

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

Friday, May 4, 1973

Senate called to order by the President.

Prayer by the Rev. Robert Canfield of Gardiner.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to the Redemption Value of Trading Stamps." (H. P. 810) (L. D. 1056)

In the House April 20, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (H-213).

In the Senate April 26, 1973, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Joly of Kennebec then moved that the Senate Adhere.

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

Mr. KATZ: Mr. President, I move the Senate recede and concur. The origin of this bill was because of the action of a very, very alert and aggressive attorney general in the State of Maryland who felt that his consumers were not getting a fair shake from the trading stamp companies.

We have some alert people in the state too who found out that the people of Maryland were getting benefits because of an aggressive attorney general, and I think that was the origin of the bill.

I understand it was debated the other day, so I won't take any more time to say anything except the fact that it just gives the people of Maine the same equitable treatment that is being received in other states because of aggressive governmental activity. I request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: I normally concur with the judgment of the Senator from Kennebec, Senator Katz, but in this instance

it seems to me that I would prefer to see our Attorney General vigorous and aggressive in areas other than in what I feel is strictly private enterprise.

Now, to be sure, trading stamps are somewhat unique, but in my opinion, it seems to me that there isn't a question here of the people of the State of Maine getting a fair shake in what might or might not be the fair monetary redemption value of stamps. In my opinion, I think we have got better things to do than to get included here just because a particular attorney general thinks that he ought to get involved and match what he feels was aggressive and wide-awake action on the part of some other attorney general. So I would hope that you would vote against the motion of the Senator from Kennebec, Senator Katz.

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

Mr. JOLY: Mr. President and Members of the Senate: I don't see how we can fool ourselves on this bill. Trading stamps are given as an incentive for people to purchase at a certain store. If there are two stores selling the same item, and one is giving trading stamps, you are going to pay for those trading stamps. You may not think so; it looks nice to get these free stamps and you get some gifts after you buy them. But actually you are paying for them, which means that the store that is not giving out green stamps will charge a little less for the same item.

Now, when we turn around and raise the value of the stamps, the storekeeper is simply going to turn around and either charge more for the goods which he gives the stamps for, or the company is going to pay for them. In other words, the consumer is going to pay for it. It is as simple as that. Nobody is getting any big breaks. And I think we are avoiding seeing this by mixing it up with some of the other facts in the case.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the

Senate recede and concur with the House. As many Senators as are in favor of receding and concurring with the House will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 11 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

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

In the House May 1, 1973, Bill substituted for the report and Recommended to the Committee on State Government.

In the Senate May 2, 1973, Referred to the Committee on Human Resources, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Berry of Cumberland, the Senate voted to Adhere.

(See action later in today's session.)

Non-concurrent Matter

Bill, "An Act Relating to Tread Depth of Motor Vehicle Tires." (H. P. 1051) (L. D. 1380)

In the House April 27, 1973, Bill and accompanying papers, Indefinitely Postponed.

In the Senate May 1, 1973, Passed to be Engrossed, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-308), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Communication

STATE OF MAINE

House of Representatives

Augusta, Maine 04330

May 3, 1973

Hon. Harry N. Starbranch
Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

Today the Speaker of the House appointed the following conferees

on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Penalty for Burglary" (H. P. 206) (L. D. 279):

Mrs. BAKER of Orrington

Mr. CARRIER of Westbrook

Mr. FARRINGTON of China

Respectfully,

Signed:

E. LOUISE LINCOLN

Clerk

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

Orders

On motion by Mrs. Cummings of Penobscot,

WHEREAS, the country is in the early stages of an electronic revolution in the field of telecommunications and cable television; and

WHEREAS, local cable systems are rapidly spreading to individual owners by municipal franchise throughout the State; and

WHEREAS, this development may lack an adequate regulatory framework by which standards, coordination and controls can be uniformly administered in the public interest; and

WHEREAS, the jurisdictional aspect of such regulation and control is in issue and prerequisite to any meaningful legislation; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the subject matter of the following bills: "An Act to Establish the Maine Telecommunications Commission," Senate Paper 440, Legislative Document 1505, "An Act Regulating Community Antennae Television Systems by Public Utilities Commission," House Paper 227, Legislative Document 299, and all other relevant matter in order to determine whether the best interests of the State would require the enactment of regulatory legislation and if so, of what type; and be it further

ORDERED, that the Public Utilities Commission be directed to provide the committee with such technical advice and assistance as the committee feels necessary or appropriate to carry out the

purposes of this Order; and be it further

ORDERED, that the committee report its findings at the next special or regular session of the Legislature. (S. P. 605)

Which was Read.

The PRESIDENT: The Chair recognizes that same Senator.

Mrs. CUMMINGS: Mr. President, I would like to speak briefly on that motion. The cable television is a growing industry in this state, as it is throughout the country. The ramifications of the wonderful things it can do are subject to regulation in only two states so far, and those two states take very different methods of regulating the activities of those organizations.

I feel strongly that something has to be done, and I was sorry to have to vote against the bills that were put in to create some form of regulations. But I think after a short period of time we ought to be able to iron out the difficulties and come up with a bill that would be acceptable to all concerned.

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.

