

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, May 10, 1973

Senate called to order by the President.

Prayer by Mr. Julius Sussman of Augusta.

Reading of the Journal of yesterday.

Papers From the House Non-concurrent Matter

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

In the Senate May 3, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (H-291), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto (H-354), in non-concurrence.

On motion by Mr. Cox of Penobscot, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the House May, 1973, Passed to be Enacted.

In the Senate May 4, 1973, Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Tanous of Penobscot moved that the Senate Recede and Concur.

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

Mr. BERRY: Mr. President, I would oppose the motion and request a roll call.

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

Obviously less than one-fifth having arisen, a roll call is not or-

dered. The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that the Senate Recede and Concur with the House will rise and remain standing until counted.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, is this bill debatable now?

The PRESIDENT: The bill is debatable.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I know we discussed this bill at some length, but one portion of this bill we didn't discuss, and that is what happens after someone is arrested for the very heinous crime of sticking their thumb out trying to get a ride.

What happens is that oftentimes they are handcuffed, they are taken to jail, they are strip-searched, they are fingerprinted, their picture is taken with a number around their neck, and they become permanently ensconced in Rogues' Gallery with a criminal record that goes with them the rest of their life.

Now, all these indignities are visited upon somebody for the simple reason that he tried to solicit a ride, particularly in a state —

The PRESIDENT: The Chair would interrupt the Senator. If the Senator may cut his speech short — the Chair was in error. The matter had been put to a vote, and further debate is not in order.

Mr. BRENNAN: Well, in summary, I am saying that I think we have a chance to do something for justice here and do away with some of these whimsical arrests that cause great damage to people. So I would urge you to vote to recede and concur.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that the Senate recede and concur will please rise and remain standing until counted.

A division was had. 15 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion did not prevail.

Mr. Tanous of Penobscot then moved that the Senate Insist and Ask for a Committee of Conference.

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

Mr. BERRY: Mr. President, I request a division and urge the members of the Senate to vote against the motion.

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

Mr. MORRELL: Mr. President, I would move for a roll call.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate insist and ask for a Committee of Conference; a "No" vote will be opposed.

ROLL CALL

YEAS: Senators Aldrich, Brennan, Cianchette, Clifford, Cummings, Cyr, Danton, Kelley, Marcotte, Morrell, Richardson, Sewall, Speers, Tanous, MacLeod.

NAYS: Senators Anderson, Berry, Cox, Fortier, Graffam, Greeley, Hichens, Huber, Joly, Katz, Minkowsky, Olfene, Peabody, Roberts, Schulten, Shute, Wyman.

ABSENT: Senator Conley.

A roll call was had. 15 Senators having voted in the affirmative, and 17 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

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

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

Mr. BERRY: Mr. President, I move reconsideration of the motion, and I hope my motion does not prevail.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby the Senate adhered. As many Senators as are in favor of the motion to reconsider will please say "Yes"; those opposed "No."

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

Joint Orders

WHEREAS, it was the law of this land in 1641 that . . . "No man shall exercise any tyranny or cruelty toward any brute creature which are usually kept for man's use . . ."; and

WHEREAS, the prevention of cruelty to domestic animals and pets and provision for their protection have long been the concern of humanitarians; and

WHEREAS, kindness to every living creature is a vital part of humane activity that can make every community a better, healthier and happier place in which to live for both people and animals; and

WHEREAS, the week of May 6th through the 12th has been set aside and designated nationally as the 59th annual "Be Kind to Animals Week" in order to stimulate and revive humane thoughts and to encourage year-round kindness to all animal life; now, therefore, be it.

ORDERED, the Senate concurring, that the Members of the 106th Legislature join together on this occasion in calling public attention to the need for continued improvement in treatment of all animals, domestic and wild, and in commending those in the animal protective movement who have faced the world of wild and domesticated animals in a responsible manner; and be it further

ORDERED, that suitable copy of this Order be forwarded to the Governor and the Department of Agriculture in token of our support. (H. P. 1487)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

WHEREAS, Airman Dennis Mills of Loring Air Force Base and two companions were found in grave peril following capsizing of their canoe in the rampaging flood waters of Madawaska Stream last week; and

WHEREAS, one of the three men reached safety and help while Airman Mills and the other, who had drowned, became entangled and pinned to a tree by the rush of currents on the ill-fated canoe; and

WHEREAS, State Police Trooper Arnold G. Gahagan, Jr., at great risk to his own personal safety, made his way through the powerful current to rescue Mills and the body of his companion; and

WHEREAS, Trooper Gahagan is credited with the aid of others with saving this life after spending three and one-half hours in the chilled waters; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the One Hundred and Sixth Legislature, now assembled, unite to recognize and commend the dedication to duty and heroic action of Trooper Gahagan which were rendered in the line of duty and are symbolic of the high standard of service and fine tradition of the Maine State Police; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to Trooper Gahagan in the presence of our chambers in gratitude for his extraordinary service (H. P. 1481)

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-342).

