may be because Mom and Dad are too busy working and they are kind of letting the kids slide off to one side. I think we have criticized this on many other occasions.

When a lunch program such as is being suggested, Portland would be trying with a centralized distribution point, as I understand it, yes, it is true that a lunch program of this type would qualify under this bill. But it has been proven, apparently, that to meet these requirements, experience in other districts has shown that this is not a very satisfactory method. I think you would agree with this. This is like taking a catering cart and going around from school to school with a bag lunch type of a program.

Also, I see nothing at the moment that would stop the City of Portland from not presently putting this program in.

Again, I just repeat what this is doing is making a mandatory forceable situation, and I would urge that we leave it to the hands of the local municipalities. Therefore, again I urge you to support Senator Minkowsky's motion. Thank you.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I am glad to learn why the Senator from Androscoggin, Senator Olfene, is so nice and healthy, like most of us. He has learned the secret apparently, but some haven't.

You know, in talking about the mandatory aspects of this school lunch program, I think the mandatory aspects of this particular legislation are quite liberal when you compare it to other mandatory aspects of the whole education system. Now, the system says that children going through school are going to take certain reading, writing and arithmetic standards all the way through. These are set by the state. They set how many days they go to school, and you can go on and on naming things that are mandatory when you talk about education. Now, here is

something that I think all the kids have the opportunity to appreciate, and I think — let's don't kid ourselves — we know that a lot of them don't get proper nutrition, especially in the younger grades when their whole body chemistry is made up of nutrition, or the lack of it; it affects the minds, the bodies, and the whole works.

I strongly urge you to vote against the motion and support the thoughts of the Senator from Kennebec, Senator Katz.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: At the risk of being called a vacillator, I agree with the remarks of the Senator from Kennebec, Senator Katz. I will vote against the motion now, and trust that an amendment will be introduced to exempt the high schools.

My real objection was that I do think it was a real problem in the new type scheduling at the high schools, and I would certainly be willing to vote against the motion if an amendment to exempt high schools were to be introduced.

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 Requiring that the National School Lunch Program be Implemented in All Public Schools." 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 Androscoggin, Senator Minkowsky, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Item 6-10, Legislative

Document 1392. 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.

YEAS: Senators Aldrich, Anderson, Berry, Fortier, Greeley, Hichens, Huber, Minkowsky, Olfene, Wyman, MacLeod.

NAYS: Senators Brennan, Cianchette, Clifford, Cox, Cyr, Danton, Graffam, Joly, Katz, Kelley, Marcotte, Morrell, Peabody, Richardson, Roberts, Schulten, Sewall, Shute, Speers, Tanous.

ABSENT — Conley, Cummings.

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 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.

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 Establish the Maine Telecommunications Commission." (S. P. 440) (L. D. 1505)

Change of Reference

Mr. Marcotte for the Committee on Natural Resources on Resolve, to Develop a Comprehensive Development Concept for Maine Mountain Areas and Provide Funds for a Preliminary Plan. (S. P. 542) (L. D. 1694)

Reported that the same be referred to the Committee on Public Lands.

Which report was Read and Accepted and the Bill referred to the Committee on Public Lands.

Sent down for concurrence.

Ought to Pass

Mr. Clifford for the Committee on County Government on Bill, "An Act to Authorize York County to

Raise \$800,000 for Construction of a County Jail." (S. P. 529) (L. D. 1659)

Reported that the same Ought to Pass.

Which report was Read.

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

Mr. HICHENS: Mr. President and Members of the Senate: I feel that this bill is before us at a very opportune time. You have been well aware of all of the publicity that the York County jail and the Sheriff's Department have received in the past two or three weeks because of the barbershop quartet. I have here an article from the York County Coast Star, with accompanying pictures, and I would like to read sections of that article and then speak briefly on the bill.

"Don" Murphy, 18, and Rob DeBlois, 19, stand out like two circus freaks among their long-haired friends on the University of New Hampshire campus. The boys, both freshmen, had their heads shaved Thursday by York County jail inmates during the three hours they were incarcerated before they were able to raise \$25 each in bail money.

"The students were hitchhiking on the Turnpike in Wells when they were picked up by a state trooper and taken to the Alfred jail." One student said "We deserve to get arrested. We were hitchhiking to Nova Scotia where we planned to camp out for the weekend. About an hour earlier, the same trooper had picked us up for hitchhiking and had given us a warning and a ride. Then, when we couldn't get a ride on the ramp, we walked down the Turnpike and he came along again and arrested us.