On motion by Mr. Richardson of Cumberland,

WHEREAS, a fundamental obligation of the Maine Legislature is to review programs which it has approved in order to insure that programs approved by the Legislature are administered effectively, efficiently and economically and in accord with legislative intent; and

WHEREAS, a continuing review of legislative spending is desirable to curtail the spiraling cost of State government and to insure that programs are not continued in operation unless they are working efficiently and meeting proven needs; and

WHEREAS, improvement in our current budgetary system is essential to provide services to Maine people at realistic costs within reasonable levels of taxation; and

WHEREAS, the citizens of Maine have a right to demand effective budgetary control; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is hereby directed to make a continual review and evaluation of the State budget with the goal of determining what changes, if any, should be made in current practices and programs; and be it further

ORDERED, that the Committee evaluate the possibility of adopting an annual budgetary system providing for continuing review and assessment of all State spending; and be it further

ORDERED, that the Joint Standing Committee on Appropriations and Financial Affairs study and report as soon as practicable to the Legislature the feasibility of the adoption of so-called "zero-based" and program budgeting in order to enable the process of budget review and spending to be placed under direct review and control of the Committee on Appropriations and Financial Affairs acting for the Legislature; and be it further

ORDERED, that to help implement the Maine Management and Cost Survey Report for cost-savings and improved management practices, the Committee on Appropriations and Financial Affairs is hereby directed to establish in September 1973 continuing liaison with the Survey team which is now analyzing the efficiency of State government as authorized by H. P. 1564 of the 105th Legislature; and be it further

ORDERED, that the study of any subject or matter adjudged by the Committee to be relevant or germane to the subject of this Order shall be deemed within the scope of the Committee's inquiry; and be it further

ORDERED, that the Committee report its findings and recommendations to the 106th Legislature as soon as practicable. (S. P. 606)

The PRESIDENT: The Senator has the floor.

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

This is an order which is very similar to an order which I introduced almost a month ago, or something more than a month ago, which is now tabled and unassigned and appears as Item 3 on Page 10 of the Senate Advance Journal and Calendar.

This order represents an effort to bring all of the various factions involved under one tent and to provide an opportunity for the Legislative Appropriations Committee to embark on a program leading, hopefully, to some recommendations that they can make to us concerning changes in the way we currently handle the fiscal business, which I say is perhaps our most important business as legislators.

Now, the Maine Management Cost Survey team which is now in operation had some questions about this order in its original form. Myself and others have discussed the content of this order with the Administration and received their blessing, however, Maine Management Cost Survey wants over the weekend to review its terms in order to assure itself that our effort, or the effort that this order calls for on the part of the Appropriations Committee, will not in any way conflict with the fine work, and hopefully productive work, that is being done by the Maine Management Cost Survey. For that reason, I hope that some member of the Senate would be gracious enough to table this matter until Monday next in order that Maine Management Cost Survey can have an opportunity to review the details of this order and assure themselves that it meets their approval.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I am not going to try to kill this order now because I don't have the votes, but I would like to just talk about it briefly.

As I understand it now, there is a private group which is spending \$150,000 to do most of the work that this order calls for, and that they are going to report back

sometime in September with their findings to a special session.

Now, as I look at this, this order seems to be a duplication, and I think it could be construed as a lack of confidence and interference with the study which the last session of the legislature supported to be done by this Maine Management Cost Survey Team. That study has the cooperation of the Governor's office and the cooperation of state officials. I think we should give them a chance to report back with the study which is being done by these businessmen before we call for a duplication of effort.

Now, as I understand it, also there is an L. D. presently pending before the Appropriations Committee which calls for zero based budgeting. I don't even believe that has been heard.

So, as long as we are discussing this, I would like to pose some questions to the supporters of this order. First I would like to ask: Do they think it is a breach of faith with the Maine Management Cost Survey Team? Secondly: Does the Appropriations Committee plan to come out with a one-year budget this time instead of the usual two-year budget? Thirdly: I wonder if this order could be used to avoid public school financing reforms that are needed soon in order to be timely for the second year of the biennium? Fourthly: I was curious as to why there is no price tag. If I read the papers correctly, the Appropriations Committee is going to spend at least two months studying this, and I am sure the Appropriations Committee isn't going to do this for nothing.

I wonder also as to the breadth of this order. I look at the last paragraph, and it says "Ordered, that the study of any subject or matter adjudged by the Committee to be relevant or germane to the subject of this Order shall be deemed within the scope of the Committee's inquiry", and so forth. Now, I wonder if this will freeze out other committees from looking over these programs, such as the Education Committee, which has been very much involved in education financing.

Frankly, I really wonder is this order necessary?

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

Mr. SEWALL: Mr. President and Members of the Senate: I am rather surprised to listen to the good Senator from Cumberland this morning and his objections to an order which we had very seriously attempted to work out with members of his party and particularly with the Executive, who had some concern over the possible conflict between the Appropriations Committee and the Cost Management Study group.

We are all very aware of the hard work that this group is doing. As a matter of fact, there is a substantial change in the two orders in that it has been made very clear in the new order that the Appropriations Committee would not be interfering in any way with work which is now under way with the special study group.

I believe that it has been pretty well discussed amongst leadership and amongst the members of both parties that this proposition was a pretty good way to go in an effort to contain state spending. We contemplate that we would report out a one-year budget as opposed to the two years which we are now operating with. Hopefully, this would give us time, the Appropriations Committee, during the interim between sessions to study in depth cost requests from various state departments, particularly in the area of Part II budgeting, which is new programs, as you all know.

I read no incipient interference with any other group in this order. We in no way intend to preempt responsibilities from other standing committees and, hopefully, as this session progresses we will make it possible for the other committees to operate in the off-session through the passage of certain important legislation which might call for a new legislative council to replace the Governor's Council, and would call for the joint standing committees to be available to work through this new legislative council. So I believe

that this order is a forerunner for others that will come along later in the form of statutory changes.