Which was Read and Passed, as Amended by House Amendment "A", in concurrence.

WHEREAS, recent natural disasters across the United States have revealed the complete inadequacy of many state and local disaster contingency plans and federal disaster relief plans; and

WHEREAS, periodically Maine

suffers from natural disasters which threaten public safety, disrupt economic activity and inflict extensive damage on private property; and

WHEREAS, spring flood conditions have again threatened several regions of the State of Maine; and

WHEREAS, losses from natural disaster can be minimized by advance planning in such areas as flood plain development and forest fire protection; and

WHEREAS, it is in the best interest of every Maine citizen that Maine's disaster contingency plans be well coordinated, that each municipality be insured to the maximum extent possible and that in times of emergency all available resources be utilized effectively; now, therefore, be it

ORDERED, the Senate concurring that the Legislative Research Committee be authorized and instructed to review and evaluate Maine's disaster contingency plans for the purpose of proposing legislation to effectuate necessary changes suggested in the foregoing preamble; and be it further

ORDERED, that the State Bureau of Civil Defense be authorized and respectfully requested to provide such information, technical advice and such other needed assistance as the committee deems necessary to carry out the purposes of this Order, and be it further

ORDERED, that the Committee shall make a written report of its findings and recommendations, together with all necessary legislation and at its discretion submit the same to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that a copy of this Joint Order be transmitted forthwith to said Bureau of Civil Defense as notice of this directive.

(H. P. 1496)

Comes from the House, Read and Passed.

Which was Read.

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

State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine 04330

May 9, 1973

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

The House today voted to Adhere to its action on the following matter: Bill "An Act Relating to Examinations for Motor Vehicle Operators' Licenses" (S. P. 602) (L. D. 1893)

Respectfully,
E. Louise Lincoln, Clerk
House of Representatives

Which was Read and Ordered
Placed on File.

The PRESIDENT: The Chair at this time would ask the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall, to the rostrum to assume the duties of President pro tem.

Thereupon, the Sergeant-at-Arms escorted Senator Sewall to the rostrum where he assumed the duties of President pro tem, and President MacLeod retired from the Senate Chamber.

Committee Reports

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 Amending the Regulatory Power Relating to Plumbing." (H. P. 1260) (L. D. 1640)

Bill, "An Act Relating to the Terms of Zoning Ordinances Adopted under Home Rule." (H. P. 942) (L. D. 1239)

Bill, "An Act Relating to Elimination of Waiting Periods to Registration and Enrollment of Voters Who are in the Armed Services or Students." (H. P. 1165) (L. D. 1500)

Bill, "An Act Relating to Voting Lists." (H. P. 521) (L. D. 686)

Bill, "An Act Relating to Failure to File a Campaign Report." (H. P. 1058) (L. D. 1382)

Bill, "An Act Relating to Registration of Privately Owned Nursery

Schools and Kindergartens." (H. P. 1255) (L. D. 1580)

Bill, "An Act to Continue Vocational Rehabilitation of Handicapped Youth in Schools." (H. P. 1197) (L. D. 1528)

Bill, "An Act Creating a Bill of Rights for Students of Junior and Senior High Schools." (H. P. 1372) (L. D. 1829)

Leave to Withdraw

The Committee on Legal Affairs on,

Bill, "An Act Providing for the Hobby Protection Act." (H. P. 1245) (L. D. 1616)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on,

Bill, "An Act Relating to Automobile Liability Insurance." (H. P. 1405) (L. D. 1772)

Reported that the same be granted Leave to Withdraw.

The Committee on Natural Resources on,

Bill, "An Act to Define "Navigable" for Purposes of Mandatory Zoning." (H. P. 805) (L. D. 1072)

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 Labor on,

Bill, "An Act Increasing the Minimum Wage." (H. P. 1368) (L. D. 1825)

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

The Committee on Election Laws on,

Bill, "An Act Relating to Persons Ineligible to Serve as Election Officials." (H. P. 411) (L. D. 560)

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

The Committee on Election Laws on,

Bill, "An Act Relating to Adding Zip Code Numbers to Voting Lists." (H. P. 172) (L. D. 214)

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

The Committee on Election Laws on,

Bill, "An Act to Provide for Uniform Absentee Ballot Deadline." (H. P. 444) (L. D. 593)

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

The Committee on Election Laws on,

Bill, "An Act to Clarify the Absentee Voting Law." (H. P. 3) (L. D. 3)

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

The Committee on Election Laws on,

Bill, "An Act Relating to Disqualification of Ballots." (H. P. 35) (L. D. 42)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on, Bill, "An Act Relating to Interstate Parole and Probation Hearing Procedures." (H. P. 335) (L. D. 453)

Reported that the same Ought to Pass.

The Committee on Judiciary on, Bill, "An Act to Make Uniform the Law of Partnerships." (H. P. 752) (L. D. 1199)

Reported that the same Ought to Pass.

The Committee on Judiciary on, Bill, "An Act Relating to Temporary Restraining Order and Cost of Litigation by the Attorney General under Unfair Trade Practices Act." (H. P. 770) (L. D. 1004)

Reported that the same Ought to Pass.