"When we got to the jail, a bald deputy took our ID and we filled out some forms and he told us to change into prison clothes. He said we could make one call apiece to get the \$25 each bail money. We had about \$26 between us. We told him we would decide who to call and let him know.

"I guess it was more or less standard procedure, putting on the clothes and getting locked up. We hadn't been fingerprinted or mug

shot yet. Another guy took us into the cell block and all the prisoners were milling around. As soon as we got in, one prisoner said, 'We've got some candidates for haircuts here.' We said no, we don't want haircuts.

"The deputy came back and called me out. One prisoner said, 'We're going to give them haircuts.' And the deputy said, 'You've got one to work on there.'"

It goes on to tell about how the haircuts were given, and then at the close of the article it says, "Sheriff Richard Dutremble says the newspapers 'have blown this thing up all out of proportion. They make it seem like my guys (the deputies) were in cahoots to give these guys haircuts. I don't buy that at all.'

"Dutremble was talking to the cook in the jail kitchen when we interviewed him. Asked if it was standard practice to allow the inmates to cut new prisoners' hair, he replied, 'No, no, no.'

"The clippers are given on request. We don't cut anybody's hair just like that, unless it is for health reasons. If they have lice. Maybe the prisoners thought the men had lice.

" 'There are two sides of everything, you know. Those guys seemed happy when they came out of jail, there were no complaints. If they really had been scared, why didn't they tell the guards not to make them go back in there.

" 'The papers make it seem that all 20 inmates ganged up on the two. The deputy didn't say 'here is another prisoner to work on' (as reported by one paper), he said 'Here's another one,' meaning just another prisoner.

" 'All they've got to do is build me a new jail, and I'll keep those people separate. I have been asking for one for 10 years. Felonies should be kept away from misdemeanors. Just get me a new jail.' "

Here we have a bill before us to appropriate \$800,000 for a new jail. I am not going to oppose this bill, but I would suggest that we have a lot of other new things in York County also to go along with the jail.

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

Mr. DANTON: Mr. President and Members of the Senate: I am glad the good Senator from York, Senator Hichens, got up and read that article. This is exactly what we are trying to get away from in York County.

Our jail in York County presently is almost 200 years old. We do not have the facilities to segregate our inmates, such as these two boys that were hitchhikers. They were in there with real criminals, rapists, murderers, and what have you.

With this bill here — and it isn't an appropriation from the state; it is going to go out on referendum, and it is up to the residents of York County to decide if we want a jail, so it is going to them—this is a good bill, and I am sure my good friend and seatmate, the Senator from York, Senator Marcotte, wouldn't have introduced it if it wasn't a good bill.

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

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

Mr. MacLeod for the Committee on Public Lands on Bill, "An Act Repealing Certain Definition of Timber and Grass Relating to the Public Lots." (S. P. 290) (L. D. 837)

Reported that the same Ought to Pass.

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

Mr. Clifford for the Committee on County Government on Bill, "An Act Creating a County Civil Service Commission for Investigator Deputy Sheriffs." (S. P. 439) (L. D. 1341)

Reported that the same Ought to Pass.

Which report was Read.

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

Mr. BERRY: Mr. President, I wonder if the Senate might have the benefit of the views of Senator Brennan, the sponsor of the bill, and Senator Clifford, who signed out the report on this bill. I think it is a fairly significant piece of legislation.

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed an inquiry through the Chair which either of the Senators may answer if they desire.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: The objective of this bill is to provide continuity with law enforcement. I think we are getting out of the era where you elect a new sheriff and he brings in new deputies with him, oftentimes with no training whatsoever.

We passed some legislation a few years ago requiring mandatory training for all police officers. That includes deputy sheriffs. If we pass this bill, we will give civil service protection to the full-time deputies.

I think we need continuity, particularly in an age where we are doing a great deal as far as trying to give these people some school-housing so that they can be aware of some of the finer points as far as making arrests, making searches and making seizures. So the purpose here is continuity, to keep the trained deputy with the sheriff. At the public hearing, it was supported by several sheriffs and there wasn't one ounce of opposition.

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

Mr. BERRY: Mr. President and Members of the Senate: I would like to discuss the bill itself, if I might. It appears on page six that we are making permanent the people who are holding the positions. If I am wrong in this, I would like to have the Senator correct me, because it says that deputy sheriffs who are serving on December 31, 1974 and who are

re-appointed will become grandfathered.

The concept of the bill, of course, is good, as Senator Brennan has outlined. He has attempted to rectify probably the most glaring problem facing us in county government, and that is the law enforcement part. There is no question that this bill is a major step to increase the strength of county government, but I think this is a wrong direction.