This does have a certain amount of time element in it in that we would like during this session to be able to pass out only a one-year budget in place of the two-year budgets which we have done in the past. This makes all kinds of sense to those of us on the Appropriations Committee who supported this philosophy wholeheartedly. We need help to do the kind of a job we have been appointed to do, and through this means we see a light at the end of the tunnel. Thank you very much, Mr. President.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I would like to answer two of the questions posed by the good Senator from Cumberland, Senator Brennan.

No. 1: Is this order necessary? I think that everybody in this Senate chamber who has served in the past and those of us who are freshmen, who have now had an opportunity to see three or four months, realize that the Maine Legislature is not meeting one of its essential duties, at least in my view, and that is to conduct a continuing review of the programs which it authorizes in order to determine that those programs are still meeting a proven need and that they are meeting that need effectively and efficiently. I don't care whether you call yourself a conservative, a liberal, a mugwump, or what; we have a fundamental responsibility to do everything we can to carry out a continuing review of these programs.

Many members of this Senate have called for this repeatedly over and over again. I am not going to bother to name them all, but practically everybody in this body at one time or another has talked about the necessity for the legislature putting itself on a parity with our friends over across the way so that when people come in here with budget requests we have some idea of what they are

talking about, what the long-range implications are, and whether or not the program being proposed has any sense to it at all.

The other thing I would like to point out to the Senator from Cumberland, Senator Brennan — and I share the Senator from Penobscot, Senator Sewall's sense of, I should think, at least mild surprise — this order was drafted by the Administrative Assistant to the Governor. We discussed it with them at length because of their concern about the Maine Management Cost Survey and all these other things. Really, there is no sinister implication here whatever, and I would hope the good Senator from Cumberland on Monday, when I hope this matter is voted on, would withdraw his objection and lend his significant support to its passage.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Very briefly, of course, that just shows our independence, and demonstrates our independence from the Executive at times, that we are also elected here, I guess.

One thing that really bothers me — I really love the Appropriations Committee, have a great deal of respect for it, and I constantly revere it—but what about the other interim joint standing committees? Don't they have some place? Doesn't Education have some place? Doesn't State Government have some place? I mean, I don't think we should turn it all over to that particular committee. I think we might be able to get more detailed, knowledgeable work if we spread it out a little bit.

But what really bothers me is the timeliness of this order. This legislature passed an order in the last session asking the Maine Management Cost Survey Team to do something, and now we are trying to interfere with it. Can't we give them a few months and then get back into the ballgame?

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

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

I don't mean to belabor this, but really, the fundamental obligation for reviewing state programs rests with the people who appropriate the monies and initiate the programs, and that is the Maine Legislature.

Now, I love the Maine Management Cost Survey, and they are all a great group of wonderful American people, but the fundamental obligation for putting a rein on state spending and knowing what we are doing rests with the legislature. That is all this order suggests. It in no way seeks to interfere with the Maine Management Cost Survey or any other private group that is concerned about state spending.

I really would urge the Senator to drop this worried bloodied bone and let our distinguished Majority Leader table this matter until Monday.

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

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

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 Service Retirement of Employees in Direct Contact with Patients at State Hospitals." (H. P. 212) (L. D. 285)

Bill, "An Act Amending the Retirement Law Relating to Certain Employees under the Department of Mental Health and Corrections." (H. P. 497) (L. D. 650)

Bill, "An Act to Extend Accidental Death Benefits to Game Biologists of the Department of Inland Fisheries and Game." (H. P. 600) (L. D. 791)

Bill, "An Act Including Maine County Commissioners Association under State Retirement System." (H. P. 712) (L. D. 918)

Bill, "An Act Including Employees of Council 74 of the American Federation of State, County and Municipal Employees under State Retirement System." (H. P. 749) (L. D. 962)

Bill, "An Act Including Employees of Maine School Management Association under State Retirement System." (H. P. 884) (L. D. 1171)

Bill, "An Act Relating to Retirement of Liquor Enforcement Officers." (H. P. 1251) (L. D. 1628)

Bill, "An Act to Require Hunting and Firearm Safety Course Prerequisite to Hunting License." (H. P. 1303) (L. D. 1697)

Bill, "An Act Defining Subdivision under Land Use Regulation Law." (H. P. 1102) (L. D. 1438)

Bill, "An Act Relating to Definition of Land Subdivisions under Municipal Regulation Law." (H. P. 1103) (L. D. 1439)

Bill, "An Act Relating to Subdivision under Site Selection Law." (H. P. 1104) (L. D. 1440)

RESOLUTION, Proposing an Amendment to the Constitution to Provide for an Environmental Bill of Rights. (H. P. 1279) (L. D. 1666)

Bill, "An Act to Provide a Choice of Telephone Service for Inhabitants of Eustis Village and Coburn Gore." (H. P. 882) (L. D. 1169)

Change of Reference

The Committee on Agriculture on, Bill, "An Act to Amend the Farm and Open Space Land Law." (H. P. 1252) (L. D. 1629)

Reported that the same be referred to the Committee on Taxation.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Taxation.

Which report was Read and Accepted and the Bill referred to the Committee on Taxation, in concurrence.

Refer to 107th Legislature

Bill, "An Act to Provide a Sewerage Research Program." (H. P. 1106) (L. D. 1442)

Reported that the same be referred to the 107th Legislature.

Comes from the House, the report Read and Accepted and the Bill Referred to the 107th Legislature.

Which report was Read and Accepted and the Bill referred to the 107th Legislature, in concurrence.