The Committee on Judiciary on, Bill, "An Act Relating to Venue in Personal and Transitory Actions." (H. P. 1153) (L. D. 1486)

Reported that the same Ought to Pass.

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

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

The Committee on Labor on,

Bill, "An Act Relating to Definition of Agricultural Labor in the Employment Security Law." (H. P. 823) (L. D. 1086)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-348).

The Committee on County Government on,

Resolve, Authorizing County Commissioners of Aroostook County to Extend Route 161. (H. P. 1129) (L. D. 1464)

Reported that the same Ought to Pass.

Comes from the House, the Resolve Passed to be Engrossed as Amended by House Amendment "A" (H-323).

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

Ought to Pass — As Amended

The Committee on Legal Affairs on, Bill, "An Act Relating to the State Valuation of the Town of North Berwick." (H. P. 1259) (L. D. 1634)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-334).

The Committee on Veterans and Retirement on, Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Barbara Goodwin. (H. P. 1225) (L. D. 1600)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-335).

(On motion by Mr. Richardson of Cumberland, tabled and Specially Assigned for May 14, 1973, pending Acceptance of the Committee Report.)

The Committee on Judiciary on, Bill, "An Act Limiting Positions

of Trust for Prisoners in Jails to Those Prisoners Sentenced to that Particular Jail." (H. P. 1091) (L. D. 1423)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-338)

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Membership on the State Board of Barbers." (H. P. 844) (L. D. 1118)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-336).

The Committee on State Government on, Bill, "An Act to Create a Commission to Name Public Buildings, Bridges, Highways and Other Public Works." (H. P. 1178) (L. D. 1517)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-337).

The Committee on Natural Resources on, Bill, "An Act Relating to Compensation for Members of the Land Use Regulation Commission." (H. P. 626) (L. D. 824)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-322).

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

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

The Committee on County Government on Bill, "An Act to Annex Town of Brunswick to Sagadahoc County." (H. P. 1326) (L. D. 1738)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-313).

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-325) and as Amended by Committee Amendment "A", as Amended by House Amendment "A" Thereby (H-331).

Which report was Read.

On motion by Mr. Minkowsky of Androscoggin, Tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

The Committee on Legal Affairs on, Bill, "An Act Clarifying Certain Municipal Laws." (H. P. 1118) (L. D. 1454)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-329).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-349).

Which report was read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence. House 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 State Government on, Bill, "An Act Creating the Office of State Fire Marshal." (H. P. 244) (L. D. 329)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1483) (L. D. 1910)

The Committee on State Government on, Bill, "An Act Relating to Consolidating Reports of Budgeted State Departments and Agencies." (H. P. 1317) (L. D. 1713)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Consolidating Reports of State Departments and Agencies." (H. P. 1484) (L. D. 1911)

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

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Notification to Injured Employees of Rights under Workmen's Compensation Law." (H. P. 1243) (L. D. 1614)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
HUBER of Knox
KELLEY of Aroostook

Representatives:

BROWN of Augusta
CHONKO of Topsham
FLYNN of South Portland
McHENRY of Madawaska
GARSOE of Cumberland

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

Signed:

Representatives:

McNALLY of Ellsworth
HOBBINS of Saco
BINNETE of Old Town
ROLLINS of Dixfield
FARLEY of Biddeford

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-341).

Which reports were Read and, on motion by Mr. Huber of Knox, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Relating to Vivisection in Biology Classes at the Secondary Level." (H. P. 742) (L. D. 955)

Reported that the same Ought Not to Pass.

Signed

Senators:

KATZ of Kennebec
MINKOWSKY

of Androscoggin
OLFENE of Androscoggin

Representatives:

FERRIS of Waterville
TYNDALE

of Kennebunkport
BITHER of Houlton
LEWIS of Auburn
LaCHARITE of Brunswick

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under New Title: "An Act Regulating Experi-

ments on Animals." (H. P. 1485) (L. D. 1912)

Signed:

Representatives:

LAWRY of Fairfield
LYNCH

of Livermore Falls

LeBLANC of Van Buren

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 Business Legislation on, Bill, "An Act Relating to Savings Bank Life Insurance." (H. P. 1117) (L. D. 1453)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-343).

Signed:

Senators:

COX of Penobscot
MARCOTTE of York

Representatives:

JACKSON of Yarmouth
O'BRIEN of Portland
BOUDREAU of Portland
CLARK of Freeport
DESHALES of Westbrook
TIERNEY of Durham
DONAGHY of Lubec

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

Signed:

Senator: KATZ of Kennebec

Representatives:

TRASK of Milo
HAMBLEN of Gorham
MADDOX of Vinalhaven

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

Which reports were Read.