We have heard Senator Hichens from York give us a plea for the County of York to spend \$800,000 for a prison. This brings up a good point, of county buildings and county institutions: should they be amalgamated and considered as units of a statewide system? Should there be a county prison in Alfred, should it be in Biddeford, or should it be some other place? We have small counties which can't afford county prisons, and the net result of this situation is what you see in York, a prison which I understand is approaching 200 years old.

I think the establishment of a hierarchy in the sheriff's department is basically in opposition to the concept of our three-party system in American Government: the legislative, the judicial, and the executive. I have repeatedly stated that the main problem with county government is the total lack of a legislative arm of county government. We have the executive in the form of the commissioners, and we have the judicial, but we have no people, no elected body, riding herd on county government.

Now, to institute this bill would be a step that would be very, very difficult to retrieve at a later date. The political influence of a group under civil service statewide would be tremendous.

County government needs a lot of going over. The legislature through the years has tried to cope with the problem. Very apropos of this bill is what this legislature is going to do with the county attorney system. I bring to your attention the problems that would be created by a county attorney, other than the way it is now, appointed by the Attorney General

or appointed by the Governor, or a district attorney, which is what we are hoping for, however he may be elected or appointed, with a group of deputy sheriffs under him that he has absolutely no control over.

I bring these points to you not in a spirit of trying to knock down a good law with a good purpose, because I know that Senator Brennan's purpose is laudable. From his experiences as a county attorney, where he did an outstanding job, he knows the need for improving our prosecution system, but there are far more principles involved here that we have left unsolved, and this would cast them into a mold that would be very, very hard to change in the future.

I hope that we would not pass this bill.

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

Mr. BRENNAN: Mr. President and Members of the Senate: First, I would like to state that I am not a proponent of county government. I am a proponent of regional government. But the fact is that we do have county government, and apparently it is considered rather sacred around this legislature.

Recently we have seen bills dealing with appointment of the judge of probate, and we have seen bills dealing with the appointment of the clerks of the Superior Court. To me, it is absolutely ridiculous to elect these people, yet these bills take the count very readily in the other branch.

Since county government is going to be treated as sacred, and it has been here for a number of years, I think as long as we are going to do that, we ought to try to make it as effective as possible.

In this bill, what we are trying to do is make the law enforcement arm more efficient. I think we can do that by having some continuity of our investigative deputy sheriffs, particularly since they have to have some training.

Now, this bill had a unanimous committee report, for whatever that is worth. That means all the members of the committee thought

it was a pretty good idea. As I said, there was no opposition whatever at the committee level.

As far as I am concerned, for those who are interested in law and order, this is a step in that direction. I think if we have better trained police, we are apt to get better results. So I hope you would accept the unanimous report of the County Government Committee.

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

Mr. JOLY: Mr. President and Members of the Senate: I arise to agree with the good Senator from Cumberland, Senator Berry. It seems to me inconsistent that in recent years we have been doing a lot about trying to make state department heads' terms consistent with the term of our Governor, our Chief Executive, because they are working together, and here we are going in just the opposite direction. The sheriff is the head of the sheriff's department, and when we have a change in sheriffs there might be some deputies that are not his people. I think this should be taken into consideration.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I think that the grounds of the expertise in law enforcement has been covered very well by the Senator from Cumberland, Senator Brennan. And I certainly sympathize with the concern expressed by the Senator from Cumberland, Senator Berry, but I think one of the objections to county government — and I certainly am no friend of the expansion of county government — but I think one of the main objections to it, Mr. President and Members of the Senate, is that it has been too directly involved in politics at every level, especially in the sheriff's department when people who were supposedly involved with law enforcement were political appointees with law enforcement, not on a policy making level, but on the enforcement level on a day to day basis. These people were political appointees who were expected to contribute to and

campaign for the incumbent sheriff. This takes them out of politics, but I believe that it does not take the chief deputy out, so that the chief deputy is still subject to appointment by the sheriff. So the sheriff and the chief deputy are still not members of the civil service.

I think in the reorganization in the state government that it is only the people at the top level who are subject to removal at the end of the governor's term. I think most of the people who do the day to day operations, who are not the policy makers, are protected by civil service or in classified positions, and I think this does essentially that. But I think the main thing it does is take the politics out of law enforcement at the county level, which has been one of the main problems with county government. This is why I feel that the committee unanimously agreed that this was a good measure and a progressive measure. Thank you, Mr. President.

