

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

Tuesday, May 8, 1973

Senate called to order by the President.

Prayer by the Rev. Richard Rice of Augusta.

Reading of the Journal of yesterday.

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

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

In the Senate May 3, 1973, Passed to be Engrossed.

Comes from the House, the Minority Ought Not to Pass report Read and Accepted in non-concurrence.

On motion by Mr. Cianchette of Somerset, the Senate voted to Insist and Ask for a Committee of Conference.

Non-concurrent Matter

Bill, "An Act Relating to Dealers in Used Personal Property." (S. P. 578) (L. D. 1769)

In the Senate April 12, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-315), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Orders

On motion by Mr. Kelley of Aroostook,

WHEREAS, Rose Marie Bard, charming and talented daughter of Mr. and Mrs. Roland Bard of Fort Kent, is the State of Maine's Junior Miss for 1973; and

WHEREAS, Miss Bard has taken an active part in student council, cheerleading, basketball, Dirigo Girls State, gymnastics and glee club and is an honor student and senior at Fort Kent Community High School; and

WHEREAS, she will represent the State of Maine at the forthcoming National Junior Miss Pageant to be held on May 11, 1973 at Mobile, Alabama; now, therefore, be it

ORDERED, the House concurring, that We, the Members of

the One Hundred and Sixth Legislature of the State of Maine extend our warmest regards to this outstanding Junior Miss in recognition of her achievement and offer our very best wishes for her future success and happiness; and be it further

ORDERED, that a duly authenticated copy of this Joint Order be presented to Miss Bard and her proud parents in honor of the occasion. (S. P. 610)

Which was Read and Passed.

Sent down for concurrence.

**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 to Prevent Discrimination in the Field of Medical Care." (H. P. 755) (L. D. 1023)

Bill, "An Act Relating to Inspection of Eating and Lodging Places." (H. P. 931) (L. D. 1228)

Bill, "An Act Regulating the Employment of Real Estate Appraisers by State Departments and Agencies." (H. P. 1183) (L. D. 1522)

Bill, "An Act Relating to the Establishment and Funding of Bikeways." (H. P. 1273) (L. D. 1647)

Leave to Withdraw

The Committee on Business Legislation on Bill, "An Act Relating to Health Insurance Coverage for Mental Illness." (H. P. 1149) (L. D. 1480).

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on Bill, "An Act Regulating the Merger of New Financial Institutions." (H. P. 859) (L. D. 1144)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on Bill, "An Act to Allow Insurance of any Kind to be Sold to All Groups." (H. P. 1403) (L. D. 1844)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on Bill, "An Act Relating to Insurance Trade Practices." (H. P. 1093) (L. D. 1430)

Reported that the same be granted Leave to Withdraw.

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

The Committee on Health and Institutional Services on Bill, "An Act Relating to Licensing of Barbershops." (H. P. 845) (L. D. 1119)

Reported that the same be granted Leave to Withdraw.

The Committee on Health and Institutional Services on Bill, "An Act Relating to Persons and Practices not Affected by Hearing Aid Dealers and Fitters Law." (H. P. 891) (L. D. 1178)

Reported that the same be granted Leave to Withdraw.

The Committee on Health and Institutional Services on Bill, "An Act Relating to Protection of Consumers in the Purchase of Hearing Aids." (H. P. 1179) (L. D. 1518)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on Bill, "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics." (H. P. 1074) (L. D. 1399)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on Bill, "An Act Relating to Liability of Landlords to Persons Using his Land." (H. P. 776) (L. D. 1008)

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.

Leave to Withdraw Covered by Other Legislation

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds to Provide a Grant Writer for Bangor State Hospital." (H. P. 1253) (L. D. 1630)

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

Comes from the House, the Report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Public Lands on Bill, "An Act to Clarify the Permanent School Fund." (H. P. 258) (L. D. 338)

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 Veterans and Retirement on Bill, "An Act Relating to the State Police Retirement System." (H. P. 832) (L. D. 1091)

Reported that the same Ought to Pass.

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

Which report was Read.

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

Mr. SPEERS: Mr. President, I wonder if someone on the Committee on Veterans and Retirement would explain the purport of this bill.