Mr. Katz of Kennebec moved the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

Mr. TANOUS: Mr. President, I wonder if some member of the Committee who signed the Ought to Pass Report might explain this bill to the Senate so we might be able to make a decision on how to

vote on this matter.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Tanous, requests that a signee of the Majority Ought to Pass Report explain their position to the Senate. Any Senator may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President and Members of the Senate: I voted Ought to Pass on this bill because I have no objections to Savings Banks going into the life insurance business if they meet all the qualifications, needs and requirements of an insurance company. It was my understanding that Committee Amendment "A" served that purpose. However, I now do not feel that the amendment does serve the purpose.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I would oppose the adoption of the Minority Ought Not to Pass Report. I don't pretend to be much of an expert on savings bank life insurance, but I understand they have that in Massachusetts, New York and Connecticut, and it is my understanding from people I have talked to that it cuts the premium costs some thirty to forty percent, so it seems like a very sound consumer measure.

Also, as I understand it from looking at the bill quickly, those who would sell the insurance at the banks would have to be certified, I guess, by the Insurance Commissioner. So it would seem to me that something that would help reduce premiums thirty to forty percent ought to be something that would be good and be in the best interest of the people of the State of Maine. For that reason, I would oppose the acceptance of the Minority Ought Not to Pass Report, and I would ask for a roll call.

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

Mr. BERRY: Mr. President and Members of the Senate: I would say initially that I am very much

in favor of savings banks issuing life insurance. They fulfill a need that most insurance companies cannot meet, and when I lived in Massachusetts I purchased and still pay for Massachusetts savings bank life insurance policies.

However, I also happen to be a member of the Governor's Bank Study Committee, which is studying all the aspects of commercial and thrift banking in the state and will, hopefully, submit its report to the special session of this legislature. There are broad changes ahead in the banking field, indicative of which is this particular bill. The Committee will be giving attention to this problem, and it had been the Committee's hope that major changes in bank legislation could be deferred by the regular session of the 106th until the issuance of this report.

With the exception of myself, the Committee is composed of, I think, extremely knowledgeable people in the area of banking and consumer protection. Every single interest that could be affected by the Maine State banking system is well represented by capable and voluble members on this Committee.

For instance, if savings banks are permitted to sell insurance, query: will commercial banks be allowed to sell insurance? Personally, I think we are headed in the direction that all banking institutions are going to be pretty uniform before we get through. This is in the nature of competition and it is good for the people of the State of Maine. But, for now, I feel this legislation should not pass.

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

Mr. BRENNAN: Mr. President and Members of the Senate: As I look at the Committee Report, it is 9 to 3 Ought to Pass, so three-fourths of the Committee felt that this ought to pass.

In regard to the remarks of my good friend, the Senator from Cumberland, Senator Berry in regard to a study of some commission that is looking at these things, I don't see why we should put it

off at all. Why not give the chance to the consumers to save the money right now? And as to whether or not other banks may sell it, I don't think that is the issue. The issue is: are we going to let savings banks sell life insurance in order to afford the opportunity for the people of the State of Maine to save some thirty to forty percent on premiums, if these figures are accurate that were given to me? I don't see how we could oppose something like this, although I probably will learn very shortly.

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

Mr. KATZ: Mr. President and Members of the Senate: I might suggest to the Senator from Cumberland Senator Brennan, that there are two questions: One, whether savings banks should sell life insurance. Second, under what terms should savings banks sell life insurance. This is why I feel that this legislature should wait to get a look at the whole picture of the changing relationships between banking institutions before making the jump.

You may recall that a little earlier last week I think, you killed a bill that would have given the credit unions an opportunity to establish a statewide banking system. I think, by its killing the bill, the Senate at that time said this was an historic change that it did not choose to make at this time.

You will probably be seeing another four or five bills before you which seek to make changes in the relationships of banking institutions this session, and most members of the Business Legislation Committee wanted sincerely to defer questions of radical changes until we have the benefit of the report of the Committee that the Senator from Cumberland Senator Berry, mentioned.

I must admit on this bill that there was a Majority Ought to Pass Report, but the Senate clearly sees now that the strength of the Ought to Pass Report has somewhat deteriorated, and I suspect that if the vote were taken today it would be different.

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

Mr. TANOUS: Mr. President, I would like to pose a question through the Chair to the Senator from Kennebec, Senator Katz. It is my understanding, under the present law, that when an individual deals with a commercial bank or a trust company in the area of obtaining a mortgage loan or an installment loan that one can at the same time be insured with life insurance and disability insurance on his loan, and if he should become disabled that the loan would be taken care of, or should he die that the loan would be paid off. My question is: Is this particular bill before us, L. D. 1453, a bill to grant the same rights to a savings bank as to whether or not they might be able to sell life insurance and disability insurance to those people that have mortgage loans or other kinds of loans with a savings bank? I wonder if Senator Katz would kindly answer that question?

The PRESIDENT pro tem: The Senator from Penobscot, Senator Tanous, has posed a question through the Chair to the Senator from Kennebec, Senator Katz who may answer if he so desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President that is an extraordinary comparison. It is true that presently you can get life insurance on conditional sales contracts and mortgages, but it is a very, very carefully circumscribed type of one-shot deal. And what this bill would do would be to open up a very broad field of life insurance that goes far, far beyond anything connected with conditional sales contracts or mortgage life insurance.