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

Mr. ROBERTS: Mr. President and Gentlemen of the Senate: As County Government Chairman, I feel that I have something called an elliptical thing, called a football, because first I am kicked this way and then I am kicked that way. I am not speaking of me personally, but county government. You support something, and then in the next breath you don't. My good friend, Senator Brennan, indicated that when he said you leave the judges of probate and the clerks of court in the elective area, when they clearly belong in the appointive, and that would give more control to the state.

They talk about taking the sheriffs and doing away with them and letting the state police take over as far as law enforcement is concerned, and the reason they give is that the sheriffs aren't appointed, they don't stay, they don't know what it is all about, and they are just political hacks. Then they turn around and try to improve this, and they improve it by sending these people to school and providing money to see that

they get this training. Then if the training is going to be worth anything, you have got to keep them there and give them a chance to use the training and to get more training. And unless you have something that gives them some sort of a permanency, then you might as well not bother to send them to school in the first place.

Now, they are trying at the local level to improve this, and I think in that connection they need a little protection, and this is the way they are going to get it.

I think those who are afraid and think county government shouldn't get any stronger — and there are a lot of them, I realize — simply can watch and see if this attempts to spread. If it does, then they can take it out. There was a provision in one of the home rule bills to provide for a civil service commission to cover all county offices, but that has been amended out of the bill and won't even be in the bill, whatever bill is reported out of committee.

So I feel in this instance that this involves only the investigators, the sheriff's investigators, which in Cumberland County there might be three, in York County it is two, and in many counties it is zero. I don't think we are talking about more than 10 or 15 people in all the state, and I think it is a step in the right direction. If you are going to have sheriffs and they are going to be mixed up in law enforcement, they should be trained. If they are trained, then they should be allowed to use that training on a permanent basis, and not be subject to the whim of whoever the sheriff may be that gets elected.

That was the feeling of the committee, and that is why we voted it out ought to pass unanimously. Thank you.

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

Mr. RICHARDSON: Mr. President, through the Chair, if I may, I would pose an inquiry to the Senator from Cumberland, Senator Brennan. I am unable to determine by a quick reference to the bill what the penalty provision is for the violation of the little Hatch Act

or a year and a half ago, I got provision here regarding political activity. I would be interested in being advised as to what the penalty would be in the event of a violation.

When our home in Cumberland was robbed about two years ago, a first-hand opportunity to watch the vigor, preciseness and nicety of the investigative process by the Cumberland County Sheriff's Department, and I don't want to get into that because I would have you all crying and sobbing in a matter of moments. But I really would like to know what teeth there are in this law to prohibit political activity by these people whom someone has uncharitably referred to as political hacks.

The PRESIDENT: The Senator from Cumberland, Senator Richardson, has posed an inquiry through the Chair which the Senator from Cumberland, Senator Brennan, may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: In response to the question of the good Senator from Cumberland, I would direct his attention to page 5 of L. D. 1341, Section 1418, Dismissal and disciplinary action, and just read the first part of the sentence. "An appointing authority may dismiss, suspend or otherwise discipline a classified employee for cause." I trust that will answer the good Senator's question.

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

Mr. BERRY: Mr. President and Members of the Senate: I am in complete sympathy with the remarks of the Senator from York, Senator Roberts, that something needs to be done. But I think the thrust of my objection is that we are taking a permanent step here, and I would like to invite to the attention of all the Senators that this applies to every county in the state; we are not just talking about Cumberland County or York County, so you are faced with the institution of the civil service commission which will be appointed by the county commis-

sioners and the sheriff. This, I think, is the main thrust.

We are not just going into something, as was indicated, that we can repeal easily two or three years from now if we don't like it.

Mr. President, I move this bill be indefinitely postponed, and ask for a roll call.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Item 6-15, Legislative Document 1341, be indefinitely postponed, and a roll call has been requested. Is the Senate ready for the question?

The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, "An Act Creating a County Civil Service Commission for Investigator Deputy Sheriffs", be indefinitely postponed. A roll call has been requested. 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 Creating a County Civil Service Commission for Investigator Deputy Sheriffs", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Greeley, Huber, Joly, Minkowsky, Olfene, Richardson, Schulten, Sewall, Shute, Wyman.

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Cox, Cyr, Danton, Fortier, Graffam, Hichens, Katz, Kelley, Marcotte, Morrell, Peabody, Roberts, Speers, Tanous, MacLeod.

ABSENT: Senators Conley, Cummings.

A roll call was had. 12 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with two Senators

being absent, the motion did not prevail.