Leave to Withdraw

The Committee on Natural Resources on, Bill, "An Act Relating to Shoreland Protection." (H. P. 784) (L. D. 1021)

Reported that the same be granted Leave to Withdraw.

The Committee on Public Utilities on, Bill, "An Act Regulating Community Antennae Television Systems by Public Utilities Commission." (H. P. 227) (L. D. 299)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Creating a Homestead Tax Exemption for Totally Disabled Veterans Who are Residents of Maine." (H. P. 1280) (L. D. 1667)

Reported that the same be granted Leave to Withdraw.

The Committee on County Government on, Bill, "An Act Expending Aroostook County Funds for Presque Isle Airport." (H. P. 496) (L. D. 669)

Reported that the same be granted Leave to Withdraw.

The Committee on County Government on, Bill, "An Act Providing Kennebec County Funds for a Retarded Children Program." (H. P. 1318) (L. D. 1714)

Reported that the same be granted Leave to Withdraw.

The Committee on Natural Resources on, Bill, "An Act Relating to Minimum Lot Size When not Served by Public Sewer or Water Supply." (H. P. 727) (L. D. 933)

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 State Government on, Bill, "An Act to Coordinate and Effectively Utilize Resources Available to Maine's Elderly." (H. P. 1228) (L. D. 1618)

Reported that the same Ought to Pass.

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

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

The Committee on State Government on, Bill, "An Act to Prevent Sex Discrimination Under Human Rights Act." (H. P. 277) (L. D. 353)

Reported that the same Ought to Pass.

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

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: I think the acceptance of the committee report on the bill is an extremely important occasion which should be noted. This L. D. deals with the equal rights problem with which this Senate wrestled very sincerely earlier in this session. I think it is the answer to those of us who felt that the Equal Rights Amendment developed into something far more than a philosophical statement. I think this was the basis for the objections of those people who voted against the Equal Rights Amendment, namely, that while we are all in favor of no discrimination because of sex, that there were implications of a practical nature, many Maine laws and statutes which would be affected by the actual final passage by the 38th state of the Equal Rights Amendment.

Now, here the Maine Legislature is dealing with Maine problems in this area, and this certainly is an extremely noteworthy occasion when we are accepting the committee report that it Ought to Pass.

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

Mr. KATZ: Mr. President and Members of the Senate: I notice with interest it has been pointed out that on a three or four-hour television program last night on Channel 13, which was distinguished by the presence of the President of the Senate, among others, that there was something over thirty panelists. And just trusting my memory off-hand, I find it difficult to identify any women who sat on the panel, so perhaps this bill does have some

substance in creating a sense of conscience on the part of the Maine community.

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

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

The Committee on Election Laws on, Bill, "An Act to Provide for Secret Ballot by Alternative Means at Town Meeting." (H. P. 1298) (L. D. 1684)

Reported that the same Ought to Pass.

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

The Committee on County Government on, Bill, "An Act Relating to Procedure Applicable to the Use of Federal Revenue Sharing Funds by Counties." (H. P. 1470) (L. D. 1895)

Reported pursuant to Joint Order (H. P. 1428) that the same Ought to Pass.

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

The Committee on Business Legislation on, Bill, "An Act Relating to Savings Banks Investing in Service Corporations." (H. P. 395) (L. D. 524)

Reported that the same Ought to Pass.

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

The Committee on State Government on, Bill, "An Act Transferring Laws, Relating to Education of War Orphans and Widows to Bureau of Veterans' Affairs." (H. P. 1353) (L. D. 1785)

Reported that the same Ought to Pass.

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

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

Ought to Pass - As Amended

The Committee on Transportation on, Bill, "An Act Relating to the Erection of a Sign on Maine Turnpike for the Evergreen Valley Recreational Area." (H. P. 1077) (L. D. 1400)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-304)

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

Which report was Read.

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

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Relating to Certification of Nomination Papers for State and County Elections." (H. P. 1338) (L. D. 1774)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin
CIANCHETTE

of Somerset

JOLY of Kennebec

Representatives:

ROSS of Bath
KAUFFMAN of Kittery
WILLARD of Bethel
KELLEY of Machias
HANCOCK of Casco
BOUDREAU of Portland
BINNETTE of Old Town
HOFFSES of Camden
DUDLEY of Enfield

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

Signed:

Representative:

TALBOT of Portland

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

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

Divided Report

The Majority of the Committee on Human Resources on, Bill, "An Act Relating to Reburial of Indian Bones and Skeletons." (H. P. 349) (L. D. 464)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1471) (L. D. 1896)

Signed:

Senators:

HICHENS of York

KELLEY of Aroostook

Representatives:

MILLS of Eastport
TALBOT of Portland
MURCHISON
of Mattawamkeag
LaPOINTE of Portland
TRUMBULL of Fryeburg

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

Signed:

Senator:

GRAFFAM of Cumberland

Representatives:

AULT of Wayne
EMERY of Rockland
ALBERT of Limestone

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

Which reports were Read.