The PRESIDENT: 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 Acceptance of the Committee Report.

The Committee on Legal Affairs on Resolve, Authorizing Attorney General to Convey Interest of the State in Frogg Island in Little Sebago Lake to Ruel E. Taylor Jr. (H. P. 1244) (L. D. 1615)

Reported that the same Ought to Pass.

The Committee on Liquor Control on Bill, "An Act Permitting Local Option Questions on Liquor to be Voted at any State-wide Election." (H. P. 1319) (L. D. 1715)

Reported that the same Ought to Pass.

The Committee on Transportation on Bill, "An Act to Require Fees for Motor Vehicle Inspection Mechanic's Examination." (H. P. 1324) (L. D. 1750).

Reported that the same Ought to Pass.

The Committee on Transportation on Bill, "An Act Relating to Provisional Motor Vehicle Licenses." (H. P. 1410) (L. D. 1850)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Resolve, to Reimburse Higgins Classical Institute for Costs of Certain Students (H. P. 1439) (L. D. 1865)

Reported that the same Ought to Pass.

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

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

The Committee on Liquor Control on Bill, "An Act Relating to Premises of Liquor Licensees to Proximity to Post-secondary Schools." (H. P. 760) (L. D. 993).

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-332).

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

Ought to Pass — As Amended

The Committee on Labor on Bill, "An Act to Repeal the Seasonality Provisions of the Employment Security Law." (H. P. 519) (L. D. 684)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-319).

Comes from the House, the Bill Passed to be Engrossed as Amend-

ed by Committee Amendment "A". Which report was Read.

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

Mr. OLFENE: Mr. President, may I ask through the Chair of a member of the Committee which heard this bill if they would be kind enough to explain this piece of proposed legislation?

The PRESIDENT: The Senator from Androscoggin, Senator Olfene, has posed an inquiry through the Chair to any member of the Committee who may answer if he desires.

The Chair recognizes the Senator from Knox, Senator Huber.

Mr. HUBER: Mr. President, I really don't think I can explain this. If somebody would like to table it for a day, I can find an answer for you.

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

Thereupon, on motion by Mr. Olfene of Androscoggin, tabled and Specially Assigned for May 10, 1973, pending Acceptance of the Committee Report.

The Committee on Legal Affairs on Bill, "An Act Revising the Laws Relating to Electricians." (H. P. 651) (L. D. 878)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-320).

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

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

Ought to Pass in New Draft

The Committee on Natural Resources on Bill, "An Act Relating to Solid Waste Disposal." (H. P. 816) (L. D. 1983)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1478) (L. D. 1903)

Comes from the House, the Bill in New Draft Passed to be Engrossed.

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

Divided Report

Six members of the Committee on State Government on Bill, "An Act to Create the Office of Ombudsman." (H. P. 1143) (L. D. 1515)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Sensors:

SPEERS of Kennebec

WYMAN of Weshington

CLIFFORD

of Androscoggin

Representatives:

BUSTIN of Augusta

CURTIS of Orono

STILLINGS of Berwick

Six members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

Signed:

Representatives:

FARNHAM of Hampden

NAJARIAN of Portland

GOODWIN of Bath

CROMMETT

of Millinocket

COONEY of Sabattus

GAHAGAN of Caribou

Comes from the House, Report "B" Read and Accepted and the Bill Passed to be Engrossed.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on State Government on Bill, "An Act to Transfer the Motor Vehicle Division of the Department of the Secretary of State to the Department of Transportation." (H. P. 687) (L. D. 894)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

SPEERS of Kennebec

WYMAN of Washington

Representatives:

CURTIS of Orono

FARNHAM of Hampden

CROMMETT

of Millinocket

STILLINGS of Berwick

SILVERMAN of Calais

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

Signed:

Sensor:

CLIFFORD

of Androscoggin

Representatives:

COONEY of Sabattus

GOODWIN of Bath

BUSTIN of Augusta

NAJARIAN of Portland

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

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

Senate

Ought to Pass

Mr. Brennan for the Committee on Judiciary on Bill, "An Act Relating to Nonpayment of Corporate Franchise Taxes." (S. P. 224) (L. D. 659)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Judiciary on Bill, "An Act Relating to Comparative Negligence in Civil Cases." (S. P. 342) (L. D. 1041)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Mr. Tanous for the Committee on Judiciary on Bill, "An Act Relating to the Escape of Prisoners." (S. P. 473) (L. D. 1507)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-109).