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

Ought to Pass — As Amended

Mr. Peabody for the Committee on County Government on Bill, "An Act Relating to Fees of Clerks of Courts." (S. P. 171) (L. D. 426)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-101).

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

Second Readers

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

House

Bill, "An Act to Regulate the Size of Shot in Shotgun Shells for Waterfowl Hunting." (H. P. 1466) (L. D. 1891)

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

Bill, "An Act Relating to Lead Poisoning Control." (H. P. 1446) (L. D. 1866)

Which was Read a Second Time.

On motion by Mr. Minkowsky of Androscoggin, tabled and Specially Assigned for May 8, 1973, pending Passage to be Engrossed.

Bill, "An Act to Repeal the Compensation for the State Running Horse Racing Commission." (H. P. 1464) (L. D. 1889)

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

House — As Amended

Bill, "An Act to Revise the Maine Insurance Code as Related to Separate Accounts Established by Insurance Companies." (H. P. 870) (L. D. 1158)

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

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

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

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

Senate

Bill, "An Act Establishing an Office of Early Childhood Development in Maine." (S. P. 515) (L. D. 1639)

Bill, "An Act Appropriating Funds to Continue Emergency Employment Act Services at Bangor State Hospital." (S. P. 504) (L. D. 1588)

Bill, "An Act to Upgrade the Quality of Care at Bangor State Hospital." (S. P. 531) (L. D. 1689)

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

Sent down for concurrence.

Enactors

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

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

An Act Creating Aroostook County Commissioner Districts (H. P. 55) (L. D. 65)

An Act Authorizing Food Stamp Program for Certain Municipalities. (H. P. 1037) (L. D. 1357)

An Act to Provide that Wages Earned by Prisoners in State Correctional Institutions shall Draw Interest Pending Release of Prisoner. (H. P. 1456) (L. D. 1880)

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

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

Comes from the House, Indefinitely Postponed.

(On motion by Mr. Cyr of Aroostook, tabled and Tomorrow Assigned, pending Enactment.)

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

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

Emergency

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

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

Mr. RICHARDSON: Mr. President, I would inquire of any Senator knowledgeable about this L. D. what it does, and what changes it makes in the present Municipal Industrial Recreational Obligations Act?

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

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: The principal change in this bill is simply to legalize loans by the Industrial Commission on leases rather than outright sales. Leases, of course, are becoming a very popular method of financing heavy equipment or expensive equipment by corporations, and there was a legal doubt that was raised by the legal firms passing on the quality of bonds issued. There seemed to be a cloud on the bonds and their reception by the buying public. This is the only thing that this thing accomplishes; it clarifies the fact that lease equipment would have the same standing as purchased equipment.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative votes of 23 members of the Senate, with three Sen-

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

Emergency

Resolve, Appropriating Moneys for Spruce Budworm Control. (H. P. 735) (L. D. 938)

This being an emergency measure and having received the affirmative votes of 23 members of the Senate, with three Senators voting in the negative, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature. (S. P. 586) (L. D. 1804)

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

Mr. KATZ: Mr. President, may I request an explanation of this proposed Constitutional Amendment, please?

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

Mr. COX: Mr. President and Members of the Senate: This resolution states that the legislature shall pass laws regulating the borrowing power of municipal corporations. At this point in time the legislature cannot do that; the people can. This resolution, which happens to be my bill, was done after a complete study by the Maine Municipal Association as to the inequities in the debts of various municipalities in the State of Maine. There have been several attempts in the past few years to get something through this legislature to set a more reasonable control on debt limitation by the various municipalities.

The intent of the resolution is to develop a more effective method of regulating debt. In 1970, for example, \$238 million was owed by the various municipalities. 51 percent of that debt rested in the municipalities, and 49 percent in

special districts. So there are ways of getting around the current debt limits. Not only are they getting around it, they are getting around it in a more expensive way. The major debt limits in special districts has produced many inequities, and the sum and substance of it is that those communities that do not want to go into a special district are at a distinct disadvantage, and by letting the legislature control the debt limit you will have a more equitable way of controlling it in the State of Maine.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being a Constitutional Amendment and having received the affirmative votes of 28 members of the Senate, with one Senator voting in the negative, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Secretary of State for presentation to the people.

Orders of the Day

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

Resolution, Proposing an Amendment to the Constitution Changing the Legislature to a Single Chamber, Unicameral System, with Single Member Districts. (S. P. 273) (L. D. 798)

Tabled — May 1, 1973 by Senator Clifford of Androscoggin.

Pending — Consideration.

In the Senate — Passed to be Engrossed.