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

Senate

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 Class A Restaurants." (S. P. 178) (L. D. 486)

Bill, "An Act to Promote Quality Health Care to All Persons." (S. P. 420) (L. D. 1258)

Bill, "An Act Providing for Non-smoking Areas in State Buildings." (S. P. 482) (L. D. 1549)

Bill, "An Act to Authorize the Bureau of Veterans Services to Contract for Services." (S. P. 304) (L. D. 967)

Leave to Withdraw

Mr. Joly for the Committee on Legal Affairs on, Bill, "An Act to Place the Responsibility for Licensing Steam Engineers and Firemen with the State Board of Boiler Rules." (S. P. 323) (L. D. 990)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

**Leave to Withdraw,
Covered by Other Legislation**

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Increasing Salaries of County Attorney and Assistant County Attorneys of Penobscot County." (S. P. 537) (L. D. 1690)

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

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Joly for the Committee on Legal Affairs on, Bill, "An Act Relating to Name of Maine Citizens Concerned for Life." (S. P. 521) (L. D. 1642)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Mr. Speers for the Committee on Judiciary on Bill, "An Act Relating to Liability of Distributing Utility for Death or Injury to Persons or Damage to Property Caused by Natural Gas." (S. P. 448) (L. D. 1415)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-103).

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.

Ought to Pass in New Draft

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act to Amend the Uniform Limited Partnership Act." (S. P. 180) (L. D. 488)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 607) (L. D. 1905)

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Application of Releases from Injured Persons Confined to Hospitals to Workmen's Compensation." (S. P. 447) (L. D. 1414)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 608) (L. D. 1906)

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

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Resolve, Providing Funds for the Maintenance of Ocean Beaches. (S. P. 278) (L. D. 826)

Reported that the same Ought to Pass.

Signed:

Senators:

SEWALL of Penobscot

MORRELL

of Cumberland

Representatives:

JALBERT of Lewiston

NORRIS of Brewer

SMITH

of Dover-Foxcroft

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

Signed:

Representatives:

BRAGDON of Perham

SPROUL of Augusta

HASKELL of Houlton

CARTER of Winslow

Which reports were Read.

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Qualifications for Jury Service of 18-year-old Voters." (S. P. 496) (L. D. 1583)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

SPEERS of Kennebec

Representatives:

WHITE of Guilford

CARRIER of Westbrook

BAKER of Orrington

PERKINS of So. Portland

GAUTHIER of Sanford
HENLEY of Norway

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-104).

Signed:

Senator:

BRENNAN of Cumberland
Representatives:

DUNLEAVEY

of Presque Isle
WHEELER of Portland
McKERNAN of Bangor
KILROY of Portland

Which reports were Read.

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

Mr. Cyr of Aroostook was granted unanimous consent to address the Senate.

Mr. CYR: Mr. President and Members of the Senate: I am sure that most of you are aware of the flooding conditions in Fort Kent, which is in Senate District 32, my Senate District. They experience some of this flooding every year, but once in every ten years or so the St. John River goes on a rampage. The last time we had serious flooding was in 1961.

Now, probably the question could be asked "What can we do as legislators to prevent such a condition?" Soon we will be debating power authority legislation. If the authority is passed, it can be used to build the Dickey-Lincoln School Hydro-electric Project. If the head waters of the St. John River and the Allagash River are stored during the spring freshet, the flood situation in Fort Kent and all along the St. John River will be alleviated.

I hope that you will keep an open mind in relation to this legislation.

I also hope, before Senator Richardson from Cumberland goes away, I hope that his Committee on Public Lands will study the possibility of transferring 100,000 acres of public lots to create a reservoir basin, which is needed for this hydro-electric project. This acreage needed, after all, is only

25 per cent of the public lots, which we are told totals approximately 400,000 acres, and these lots are owned by the State of Maine.

I can also show the good Senator from Cumberland, Senator Richardson, where he can trade the acreage needed for 175,000,000 kilowatt hours of free power which will accrue to the State of Maine from the down-river benefits. Any time that his committee wishes to know more about this, I would be available and very glad to expose it to his committee. Thank you very much.

Second Readers

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

House

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

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)

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

House - As Amended

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

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)

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

(On motion by Mr. Minkowsky of Androscoggin temporarily set aside.)

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

The President laid before the Senate the matter temporarily set

aside at the request of Mr. Minkowsky of Androscoggin:

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

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MINKOWSKY: Mr. President, being a very compassionate person, and in a spirit of compromise, I now offer Senate Amendment "B" and moved its adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky offers Senate Amendment "B" and moves its adoption. The Secretary will read the amendment.

Thereupon, Senate Amendment "B," Filing No. S-106, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act to Authorize York County to Raise \$800,000 for Construction of a County Jail." (S. P. 529) (L. D. 1659)

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

(On motion by Mr. Richardson of Cumberland, tabled and specially assigned for May 8, 1973, pending passage to be engrossed.)

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

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Fees of Clerk of Courts." (S. P. 171) (L. D. 426)

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

Sent down for concurrence.

Enactors

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

An Act Repealing the York Beach Village Corporation and the

York Harbor Village Corporation. (S. P. 47) (L. D. 104)

An Act Relating to the Builder's and Supplier's Lien Law. (S. P. 94) (L. D. 240)

An Act to Clarify the Notice Procedure on Decisions of Zoning Board of Appeals. (S. P. 321) (L. D. 988)

An Act to Enable the Department of Environmental Protection to Study the Groundwater Problem of the State. (H. P. 817) (L. D. 1110)

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

An Act Prohibiting Bringing Animals Into Food Stores and Restaurants. (H. P. 986) (L. D. 1306)

An Act Changing the Name of the U.M.P.G. Alumni Association. (H. P. 1302) (L. D. 1696)

An Act Relating to the Prohibition Against Hitchhiking. (H. P. 1454) (L. D. 1875)

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

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

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

An Act Relating to the Prohibition Against Hitchhiking. (H. P. 1454) (L. D. 1875)