Mr. Tanous for the Committee on Judiciary on Bill, "An Act Relating to Unlawful Usurpation of Community Antennae Television

System Signals and Injury to its Equipment." (S. P. 309) (L. D. 975)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-110).

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

Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act to Provide a Portion of all Public Places and Transportation Vehicles to be Set Aside for Nonsmokers." (S. P. 322) (L. D. 989)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-108).

Signed:

Senators:

JOLY of Kennebec

ROBERTS of York

Representatives:

EMERY of Rockland

CAREY of Waterville

COTE of Lewiston

CONNOLLY of Portland

SHAW of Chelsea

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

Signed:

Senator:

ALDRICH of Oxford

Representatives:

SHUTE

of Stockton Springs

BRAWN of Oakland

DUDLEY of Enfield

FAUCHER of Solon

PECTEAU of Biddeford

Which reports were Read, the Majority Ought to Pass as Amended Report of the Committee 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 Authorizing a Business Manager for the Department of the Attorney General." (H. P. 1297) (L. D. 1683)

Bill, "An Act Relating to State Income Tax Deduction for Student Tuition Payments." (H. P. 1473) (L. D. 1898)

Bill, "An Act Relating to the Registration of Private Employment Agencies." (H. P. 1474) (L. D. 1899)

Bill, "An Act to Provide \$50,000 to Purchase Land for a Wildlife Management Area in Warren Pond Area of York County." (H. P. 1475) (L. D. 1900)

Bill, "An Act Relating to the Disposal of Junked Cars." (H. P. 1476) (L. D. 1901)

Bill, "An Act Relating to Service Retirement for Certain Members of the State Police." (H. P. 1009) (L. D. 1323)

Bill, "An Act Providing for Payment of Sales Tax on Motor Vehicles at Time of Registration." (H. P. 1477) (L. D. 1902)

(On motion by Mr. Fortier of Oxford, temporarily set aside.)

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

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

Bill, "An Act Providing for Payment of Sales Tax on Motor Vehicles at Time of Registration." (H. P. 1477) (L. D. 1902)

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

Mr. FORTIER: Mr. President, I understand that certain administrative problems have been pointed out in regard to this bill and, in order that we may have an opportunity to see if they can be straightened out, I would suggest that someone might be kind enough to table it until tomorrow.

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

Thereupon, on motion by Mr. Greeley of Waldo, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

House — As Amended

Bill, "An Act Relating to Nature of Foreclosure of Tax Lien Mortgages." (H. P. 540) (L. D. 722)

(On motion by Mr. Fortier of Oxford, temporarily set aside.)

Bill, "An Act Establishing a State Register of Natural Areas." (H. P. 1160) (L. D. 1493)

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)

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. Fortier of Oxford:

Bill, "An Act Relating to Nature of Foreclosure of Tax Lien Mortgages." (H. P. 540) (L. D. 722)

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

Senate Amendment "A", Filing No. S-107, was Read.

The PRESIDENT: The Senator has the floor.

Mr. FORTIER: Mr. President and Members of the Senate: I am completely in accord with the intent of this bill as originally presented. This was to the effect that a notice would have to be sent by the municipal treasurer to a taxpayer just prior to the foreclosure of a tax lien. I appreciate that a large majority of our municipal treasurers are doing this now, but apparently there has been some cases where it has not been done and people claim that their mortgages have been foreclosed without them getting proper notice.

However, there is a technical problem in the way the original bill was written in that it would be possible, if the municipal treasurer neglected, inadvertently or otherwise, to send this notice, that the municipality could lose its equity in the lien. I do not think there is anywhere in the tax lien law provisions whereby a town official could jeopardize the equity of a municipality. This would simply require that, in case such a notice was not properly sent, the taxpayer would have another 30-day notice from the time that he was properly notified, so it would not jeopardize the equity of the municipality.

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

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

Sent down for concurrence.