In the House — Indefinitely Postponed.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: This bill, of course, is the unicameral one-house bill. It is a bill which I really believe in. I think it is the real solution to the lack of legislative powers as opposed to executive power, and perhaps as the only real solution to unclog the long legislative process which we find ourselves in. But the resolve went further than it ever has; it received a favorable committee

report for the first time, in my understanding, and it passed one of the legislative bodies for the first time in history in this legislature.

I appreciate all those who did support it and those who didn't but voted to give it a chance to be debated. In the interest of unclogging that legislative process, Mr. President and Members of the Senate, I would move that we recede and concur with the House.

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

The motion prevailed.

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

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

Tabled — May 2, 1973 by Senator Joly of Kennebec.

Pending — Motion of Senator Katz of Kennebec to Recede and Concur.

In the Senate — Indefinitely Postponed.

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

Mr. Katz of Kennebec was granted Leave to Withdraw his motion to Recede and Concur.

On further motion by the same Senator, the Senate voted to Recede from its action whereby the Bill was Indefinitely Postponed.

On further motion by the same Senator, the Senate voted to Recede from its action whereby the Bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-102, was Read.

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

Mr. RICHARDSON: Mr. President, I would inquire of the Senator from Kennebec, Senator Katz, as to what the present status of this

somewhat over-amended legislation is?

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

Mr. KATZ: Mr. President, prior to responding to the Senator from Cumberland, Senator Richardson, I understand that the bill is presently amended by Committee Amendment "A". Was there another one?

The PRESIDENT: The Chair would inform the Senator that the Senate adopted on April 25, Filing S-95, Senate Amendment "A".

Mr. KATZ: Under Filing S-95?

The PRESIDENT: On April 24, we adopted Committee Amendment "A".

Mr. KATZ: Mr. President, is it my understanding that Senate Amendment "A" would be in conflict with Senate Amendment "B"?

The PRESIDENT: The Chair would inform the Senator that the Secretary of the Senate says there is no conflict between the two amendments.

Mr. KATZ: Mr. President, in that event, to straighten things out, I had better withdraw my motion whereby I offered this amendment for adoption and kill Senate Amendment "A" first.

The PRESIDENT: The Chair would inform the Senator that if it is the intention of the Senator to adopt Senate Amendment "B" eventually — it is up for adoption at the present time — but if the Senator then wants to have the Senate reconsider its action whereby Senate Amendment "A" was adopted, he may move for reconsideration. Is it the pleasure of the Senate to adopt Senate Amendment "B"?

Senate Amendment "B" was Adopted.

Mr. Katz of Kennebec then moved that the Senate reconsider its action whereby Senate Amendment "A" was Adopted.

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

Mr. MARCOTTE: Mr. President, I would oppose this motion and would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I think it would be well for the Senators to look at L. D. 1381, which is being amended and with which this amendment is concerned. I would reiterate, I think, very briefly, what has been said about this bill.

This bill is not being pushed by consumer groups. It is being pushed by retailers against retailers. It concerns itself with price comparisons and I maintain, Mr. President and Members of the Senate, that most retail businesses compare prices in their advertising, including some of the proponents of this bill. What this bill does is require that if there is going to be a price comparison that the person comparing the prices be able to back that price comparison up of something sold in the area within 60 days. Now, everyone knows that those retailers who use catalogs can't do this, so that effectively eliminates them from comparing prices in any manner whatsoever. It is a discriminatory bill because the other retailers will still be able to compare prices.

I think also, if they look at the bill L. D. 1381, I think you would have real problems in enforcement, Mr. President and Members of the Senate, of that bill as to the proof of a substantial number of sales on the same item in the same area. As to the definition of the same area, the definition of a substantial number would require and cause a substantial amount of litigation.

I think that the thing to remember and the thing that we must keep in mind is that there has been allegations that the practices of certain of the retailers who use catalogs, and in those catalogs there are price comparisons, there is an allegation that this may be a violation of federal law, federal trade practices law. Well, perhaps it is and perhaps it isn't, but it seems to me that that ought to be decided by the courts as to whether the present practice is in violation. And

the important thing is that if it is a violation, Mr. President and Members of the Senate, perhaps there is another method of price comparison that these retailers could work out in agreement with the Federal Trade Commission that would allow them still to compare prices on some kind of basis. Under this bill they would absolutely be forbidden to compare any prices at all, whereas the other retailers would still be allowed to, so the bill is a discriminatory bill and is not really being pushed by consumer groups; it is really being pushed by retailers against other retailers. I would oppose the motion of the Senator from Kennebec, Senator Katz, which is to reconsider the action on Senate Amendment "A".