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: This matter was debated to a considerable extent recently. I would not wish to add any further burden to the Senators' time with additional facts. There has been placed on your desks an editorial from the Portland paper, which I hope you would read and observe, and note some of the facts included therein. The issue of hitchhiking is a matter of public safety and public welfare. I think extraneous matters such as transportation for those who don't have it must be placed in a third category when we are talking about the other

two items of welfare and safety. I would hope that you would vote against final enactment of this item.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Not to go into a rehash of the ERA debate, but I note the absence in the Senate Chamber this afternoon of a number of people, particularly my seatmate, the distinguished Senator from Cumberland, Senator Conley, who feels very strongly about this and who delivered an invigorating, enlightening and humorous speech about it, and I wonder if it wouldn't be appropriate for some member of the Senate to table this until Monday next in order to permit Senator Conley to vote either in a winning or losing cause, whatever the fates decide. I think he ought to have an opportunity to be here.

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

Mr. BERRY: Mr. President, if Senator Conley were present he would vote for enactment. I am in a position where I shall vote against enactment. I discussed the matter with Senator Conley, and for once I would request permission of this body when we come to vote, if we are this morning, permission to abstain from voting so I may pair my vote with Senator Conley's.

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

Mr. Tanous of Penobscot then moved that the Bill be tabled and Specially Assigned for May 8, 1973, pending Enactment.

On motion by Mr. Berry of Cumberland, a division was had. Nine Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion to table did not prevail.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Of course, I am very reluctant to debate this bill without the help of

the very eloquent Senior Senator from Portland, who can't be with us. Nonetheless, we are compelled to go forward without him and we will do the best we can.

The hitchhiking law is very clearly selectively enforced. If you don't believe me, check with your local friendly police officer. By selective enforcement, I mean that it often depends on the length of your hair or the style of your clothes as to whether or not you are arrested for hitchhiking. This really is a denial of equal protection of the law. This is not even-handed justice.

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

Mr. BERRY: Mr. President, I rise for a point of order.

The PRESIDENT: The Senator may state his point of order.

Mr. BERRY: Mr. President, we have listened to previous comments on the intent and actions of the law enforcement forces in the State of Maine, and I object to the statements being repeatedly made by the Senator from Cumberland, Senator Brennan, as to the motives of the law enforcement people when they enforce the law.

The PRESIDENT: It has always been precedent in the Senate that any Senator can be very free with remarks concerning any individual not a member of this body by name or by reference, and the Senator from Cumberland, Senator Brennan is in order.

Mr. BRENNAN: Mr. President and Members of the Senate, and my good friend, the distinguished Senator from Cumberland, Senator Berry: I want to re-emphasize and categorically state, yes, there is selective enforcement. Yes, it does depend often on the length of your hair, or the style of your clothes as to whether or not you are arrested for hitchhiking. As far as I am concerned, that is a clear denial of equal protection of the law. It is not even-handed justice. I submit that arrests made based on the length of one's hair and style of one's clothes cannot fulfill anyone's sense of justice.

We all know that servicemen are never arrested under this statute,

and they should not be. And those who are conventionally dressed and well-groomed are not arrested under this statute. I say that whether you are conventionally dressed, whether you have long hair, old clothes or unkempt clothes, you should be treated the same.

I believe that selective enforcement of some laws, such as this, breeds disrespect for all laws. We have a chance today to prevent selective enforcement by repealing the hitchhiking statute. Also, with the woeful lack of public transportation in this state, hitchhiking is often a necessity for many of our citizens. I think to keep something that is a necessity as a crime is criminal in itself.

Last week we voted to repeal this law. I trust that the Senate will be consistent and use the good judgment they used last week. So, I would oppose the motion to indefinitely postpone.

The PRESIDENT: The Chair would inform the Senator that to the Chair's knowledge there is no motion before the body for indefinite postponement. The pending question is enactment.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I would now make that motion that this bill be indefinitely postponed.

The PRESIDENT: The Senator from York, Senator Hichens, moves that Bill, An Act Relating to the Prohibition Against Hitchhiking, be indefinitely postponed.

The Senator has the floor.

Mr. HICHENS: I would also like to continue on this debate, using the same article that I read from yesterday regarding these young men who were picked up and put into the Alfred jail, and treated as we have read about subsequently. I would quote from one of the young men who stated that "we deserved 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."

I think this is a good example that the troopers are not distinguishing on hair styles, clothing, or anything else. They gave these young men a warning. These young men accepted the warning and then went along and took their chances, and lost out as a result. It wasn't the trooper that had anything to do with their hair; it was the people in the jail after they had been detained until bail was performed. I feel that this is a good example, and I go along and make that motion that it be indefinitely postponed.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I realize that there has been a tremendous lobby against this bill in the last few days and that it probably is going to defeat; I have no question in my mind that it is after the intensive lobbying against this bill has been conducted. But I see here and now that when we do defeat this bill, in my opinion, we are doing an injustice to the citizens in the State of Maine.

If we had an alternative to this bill, I would vote with you against the bill and to kill it, but we don't have an alternative in the State of Maine. We have no transportation system in the State of Maine. We have a state that measures four hundred miles from Fort Kent to Kittery, with one bus a day to service this area at their convenience by the bus terminal's schedule; not for the convenience of the people. And what do we give our citizens as an alternative form of transportation, walking? We have children from my area that go to the University of Maine, which is 60 or 70 miles to Bangor or Orono, so let the parents go down and pick them up. Fine, this is nice if you can do this, if a man can take off from work in the middle of the day to go down and pick his son up to come home over the weekend or for a holiday, but what about his job?