Senate

Bill, "An Act Relating to the Certification of State Employees' Compensation." (S. P. 326) (L. D. 1030)

Bill, "An Act Appropriating Funds to Facilitate Access to Services Essential for Older People." (S. P. 547) (L. D. 1701)

Bill, "An Act Creating the Pine-land Center Advisory Board." (S. P. 609) (L. D. 1907)

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

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

Sent down for concurrence.

Enactors

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

An Act Reestablishing the Capitol Planning Commission. (S. P. 535) (L. D. 1688)

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

An Act Appropriating Funds to Expand Post-secondary Educational Opportunities in Maine's Mid-coast, York County and Lewiston-Auburn Areas. (S. P. 538) (L. D. 1691)

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

An Act Relating to Planning Function of the Maine Law Enforcement Planning and Assistance Agency. (S. P. 559) (L. D. 1703)

An Act to Effect Economies in Distribution of State Publications. (S. P. 566) (L. D. 1705)

An Act Relating to Penalty for Death Caused by Violation of Law by Operator of Motor Vehicle. (H. P. 201) (L. D. 274)

An Act Relating to Penalty for Recklessly Causing Death by

Operation of a Motor Vehicle. (H. P. 202) (L. D. 275)

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

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

An Act Designating Columbus Day a Legal Holiday. (H. P. 989) (L. D. 1309)

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

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.

Emergency

An Act Relating to the Immunity Provisions of the Unfair Trade Practices Act. (H. P. 1235) (L. D. 1606)

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

Mr. BRENNAN: Mr. President, I wonder if some member of the Committee could explain the purpose of this bill, just what the bill does and what its need is.

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

The Chair recognizes the Senator from York, Senator Danton.

Thereupon, on motion by Mr. Danton of York, tabled and Tomorrow Assigned, pending Enactment.

Emergency

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

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

Emergency

An Act Relating to Payments of Patients at Certain State Institu-

tions as Employees under Fair Labor Standards Act. (S. P. 167) (L. D. 422)

Comes from the House, Failed of Enactment.

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

Orders of the Day

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

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

Tabled — May 3, 1973 by Senator Minkowsky of Androscoggin.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-111, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: This amendment does three things: It limits the right of the Department of Health and Welfare to inspect buildings for lead paint to cases where there are reasonable grounds to believe that there are lead-based substances on exposed surfaces. It limits the liability of the owner or of the landlord for removing the posted notice to when he himself removes it; it eliminates his liability when the tenant removes the posted notice. And it clears up the statement in the bill that the tenant shall not be evicted solely because of the fact that there is lead paint found on the premises. This is the reason — it tightens up and clarifies the bill slightly in these regards.

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: I oppose the amendment introduced by Senator Clifford of Androscoggin. In fact, I oppose the entire bill.

I would like to call the Senate's attention this morning to a letter

that each one of us has received in the mail from the L and A Housing Association, a division of Rental Housing Association, Inc., throughout the State of Maine, and I would like to read just one excerpt from that particular letter for the record. "What provisions are there for mandatory wash-up facilities, and clothes-change stations in susceptible industries or industrial lead paint use industries, lead metal salvage industries, industries using lead-containing products such as gasoline stations, garages, etc. How about wash-up facilities at self-service gasoline stations where mothers and fathers, and maybe an occasional child, handle lead-containing gasoline dispensing units?"

I would like to reiterate, just briefly, Mr. President and Members of the Senate: Last week I said the end result of this particular type of legislation will inevitably raise rents in the State of Maine, and it may raise them as high as \$15 per month or possibly, in some cases, up to \$10 per week. And again, we are directly discriminating against rental housing here in the State of Maine.

I would like to point out also that there are no specific provisions in the law or the proposed legislation which really says what the guidelines are that Health and Welfare has to go by. In other words, if we just pass this law generally then they will just lay down their own guidelines. This is not right and it is not proper. In fact, we are just enhancing a bureaucratic system and it is just an atrocious gimmick, I believe, perpetrated against the people of the State of Maine as well as the people who rent housing here in the State of Maine.

There has been no substantial proof that the only place you can contact lead paint poisoning is in the dwelling in which a child resides.