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

Mr. SPEERS: Mr. President, a parliamentary inquiry: Whether or not at the time that this bill was indefinitely postponed, the amendment would also have been carried and have been indefinitely postponed at that time?

The PRESIDENT: The Chair would inform the Senator that when the motion to indefinitely postpone was reconsidered and accepted by the Senate, the Chair would interpret that the amendment was still on the bill as adopted by the Senate on April 25.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I want to apologize for the confusion that may have been created from a parliamentary point of view. I would suggest that this amendment is not the proper place for the opponents to make their stand. I think that we would agree that the bill is going to live or it is going to die, and the amendment is really not the issue here.

I guess every industry or profession has its own idiosyncrasies, and in the retail business the use of list prices is a well-established procedure. Every retailer sells merchandise on occasion at less than list prices, and in order to give the consumer an idea of the

value that he is offering he will usually give the price at which he previously sold it and they say, "However, today I am selling it for less". So that when you pick up the paper, as a member of the Senate did yesterday, and I think there was an ad from Porteous that said, "Regularly 98 cents; now 68 cents", this meant that Porteous actually previously sold the merchandise at a specific figure, was not selling it for less, and it was telling the consumer, as almost a contractual offering, that if you buy it this is what you are saving. And this bill has absolutely nothing to do with that.

Second, if in general retailers in an area sell an RCA color TV set for \$498, and there is a cut-rate discount operation that sells it for \$449, under this bill he could say regular or list price \$498, our price so much, and in the form of making a contractual offering he is telling the public that if you buy it from us at this price you will be buying it with this much saving compared to what others are offering it for in this market area.

Now, if you believe that it is not important for the customer to know the honest, bona fide savings, you vote against this bill. But if you believe that when the consumer picks up a newspaper ad, hears something on the radio, goes to an automobile showroom, or picks at a catalog, and somebody offers him something for sale and says this regularly sells elsewhere around here for so much money, but I am selling it to you for less, that I am saving you so much money if you buy it from me, if you believe that the consumer has a right to know not only that he is buying it at such and such a price, but he is actually making a specific saving, if you believe that we are out of the old jungle of caveat emptor, let the buyer beware, and if you believe that retail merchandising has a responsibility to be scrupulously honest and candid, then you start to see some of the merits of the bill.

Now, let's talk about the fact that when you come to catalogs you come into a special case.

Catalogs are printed ahead of time, and when the committee heard the bill it was written as 30 days, that if you put a manufacturer's list price it has to be a price which said within the 30-day period immediately preceding the date the advertising stated, and so forth, the sale might have been made in the trading area. The committee heard this and, although I wasn't involved either in the filing of the bill or in the amending process in the committee, the committee saw fit to make it a 60-day period. So if an article had been sold within the past 60 days, this was an honest, legitimate price comparison.

I will not stand here and tell you that 60 days is an adequate amount of time for a catalog house, but I will say that I am desperately and honestly anxious to see a bill passed that does no one any damage with respect to making this price comparison. If 60 days is not enough lead time, for heavens sake, let those who are protesting come forward and say we could live with 90 days, or we could live with 120 days, or we could live with six months, or we could live with 12 months. But to have them come here and say to us kill the bill, kill the bill; you are discriminating, I think the motivation then becomes very clear.

So I stand here today and say to you, first, I hope that you permit this amendment that we are discussing now to be killed. Second, if there is anybody in this chamber or in this state that thinks honestly and candidly we should give more lead time, let's give more lead time, but let's not confuse the issue by talking about discrimination.

I am completely pure in heart when I say my whole motivation is to let the public know specifically the nature of the values that they are buying. I stand up here just as sincere as can be saying that I am proud to be in retailing. And if this bill doesn't do it exactly as it is written, if you want to make it 90 days or 120 days, let's join together in good conscience and do it.

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

Mr. MARCOTTE: Mr. President and Members of the Senate: The merchant to which this bill is directed operates retail outlets in four other states outside the State of Maine. There is no evidence in any of these states that they are in fact deceptive in their pricing policies. I firmly believe that this is a feud between private enterprise, merchants within the State of Maine, and I just can't see how we can justify that this would be the place to settle their problems. So I would oppose this amendment and the bill in toto.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby it adopted Senate Amendment "A".