You know, in my opinion, we are given different standards for

things. Now, I can hitchhike, and I have because my car has broken down on several occasions, but I wasn't arrested. In fact, I was picked up by a state trooper once. I understand that our President of the Senate over here one day happened to be left askance with his vehicle and he had to hitchhike to work. He had no guns or no knives on him, like some of you feel that hitchhikers have.

So, you talk of fear of the law. This article that was before us this morning about the Boston girls and have we forgotten about the girls in Boston; I can say that at least in Boston they have the tramways and they have a means of transportation that they can use.

I can stand on a street corner in East Millinocket and people ask me, "What are you doing; waiting for a bus?" It is hilarious, because we have no transportation from East Millinocket to Millinocket. And I am sure that very few communities have. So you can vote against this and you can kill it, but if you don't replace it with an alternative answer to the problem that exists, then you are voting to permit the law to remain as it is and are permitting a very inequitable and unreasonable situation to exist in the State of Maine. Until you can come up with an answer to this transportation problem, then you really in good conscience have no right to vote to kill this bill. Thank you.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that Bill, An Act Relating to the Prohibition Against Hitchhiking be indefinitely postponed.

The Senator from Cumberland, Senator Berry, has asked to be excused from voting so that he may pair his vote with the Senator from Cumberland, Senator Conley, who, if he were here, would vote for enactment of this bill, and Senator Berry, if he voted, would vote against enactment of this bill. Is it the pleasure of the Senate that he be permitted to pair his vote with that of Senator Conley? It is a vote.

Thereupon, a division was had. 15 Senators having voted in the

affirmative, and 12 Senators having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

An Act Relating to Membership on the Maine School Building Authority. (S. P. 593) (L. D. 1874)

Comes from the House, Indefinitely Postponed.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I am reluctant to stand here today with the illustrious, auspicious Senator from Kennebec, Senator Katz, who is the Chairman of the Committee which I serve on. I did sign the report that this bill ought to pass, but I was a little reluctant at the time.

I did a little research on this particular bill, and I find now that really the Maine School Building Authority has done a very commendable job throughout its years. If you will look at the bill very closely, this does transfer all the responsibilities to the State Board of Education. Presently the State Board of Education is the approval authority in the State of Maine for building, and the Maine School Building Authority is the financing agent.

Now, with this particular move, we are correlating both of these responsibilities under one roof; that is, the State Board of Education, and in my estimation this is a very, very serious conflict with financing and with building. In fact, I believe it is a very, very serious conflict insofar as centralization of power. On that particular basis, Mr. President and Members of the Senate, I now move that this bill be indefinitely postponed in concurrence.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves this bill be indefinitely postponed in concurrence.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I sponsored this legislation. I am, and

I have been for some six years, a member of the Maine School Building Authority, and by this bill I am asking that I be relieved of my job. And the fact that somebody does that should give you some notion that there must be some merit to the bill.

The Maine School Building Authority is comprised of the Governor, the Commissioner of Education, myself, two fine ladies from various parts of the state, and I think one or two other public members. It has responsibilities of reviewing proposals for school construction, for the putting out of bids, for the getting back and opening of bids, and the awarding of contracts in cases where the Maine School Building Authority actually constructs the school and then leases it back to the community. It is completely a duplicative effort.

The reason I put the bill in is that after going to the meetings after six years I realized that we were plowing exactly the same ground that had been done by the State Department of Education, by the State Board of Education, and that the public was not being protected any more by the existence of this completely separate group. There are no dangers that I see. There is no empire building. I guess I am saying by this bill that I have been on the job for six years, I don't think that I have contributed materially to the welfare, protection, or the safety of the state, and I think it can be done more cheaply by the passage of this bill.

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

Mr. BERRY: Mr. President and Members of the Senate: I must regretfully disagree with my seatmate, Senator Katz from Kennebec. The Maine School Building Authority was a pioneer effort in financing local construction with state backing. One of the good reasons for the formation of the authority was the expertise that was brought to the question of school construction by the type of person that was appointed to the School Building Authority.

The Authority has always had, since its inception, a person who was conversant in financial matters on it, and I think this is the key to the problem. I have had some friends in the past who were in this category and I know their contribution has been tremendous. The details of financing are something that the School Building Authority affords to the local school building group, and it renders them a real service. So, I think that the School Building Authority should be retained on this basis, for one point.

Another point that I find extremely important is this: that the School Building Authority provides a check and balance in a very important area. Most of us have been involved through the years with the Department of Education and the very tender subject of size of school districts; the minimum number of students who must be enrolled therein to qualify. I think when we remove the School Building Authority from the picture that we then leave the State Board of Education as the only group that can pass judgment on matters of this nature. I think that we are therefore eliminating an extremely valuable check and balance member.

I would hope that we could defeat the bill. I note the action of the other body which, of course, is not conclusive, but I think these are two very good reasons that the School Building Authority should stay viable, active and helping the citizens.

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

Mr. KATZ: Mr. President and Members of the Senate: Listening to the debate of people describing the job I have held for six years, I find it hard to equate fact and reality. There just isn't any relationship with the School Building Authority in determining the size of schools or size of anything. Insofar as the amount of financial expertise we give; we don't give it, we hire it. We have got bond counsel, we have got representatives of banking in-

terests, and we get all the professional advice that we have.