I would like to point out also in Senator Clifford's amendment: reasonable grounds? We just might as well say right here and now that the only people who are liable for lead paint poisoning are the

landlords. And I tried to point out clearly through this letter read earlier that this is not the only area. In fact, if you don't believe the discrimination part of it, in the statement of fact which Senator Clifford offers he indicates that it is the purpose of this amendment to limit inspections to dwellings, and dwellings are the residential areas. I can't see why he is so hard-nosed about this particular thing at the present time.

On that particular basis, Mr. President, I would move that this amendment be indefinitely postponed.

The PRESIDENT: The Senator from Androscoggin, Senator Minikowsky, now moves that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I would request a division on the motion. I just want to point out, Mr. President and Members of the Senate, that the bill we talked about last week — I was happy to see it tabled, and we said that it was the desire of many of the Senators to see that a grandfather clause was put on it because we were under the impression that the bill required people to repaint or to cover areas on which there was an exposure of lead paint. The bill simply does not require in any manner whatsoever that the landlord or anybody repaint or cover any surface. Apparently it did in its original form, and it does not any longer. So there is no requirement at all for anybody to redo any surface, even if it is exposed to lead paint. The only requirement is that notice be given to the tenant or posted in the apartment building that there is an exposure of lead paint.

So that what I thought the bill originally did, it does not do and, as I understood it, this amendment was favored by the apartment owners and by the landlords as making the bill more restrictive and less comprehensive. I was under the impression that these people were in favor of these

amendments. Therefore, I would request a division on the motion to indefinitely postpone the amendment.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: I attended this hearing before the Committee on Health and Institutional Services and I listened very closely, because this is not the first time this bill has come before us. They have indicated time and time again that over 78 percent of the dwellings here in the State of Maine which may be forty years of age or older have got lead base paint in them.

You just cannot control the people who live in these particular apartments insofar as painting their own apartments with pretty colors, as I brought out last week in our debate. And here it says such inspections shall be made only where there are reasonable grounds to believe that there are lead base paints. Every one of these homes has lead base paint in them; they just can't get away from it. This is why I say it is a discriminatory measure.

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

Mr. BRENNAN: Mr. President and Members of the Senate: As I look at this bill now it is a very, very moderate bill, I think, designed to protect small children under the age of six years. I think before any liability becomes operative three circumstances must be present: first, the person who is renting the dwelling must knowingly rent it knowing it has this paint, or paint with a lead base. Secondly, he or she must fail to give notice and, thirdly, he or she must be renting it to occupants who have children under six years of age. As far as the burden on the state or anyone to prove, once you put "knowingly" in there, it is virtually impossible. I think this is legislation of the most moderate order. Consequently, I would

oppose the indefinite postponement of the amendment.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: By all indications, it certainly has the appearances of a lawyers' bill, by everything I can see at the present time this morning. On that particular basis, Mr. President, I think I will ask for a roll call.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question? The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I would would like to echo the sentiments of Senator Brennan of Cumberland. I think that the Senator from Androscoggin, Senator Clifford, has done a very good job of accommodating the problems presented by the bill, and as he even said, it only applies to rented apartments with children under six years old with lead paint. I don't see how anyone can quarrel with this.

As the years go by, there are going to be fewer and fewer of these installations with lead paint. I think you are going to see them pass out of the picture, and other type water base paint, rubber base paints, and so forth, which have been used for years will be used. As I indicated, lead paint pretty soon is going to be unavailable on the market, so gradually this problem is going to disappear, but it is a real acute problem in certain low income areas, and I think the Senate and the House deserve to protect these children. I hope you oppose the motion of Senator Minkowsky.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that Senate Amendment "A" be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please

rise and remain standing until counted.

Obviously less than one-fifth having arisen, a roll call is not ordered. As many Senators as are in favor of the motion of the Senator from Androscoggin, Senator Minkowsky, that Senate Amendment "A" be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Eight Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "A" was Adopted.

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, since the amendment has been adopted, I would like to ask for a roll call vote on passage to be engrossed.