I might point out to the Senate that we are so often looking for the panacea, the solution and the Senator from Cumberland, Senator Brennan, mentioned thirty percent and forty percent savings — in a burst of enthusiasm I have heard people say forty-five and fifty percent savings — and figures are easy to toss around, but the fact is that I also grew up in Massa-

chusetts — it is nice having two Massachusetts boys together — and we had savings bank life insurance then. There is nothing new about it, and it has taken off and really zoomed like a wet fire-cracker around the country so perhaps the savings aren't as real as we would like to believe.

The PRESIDENT pro tem: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Minority Ought Not to Pass Report of the Committee be accepted. A roll call has been requested. In order for the Chair to order a roll call, under the Constitution it requires the affirmative vote of at least one-fifth of the members present and voting. Will all those 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 question before the Senate is the acceptance of the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Savings Bank Life Insurance." A "Yes" vote will be in favor of accepting the Minority Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Anderson, Clifford, Cummings, Cyr, Fortier, Hichens, Huber, Joly, Katz, Kelley, Minkowsky, Morrell, Olfene, Peabody, Richardson, Roberts, Schulten, Sewall, Speers, Wyman.

NAYS: Senators Brennan, Cianchette, Cox, Graffam, Greeley, Marcotte, Shute, Tanous.

ABSENT: Senators Conley, Danton, MacLeod.

A roll call was had. 22 Senators having voted in the affirmative, and eight Senators having voted in the negative, with three Senators being absent, the Minority Ought Not to Pass Report of the Committee was Accepted.

Divided Report

The Majority of the Committee on Election Laws on,

Bill, "An Act Relating to Notification of Certain Applicants for

Voter Registration." (H. P. 445) (L. D. 594)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin
JOLY of Kennebec
CIANCHETTE

of Somerset

Representatives:

KAUFFMAN of Kittery
WILLARD of Bethel
KELLEY of Machias
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:

Representatives:

ROSS of Bath
HANCOCK of Casco
TALBOT of Portland
BOUDREAU 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 Education on,

Bill, "An Act Relating to Certification of Teachers in Private Pre-school Programs." (H. P. 1400) (L. D. 1842)

Reported that the same Ought Not to Pass.

Signed:

Senators:

OLFENE
of Androscoggin
MINKOWSKY
of Androscoggin

Representatives:

LYNCH
of Livermore Falls
LAWRY of Fairfield
LeBLANC of Van Buren
LEWIS of Auburn
BITHER of Houlton
TYNDALE

of Kennebunkport

LaCHARITE of Brunswick

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

Signed:
Senator:

KATZ of Kennebec

Representatives:

FERRIS of Waterville

MURRAY of Bangor

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 Labor on,

Bill, "An Act Extending the Period of Entitlement to Compensation for Partial Incapacity under the Workmen's Compensation Law in Certain Cases." (H. P. 616) (L. D. 814)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

TANOUS of Penobscot

HUBER of Knox

Representatives:

BROWN of Augusta

FLYNN of South Portland

GARSOE of Cumberland

BINETTE of Old Town

McNALLY of Ellsworth

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

Signed:

Sensor:

KELLEY of Aroostook

Representatives:

CHONKO of Topsham

HOBBINS of Saco

McHENRY of Madawaska

ROLLINS of Dixfield

FARLEY of Biddeford

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Legal Affairs on,

Bill, "An Act Setting Off Part of Standish to Raymond, Cumber-

land County." (H. P. 720) (L. D. 926)

Reported that the same Ought Not to Pass.

Signed:

Sensor:

JOLY of Kennebec

Representatives:

CAREY of Waterville

BRAWN of Oakland

FAUCHER of Solon

SHUTE

of Stockton Springs

EMERY of Rockland

FECTEAU of Biddeford

DUDLEY of Enfield

SHAW of Chelsea

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

Signed:

Sensor:

ALDRICH of Oxford

Representatives:

CONNOLLY of Portland

COTE of Lewiston

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.

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Relating to Determination of Just and Reasonable Electrical and Telephone Utility Rates by Public Utilities Commission." (H. P. 1192) (L. D. 1532)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

CUMMINGS of Penobscot

ANDERSON of Hancock

CYR of Aroostook

Representatives:

KELLEHER of Bangor

MADDOX of Vinalhaven

TRASK of Milo

CONLEY

of South Portland

SOULAS of Bangor

LITTLEFIELD of Hermon

CHICK of Sanford

The Minority of the same Committee on the same subject mat-

ter reported that the same Ought to Pass.

Signed:
Representatives:

MURRAY of Bangor
GENEST of Waterville
MULKERN of Portland

Comes from the House, the Minority report Read and Accepted and the Bill and accompanying papers Indefinitely Postponed.