In the third place, this bill doesn't do away with the School Building Authority; it just does away with the additional expense of bringing a different group of people in to plow the same ground again. All this does is change the membership of the School Building Authority. It is not a big deal, and I will not mislead you as to the amount of savings. I suspect we will save something less than what it is costing us to debate it here today, but it did seem to me in my immature mind a good chance to streamline state government.

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 Bill, An Act Relating to Membership on the Maine School Building Authority, be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion to indefinitely postpone this bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Five Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

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

Comes from the House, Indefinitely Postponed.

On motion by Mr. Tanous of Penobscot, the Bill was Indefinitely Postponed in concurrence.

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

Comes from the House, Indefinitely Postponed.

Mr. Tanous of Penobscot then moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

Mr. MORRELL: Mr. President and Members of the Senate: I think the Highway Department has some very conclusive statistics that use of studded tires in warm weather on soft pavement does cause damage. I was persuaded that this idea has some merit and have put the proposition before you. I hope that we would continue to see some merit in this and that you would vote against the motion of the Senator from Penobscot, Senator Tanous.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Bill, An Act Relating to Use of Studded Tires on Motor Vehicles, be indefinitely postponed. As many Senators as are in favor of the motion to indefinitely postpone this bill will please say "Yes"; those opposed "No".

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

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

Sent down for concurrence.

Resolve, Designating Seaplane Base on Lake Maranacook, Town of Winthrop, as "Richard D. Varney Seaplane Base." (S. P. 489) (L. D. 1555)

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

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

Emergency

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

Comes from the House, Recommended to the Committee on Public Utilities.

On motion by Mrs. Cummings of Penobscot, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby it Accepted the Ought to Pass Report of the Committee and gave the Bill its First and Second Readings.

On subsequent motion by the same Senator, the Bill was then Substituted for the Ought to Pass Report.

Thereupon, the Bill was Recommended to the Committee on Public Utilities in concurrence.

Orders of the Day

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

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

Tabled — May 3, 1973 by Senator Cyr of Aroostook.

Pending — Enactment.

(In the House — Indefinitely Postponed)

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: Because I have been told the way to a man's heart is through his stomach, and I would like to get in any way I can into the hearts of men, I will not give you my one-hour speech on this bill.

It started out as being, I thought, an excellent bill to tell the Public Utilities Commission that in order to help in establishing the rates for an electric utility that they should not include their cost of advertising, that that should be rather in the costs to the stockholders, and not be paid for by the customers. It seemed like a good bill, but it was a little broad, so I offered an amendment, went right along with it and thought it was great. Now I don't like the whole thing, and I move it be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves that the Bill be indefinitely postponed in concurrence. Is this the pleasure of the Senate?

Thereupon, the Bill was Indefinitely Postponed in concurrence.

Reconsidered Matter

Mr. Speers of Kennebec moved that the Senator reconsider its action whereby on Resolution, Proposing an Amendment to the Constitution to Provide for Indian Representatives to the Legislature, (H. P. 214) (L. D. 287) the Senate voted to Adhere.

Thereupon, on motion by Mr. Hichens of York, tabled and Specially Assigned for May 8, 1973, pending the motion by Mr. Speers of Kennebec to Reconsider.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the third tabled and unassigned matter:

Joint Order Relative to Joint Standing Committee on Appropriations and Financial Affairs Study and Evaluate the Entire Spectrum of State Budgeting and Spending. (S. P. 545)

Tabled — April 4, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Thereupon, Mr. Richardson of Cumberland was Granted Leave to Withdraw the Joint Order.

Mr. Richardson was granted unanimous consent to address the Senate:

Mr. RICHARDSON: Mr. President and Members of the Senate: Yesterday, following the enactment of L. D. 938, Resolve Appropriating Moneys for Spruce Budworm Control, in reviewing it, I felt that we had not had a satisfactory explanation as to the necessity for this legislation. Although I did ask for it to be held, I am not going to move its reconsideration. I hope I won't be thought of as being a tilter at windmills, but we have an \$832,000 L. D. that passed the Senate yesterday without any discussion, debate, or explanation of any kind. I know that is at least in part because I perhaps

am unable to keep up with the pace in here, but I would certainly like to have the record of this Senate reflect the reason why we are appropriating this amount of money to this particular program about which some of us have reservations. I would like to have the record clear as to what taxes are being used to pay for the majority of this program.

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

Mr. MORRELL: Mr. President and Members of the Senate: By way of brief explanation, L. D. 938 is a continuation of a program initiated in the 105th Legislature, whereby the state and landowners in the unorganized territory would share the cost to attempt to control, through spraying, the spruce budworm plague.

Some may have some questions as to why the state is involved in this program at all, why it isn't borne entirely by private landowners. This is rather a unique plague and does involve state lands, for instance, in Baxter State Park, some land of undivided ownership, and literally some public lots. In addition, it also involves, through the payment on the part of landowners, some such

landowners who are quite remote from the plague itself. It is a rather difficult question.

In actual fact, the total cost of the program will exceed \$1,600,000. Approximately one-half of that is borne by the federal government. One half of the state's share will be paid for by private ownership in the unorganized territories through an increase in the mill rate. There will be an amendment coming along fairly shortly amending the Maine Tree Growth Tax Law, and this will be increasing that mill rate by three and three quarters. One and a half mills of that three and three quarters will be a reimbursement to the general fund of one-half of the \$832,000 which, in effect, is the landowners' share. The rest of that increase of three and three quarters, and this is somewhat beside the point, will increase the mill rate because of a miscalculation in the 105th Legislature as to what the initial sixteen mill rate on the productivity rate will bring in.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until May 7, 1973 at ten o'clock in the morning.