The PRESIDENT: The pending motion before the Senate is the passage to be engrossed of Legislative Document 1866. A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of 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 passage to be engrossed on Bill, "An Act Relating to Lead Poisoning Control". A "Yes" vote will be in favor of passing this bill to be engrossed; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Berry, Cianchette, Clifford, Cummings, Danton, Greeley, Joly, Katz, Kelley, Marcotte, Morrell, Richardson, Roberts, Schulten, Sewall, Speers, Tanous, MacLeod.

NAYS: Senators Anderson, Brennan, Cyr, Fortier, Graffan, Huber,

Minkowsky, Olfene, Peabody, Shute, Wyman.

ABSENT: Senators Conley, Cox, Hichens.

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

A roll call was had. 20 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with three Senators being absent, the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — May 4, 1973 by Senator Richardson of Cumberland.

Pending — Passage to be Engrossed.

Which was Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled—May 4, 1973 by Senator Hichens of York.

Pending — Motion of Senator Speers of Kennebec to Reconsider Action whereby Senate Adhered.

In the House Recommitted to the Committee on State Government.

In the Senate Referred to the Committee on Human Resources.

Thereupon, Mr. Speers of Kennebec was granted Leave to Withdraw his motion to Reconsider.

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

Senate Reports — from the Committee on Judiciary — Bill, "An Act Relating to Qualifications for Jury Service of 18-year-old Voters." (S. P. 496) (L. D. 1583) Majority Report — Ought Not to Pass; Minority Report — Ought to

Pass as amended by Committee Amendment "A" (S-104).

Tabled — May 7, 1973 by Senator Morrell of Cumberland.

Pending — Acceptance of Either Report.

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

Mr. TANOUS: Mr. President and Members of the Senate: I have not yet received the opinion which I requested of the Attorney General's Office, and I wonder if this matter might be tabled for another day.

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

Thereupon, on motion by Mr. Morrell of Cumberland, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

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

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

Tabled — May 7, 1973 by Senator Berry of Cumberland.

Pending — Motion of Senator Tanous of Penobscot to Reconsider Action Whereby Bill was Passed to be Engrossed as amended by Committee Amendment "A" (H-305) and Senate Amendment "B" (S-106).

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

Mr. TANOUS: Mr. President and Members of the Senate: When this bill on the school lunch program was being debated last week, I recall I was busy on other matters in the back of the Chamber, and I apologize to those Senators who so ably debated this. I was misled in the debate. Apparently the good Senators from Androscoggin County were the ones involved in the debate. I was under the impression that this was another Androscoggin County matter, so I apologize to you gentlemen for not paying closer attention to your debate.

In looking the bill over, and in reading it and checking into the

effects of such legislation, I find myself completely opposed to mandating to the local schools something which, in my opinion, ought definitely to be determined at the local level.

I recognize that there is probably a need in many areas of school lunch programs, but I am convinced that the need is not statewide. It doesn't extend to every hamlet, city, village, and plantation in the state, and by mandating everybody to conform to one standard, I feel, is against the precept of a democracy. I believe it is against the precept of local control.

We have always wanted to maintain the local control of our schools on the local level to determine for themselves what is best for their own students and their own schools. In the 104th Legislature, we went even further and we granted the municipalities the concept of home rule which has long been debated in this legislature. Finally the wisdom was seen by the 104th, and this right was granted to the people at the local level to decide for themselves what is best for them in matters, especially in areas of this nature.

I don't want to deny anyone the right to have a hot lunch, if this is what the people at the local level want. I think the problem is at the local level. I think it is up to them to determine what is best for their own students and their own schools. In many schools in this state the children only live a few minutes away from their home, and the areas economically are well off and don't need school lunch programs.

I see myself again here debating on whether to vote to increase the local cost of education, if you can call hot lunches a part of education, and yet on the one hand you grant them the increase in cost, and on the next you deny them increased subsidies when they request it. You may pass legislation to grant them more subsidies and save them monies in other areas, but then you enact legislation which increases the cost at the local level. So I would hope you would permit my motion to

reconsider this bill to be granted, and perhaps we might indefinitely postpone it on a subsequent motion. Thank you.

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

Mr. KATZ: Mr. President and Members of the Senate: When the Senator from Penobscot, Senator Tanous, says maybe on a subsequent motion we can indefinitely postpone it, I have a feeling that I am seeing the thrust of his argument.