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

Divided Report

Six members of the Committee on Legal Affairs on, Bill, "An Act Preventing a Lien on Real Estate When Owner has Paid Contractor." (H. P. 828) (L. D. 1087)

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

Signed:

Senators:

JOLY of Kennebec
ROBERTS of York
ALDRICH of Oxford

Representatives:

COTE of Lewiston
SHAW of Chelsea
DUDLEY of Enfield

Four members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft under New Title: "An Act Making Contractor a Trustee of Funds Received for Building Purposes." (H. P. 1479) (L. D. 1904).

Signed.

Representatives:

CAREY of Waterville
EMERY of Rockland
FECTEAU of Biddeford
BRAWN of Oakland

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

Signed:

Representatives:

CONNOLLY of Portland
SHUTE
of Stockton Springs
FAUCHER of Solon

Comes from the House, Report "C" Read and Accepted and the Bill and Accompanying Papers, Indefinitely Postponed.

Which reports were Read and, on motion by Mr. Joly of Kenne-

bec, the Ought Not to Pass Report "A" of the Committee was Accepted.

Senate

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

Bill, "An Act Relating to Removal of Certain Municipalities from the Forestry District." (S. P. 135) (L. D. 347)

Ought to Pass

Mr. Anderson for the Committee on Public Utilities on, Bill, "An Act to Grant Comex, Inc. Certain Rights Within the State of Maine." (S. P. 523) (L. D. 1654)

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 in New Draft

Mr. Shute for the Committee on Election Laws on, Bill, "An Act to Revise the Election Laws." (S. P. 206) (L. D. 556)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 613) (L. D. 1916)

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

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Augment the Powers of the Public Utilities Commission to Adequately Plan for the Present and Future Power Needs of the State." (S. P. 454) (L. D. 1419)

Reported that the same Ought to Pass.

Signed:

Senator:

CYR of Aroostook

Representatives:

SOULAS of Bangor
CONLEY

of South Portland
GENEST of Waterville
KELLEHER of Bangor
MULKERN of Portland
MURRAY of Bangor

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

Signed:

Senators:

ANDERSON of Hancock
CUMMINGS of Penobscot

Representatives:

CHICK of Sanford
MADDOX of Vinalhaven
TRASK of Milo
LITTLEFIELD of Hermon

Which reports were Read.

Mrs. Cummings of Penobscot moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT pro tem: The Senator has the floor.

Mrs. CUMMINGS: Mr. President and Members of the Senate: The reason that I voted against passage of this bill is because I have seen the extensive future plans that have been made by the existing public utility companies in Maine. They have taken into consideration what is in the best interests of Maine and, as I understand it, this bill was primarily aimed at just the state itself, what was going to be best for the residents of the State of Maine.

Now, as we all know, there is a grid system that goes throughout the nation, and Maine can no longer think of only the best interests of its citizens. There are several groups, there is one, NEPEX, and there are others, that get together and have cooperated in order to make long-term plans in order to provide the electricity that will be needed industrially, commercially, and for residential consumers.

I think this is an unnecessary bill, and I think truly that the Public Utilities Commission can't afford to do this without adding a great burden to the people that they have, that they can call on. It would be an added expense to them and, therefore, of course, eventually back to us and, as far as I can see, would be no good for the citizens in the end.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I hate to

disagree with my lovely Chairman of the P.U.C., but this is my bill.

First of all, we have to understand the authority or the responsibility that the P.U.C. has today. The Public Utilities Commission, in the eyes of the public is supposed to protect the public interest in regards to electric needs. Most people do not realize that the Public Utilities Commission is a regulatory Commission; it regulates rates. It doesn't have any responsibility towards planning or programming any of our needs, and this is what this would do: it would empower or it would enlarge the powers of the Public Utilities Commission to oversee and supervise planning for future needs in the State of Maine.

Now, this doesn't disregard the planning which is being done or which has been done by the existing utilities. Instead of that, the Public Utilities Commission would try to coordinate all the efforts between the various utilities.

The utilities are charged to plan for the needs within their districts, within their areas, but in many cases it is fragmented and there is no coordination. So what this bill would do, it would coordinate, it would have an input, it would introduce an input from the standpoint of the State of Maine into this planning. It would work very closely with the existing utilities, taking their plans — and maybe their plans are perfectly all right — but at the same time we should have an agency that should look this over to find out whether the interests of the people of the State of Maine have been preserved.

There is also a paragraph in L. D. 1419 which says that in the case of a rate increase, when the utility petitions the P.U.C. for a rate increase, the P.U.C. would have to determine whether or not this utility is being efficiently operated. Now, today when a utility petitions the P.U.C. for a rate increase, the Commission can only rule on the evidence which is brought in at the hearing. It cannot question this. If they find for instance, that there is inefficiency, they cannot even make recommendations; it is not within their responsibility, it is not within their

powers and this is what 1419 would do.

Now, in regard to the New England Pool which has been created, it would necessitate that much more the giving of these powers to the P.U.C. because the utilities of Maine will now be accepting the responsibility of the whole New England network. If there is a brownout, for instance, in New York or Boston what will the utilities of Maine do? Will they restrict or will they curtail the electricity within the State of Maine so that we can alleviate a brownout in New York, for instance? All of these questions should have an answer before the emergency is upon us and this is what this bill would do.