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I would oppose the present motion to strike Senate Amendment "A" because Senate Amendment "A" would allow the catalog operation to compare prices if the price was the manufacturer's suggested retail price. This really makes the bill non-discriminatory and allows the catalog to be printed. The problem of time, it is not only the question of time in the printing of the catalog, but the way the bill is written it would still be prohibited because they would have to show the other bona fide price by a substantial number of sales in the trading area, and since these catalogs are printed for four or five states this would be an impossibility.

In reality, the bill without Senate Amendment "A", which is presently on, if it passes without Senate Amendment "A", it would eliminate any kind of price comparison by certain of the retailers in the state. It would not eliminate price comparisons by anyone else, and this is why the bill really is discriminatory; it is one retailer against another. Therefore, I would oppose the motion by the Senator from

Kennebec, Senator Katz, that we reconsider our action on Senate Amendment "A".

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

Mr. SPEERS: Mr. President and Members of the Senate: This really is a rehash of the debate that we heard last week, and that is that Senate Amendment "A", if it remains on the bill, would completely evidence the reverse of the reasons that this bill was introduced.

Now, the manufacturer's suggested retail price, as I suggested or I mentioned in the prior debate, has absolutely nothing to do with the amount of price that other retail outlets are offering an item for in a particular area. So if the manufacturer's suggested retail price is the price that the sale price is to be compared to, you have the real potential for deceiving the consumer, the customer, into thinking that he is saving more money than he is actually saving.

There has been quite a bit of lobbying practices in the halls on this particular bill, and even those who are opposed to the bill have agreed that this particular amendment should come off the bill because it does precisely the opposite and authorizes, actually authorizes, the practice that the Attorney General's Office has decided and believes, and is going to be taken action on, that is at the present time illegal. I would support the motion to reconsider adoption of Senate Amendment "A" and hope that it then would be finally laid to rest.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby it adopted Senate Amendment "A". A division has been requested. As many Senators as are in favor of the motion to reconsider whereby Senate Amendment "A" was adopted will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 12 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate that the bill be passed to be engrossed in non-concurrence?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I had better say this quickly to avoid any raised eyebrows. I move this be tabled until later in today's session.

The PRESIDENT: The Senator is out of order; he was debating his tabling motion.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Thereupon, on motion by Mr. Richardson of Cumberland, tabled until later in today's session, pending Passage to be Engrossed.

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

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

Tabled — May 2, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed. (Committee Amendment "A" (H-288).

Which was Passed to be Engrossed in concurrence.

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

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

Tabled — May 2, 1973 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

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

Mr. TANOUS: Mr. President and Members of the Senate: I have talked with the sponsor of this bill, Senator Shute from Franklin, and he is sort of interested in seeing what will happen to this particular bill in the other body, and I have

agreed to permit the bill to go without fighting it at this level. However, I want to mention that if it should pass the other body, when it comes back to the Senate I intend to oppose the bill and perhaps amend it so that it would be acceptable and what I feel would be justified. Thank you.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

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

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

Pending — Passage to be Engrossed.

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

Sent down for concurrence.

The PRESIDENT: The Chair would like to compliment the Senator from Hancock, Senator Anderson, for having considered 78 bills in the Committee on Fisheries and Wildlife. He has only one bill left in committee, and that is an omnibus errors and inconsistencies type bill which he will hold until the 25th. But they had 78 bills before them, and they reported out 35 ought to pass, 13 ought not to pass, 13 leave to withdraw, 8 divided reports, 8 covered by other legislation, and one bill is still in committee, the omnibus bill. I would like to congratulate the Senator from Hancock, Senator Anderson, and the members of his committee for the expeditious way in which they handled their chores. (Applause.)

Mr. Berry of Cumberland was granted unanimous consent to address the Senate:

Mr. BERRY: Mr. President and Members of the Senate: In one of today's papers, written by a

gentleman who I number in my group of ten in the state, are two articles. They seem to be contradictory, but one of them reflects to a certain extent, I am sure, a chiding manner on the ability on this body as part of the 106th Legislature. But the same very, very capable writer said in a lead article that the legislature is moving apparently in the direction of major legislative reform. If this were to come to pass, the 106th Legislature would go down in history as one of the best ever assembled in the State House. So I just want to point out that this is a possibility, and that the 106th

Legislature, in my opinion, is the best I have ever served in, and the Senate of the 106th is the best Senate I have ever served in. And I say this in no way to disparage any of the other bodies I have been with because they have been good also. But I know that we are going through a period of quietness, but we are working hard and doing a good job. Out of the 106th there is going to come some major progress for the State of Maine.

On motion by Mr. Sewall of Penobscot,

Adjourned until 12 o'clock tomorrow noon.