You know, one of the most enjoyable things in a legislative session is to, on a pick and choose basis, have each one of us stand up and propound the benefits of local control. It is a dandy argument and we all use it, but we all use it on a very selective basis. As a matter of fact, the level of support from around the state for the national school lunch program is probably as great as behind any bill that I have seen. The objections that I have gotten, now that I would include the superintendent from the Millinocket area, is objections from Millinocket, objections, as you know, from the Lewiston-Auburn area, concern from Portland that we have already taken care of, a concern from South Portland, which I think probably has been taken care of; and the rest of the state has been in support. When you say that there aren't problems in every school system, I say that may be true. The only place you will find problems with nutritional deficiencies are in those schools that have children. If a school has children, you will find nutritional deficiencies.

This program is largely self-sustaining, and there are some communities in the state which have for one reason or another not come in with a school lunch program. Maybe it is because of bad local leadership or because of some other one individual who doesn't believe in it, but these are our kids. Among the other things that are happening in Millinocket, if it is typical of other communities — and I know it is a great community with a strong educa-

tional leadership — that 20 percent of the youngsters are low-income kids who would get their meals free under this program, completely free, and then the others, depending upon family incomes, would pay an increasing amount up to a very, very modest charge.

In this world, and I don't know how to handle the charge of raising the hands and saying "local control; this is the great American way," because we all believe in it. I don't know how to answer that, but the fact is that this bill, at an extremely low cost, would make sure that every youngster at least has the opportunity of putting a nutritional balanced meal into his belly if he goes to school. He doesn't have to; not every kid has to participate, but the opportunity is there.

I would oppose the motion for reconsideration, and offer my compliments to the Senator from Penobscot for a smashing good argument in favor of local control, but I would ask you to consider the kids rather than the philosophy this time.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: Just a point of clarification to my very dear friend on the Education Committee, Senator Katz from Kennebec, that the problem in Lewiston-Auburn has been resolved, insofar as the bill is concerned, with the amendment which we put on last week, which says that this shall not be effective at the high school level, grades nine, ten, eleven and twelve. Outside of that, I believe the three Senators from Androscoggin are in full concurrence that this is good legislation at this particular point, and very hopefully they will endorse it.

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

Mr. SPEERS: Mr. President and Members of the Senate: I hope this Senate would not bow to an argument which I feel would be an inverted sense of priorities. There are certainly a great many things that come before us that

could legitimately be called areas of local concern, and perhaps could be dealt with on the local area, and perhaps the Legislature of the State of Maine should not be concerned with, but I would be very hard pressed to think of anything more legitimately of statewide concern than the education and the quality of the education of the children of the State of Maine.

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

Mr. TANOUS: Mr. President and Members of the Senate: I would just like to remind you that this is permissive under present law, and any community that wishes to endorse such a concept is able to do it. I feel that this is where the issue lies, and we should permit the local municipalities to do it for themselves if they feel that it is needed. I think they have a better concept of the problem at the local level than we do here in Augusta.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate reconsider its action whereby Bill, "An Act Requiring that the National School Lunch Program be Implemented in All Public Schools," was Passed to be Engrossed. The Chair will order a division. As many Senators as are in favor of reconsideration will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 11 Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion to reconsider did not prevail.

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

Bill, "An Act Relating to the State Police Retirement System". (H. P. 832) (L. D. 1091)

Pending — Acceptance of the Committee Report.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: L. D. 1091 received a unanimous Ought to Pass Report from the Committee on Veterans and Retirement and is designed, as we understand it, to simply indicate that the Commissioner of Public Safety is going to be entitled to the same retirement benefits, and not be subjected to losing those benefits, as the old Chief of the Maine State Police or, in our former governmental structure, the Chief of the Maine State Police would enjoy. This is not the bill about which members of the Senate received so much correspondence involving five state police officers who are beyond the mandatory retirement age. That legislative document is L. D. 55, with which the Committee on Veterans and Retirement hopes to entertain the Senate later on this week.

The PRESIDENT: Is the Senate ready for the question?

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

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot.

Adjourned until 9:30 tomorrow morning.