I request a division on the motion before the Senate.

The PRESIDENT pro tem: The Chair recognizes the Senator from Hancock Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: I rise in support of the position of the good Senator from Penobscot, Senator Cummings.

We had a very lengthy discussion in the executive session on this bill, and we felt that it was absolutely unnecessary. Another thing I don't like is the price tag of \$50,000. I urge you to support the motion to accept the Ought Not to Pass Report.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I would like to just pose a question, and the question is: Is there any public agency in this state that is now charged with the function of planning our future energy needs?

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, there is none and this is what this would do. It would give the powers to the present Public Utilities Commission.

Now, as far as the price tag which is on this, it comes from the Commission itself, this price tag.

Now, what they would do is try to create a master plan. There is

no master plan at all in regard to power in the State of Maine. This is almost unbelievable. There is no master plan; we don't know where we are going. If you take my own example, for instance, of Maine Public Service in the territory where I am being served, two years ago 94% of our power was bought from across the river. And those of you who live in that area have probably viewed on television several times debates that are going on in Canada as to whether or not it is advisable for them to export some of their power to the United States.

Maine Public Service today has a contract that runs only until 1976. And all of these contracts are subject to a clause by which the contracts can be rescinded on 60 days notice, if the need arises in Canada for them to use it.

Bangor Hydro depends for 50% of its needs on the outside, mostly from Canada again. C.M.P. depends for 23% of its needs on the outside, mostly Canada. So, is this advisable? I don't know. Nobody has been able to give me an answer on this.

Unless we do have a master plan and know where we are going — the closest thing to it now is the Beck Associates Report of 1966, which recommended at that time three plans: one to be in operation by 1972, which is Maine Yankee. The second one would be the Dickey-Lincoln School, a peaking power plant that would supply those needs. The third one was, by 1980, another atomic plant somewhere on the coast.

It seems as though the utilities have adopted that program, but whether or not this is advisable for our future needs for the State of Maine — I think that the State of Maine should have an input into this and work with these utilities to try to determine what is best for the State of Maine. This is all that this bill asks for.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I agree with the good Senator from Aroostook, Senator Cyr, that of course a plan has to be made.

I certainly think too that there is a certain responsibility that if Maine has a great deal of electricity, and there should be brownouts, I am sure that there have been plans made. I have seen some plans that go as far as 1990.

I can't believe that a private group is going to give every bit of their future plans out for public consumption. I can't blame them for not giving themselves perhaps what in this instance would have been beneficial publicity as to the amount of effort and time they have put into making plans in co-operation with the other utility systems throughout the New England area.

The Public Utilities Commission did report before us that they have voted unanimously that they would like to see this bill not go through. They felt that, as far as making any of their rulings on setting the rates for public utility companies, that they went as far as they could into the efficiency of the operation, and that anything more would lead them to hiring experts which would make the cost of this rise to three times the \$50,000. I would strongly urge that we accept the Minority Ought Not to Pass Report.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I think I agree with some of the remarks of the good Senator from Penobscot, Senator Cummings, that private groups will not give out all of their future plans because they traditionally play it close to the vest, and that is understandable and a proper mode of operation which I subscribe to in that sense. But I think the public has some responsibility, as has been pointed out, and should be aware of some of these things. I think the PUC could well guard against future brownouts and blackouts, and for those reasons I would oppose the pending motion to accept the Minority Ought Not to Pass Report and ask for a roll call.

The PRESIDENT pro tem: A roll call has been requested.

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

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

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I would like to just say a word in regard to the statement which was made by our good Chairman, Senator Cummings. She mentioned that this was unanimously opposed by the Commission; that isn't true. I have been working from the start on this bill, first of all with the Chairman, who, for I don't know what reason, turned against this at the last minute, but I also was working with another member of the Commission, and a lot of the input into this bill came from that Commissioner. He did testify, and he made mention in regard to a possible correction in the second paragraph, which was very minor.

One of the gentlemen, one of the experts in this field, that I worked very closely with, was Professor Shipman of Bowdoin College, who is known to be an expert in this field. In fact, he was supposed to send me a letter stating his views on this. This was only yesterday, so chances are I probably will be receiving his letter too late to help us, unless this survives. I also have been working with the Governor and the Governor's Energy Assistant on this.

I would like to assure you that this was not intended to embarrass or to try to impose any unnecessary conditions on the utilities. This is only for the protection of the public and to find out where we are going in the electricity field. Thank you.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: The good Senator from Aroostook,

Senator Cyr, is right, and I humbly apologize. I was getting this confused with another bill, and he is right. The Commissioner of the Public Utilities Commission is opposed to this, but I do remember that there was testimony by another member of that Commission, as he mentioned, and I am sorry for my mistake.

The PRESIDENT pro tem: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Cummings, that the Minority Ought Not to Pass Report of the Committee be accepted on Bill, "An Act to Augment the Powers of the Public Utilities Commission to Adequately Plan for the Present and Future Power Needs of the State." A "Yes" vote will be in favor of accepting the Minority Ought Not to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Cox, Cummings, Graffam, Greeley, Hichens, Huber, Joly, Katz, Minkowsky, Olfene, Peabody, Roberts, Schulten, Sewall, Shute, Speers, Wyman.

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Cyr, Fortier, Kelley, Morrell, Richardson, Tanous.

ABSENT: Senators Conley, Danton, Marcotte, MacLeod.

A roll call was had. 19 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with four Senators being absent, the Minority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Public Utilities on Bill, "An Act Relating to Appeals from Decisions of the Public Utilities Commission." (S. P. 498) (L. D. 1585)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CUMMINGS of Penobscot
ANDERSON of Hancock

Representatives:

MULKERN of Portland
CHICK of Sanford
MADDOX of Vinalhaven
CONLEY

of South Portland
TRASK of Milo

LITTLEFIELD of Hermon

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

Signed:

Senator:

CYR of Aroostook

Representatives:

KELLEHER of Bangor
MURRAY of Bangor
SOULAS of Bangor
GENEST of Waterville

Which reports were Read.

Mrs. Cummings of Penobscot moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Kelley.

Mr. KELLEY: Mr. President and Members of the Senate: This bill is to repeal a section of the law in Title 35 which now prohibits an injunction being sought and gotten on an appeal from a PUC order on specifically a utility rate hike or whatever. At the present time, the way the law is written in this particular section, no injunction could be sought and gotten. The ultimate result of this could be that should an appeal be taken from the PUC on an order for a rate hike, for example, and later should the law court decide that the rate hike should not be in effect, then it would be very difficult to refund to the customers of the particular utilities the monies they paid during the pendency of the appeal, which could take twelve or eighteen months, or sometimes longer.

What this bill would do is repeal that section and allow, as it is in most other cases at this time, that should someone appeal an order from the PUC that an action could be brought, and it would be up to the court's discretion whether or not an injunction should be made against the order of the PUC.

Accordingly, I would hope the members of the Senate would consider what the bill would do to allow the discretion with the court in behalf of the customers of the utilities on rate hearings and orders that have been on appeal. Accordingly, I urge you to vote against the motion to accept the Majority Ought Not to Pass Report.

The PRESIDENT pro tem: Is it now the pleasure of the Senate to accept the Majority Ought Not to Pass Report of the Committee?

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Kelley.

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

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

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

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: This bill, if it goes through, that would allow an injunction for the Public Utilities Commission so that they would not be able to give the — usually it is a rate increase that a utility would be asking for. It would delay the ultimate rate hike to such an extent that, as some of the testimony against it was, that this would be a nine month delay, and that they might have to curtail some of their services because it takes them a long time to get to the committee and to make what they consider their reasonable background for asking for an increase in their rates. They felt that this was more than was right, to ask them to wait that much longer, when an appeal could be made by almost anyone at any time and do more harm than good.

The Chair recognizes the Senator from Aroostook, Senator Kelley.

Mr. KELLEY: Mr. President and Members of the Senate: I just want to point out once more that this would allow the discretion of the court, as is the case in most other legal proceedings at this time. If someone did seek an injunction against a rate order ordered by the PUC, I am sure that certain requirements would have to be made, bonds posted, and irreparable harm would have to be convinced to the court, so it would not be mandatory, if this repeal section passes, it would not be a mandatory requirement of an injunction. Several requirements would have to be met before an injunction would be granted by the court, and the court, of course, has the discretion to deny an injunction request. Accordingly, I would like to point out that this is not going to result in injunctions automatically issued.

The PRESIDENT pro tem: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: Again, I rise to concur with the remarks of the good Senator from Penobscot, Senator Cummings. This is another case where a bill is absolutely unnecessary and does nothing but clutter up our statutes. I urge you to vote for the Ought Not to Pass Report.

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

Mr. TANOUS: Mr. President and Members of the Senate: I would like to pose a question to Senator Kelley from Aroostook. Assuming that the Commission makes a ruling which would be against a particular company on a matter that the Commission feels that they ought to be doing, or maybe even a rate reduction, or any other action which was taken by the Commission against a public utility company and, assuming that this particular order was in the area of a company complying with safety regulations, and they disagreed with the Commission, or in the event they were ordered to reduce their rates, or any such thing, would then the Commission

or anyone be powerless to issue an injunction against this company to prevent them from doing this immediately, assuming that a company does not want to comply and they appeal the decision to the courts, would then the Commission be powerless to order this immediate action on the part of a public utility?

The PRESIDENT pro tem: The Senator from Penobscot, Senator Tanous, has posed a question through the Chair to the good Senator from Aroostook, Senator Kelley, who may answer if he so desires.

The Chair recognizes the Senator from Aroostook, Senator Kelley,

Mr. KELLEY: Mr. President and Members of the Senate: I am sure all the people in here are aware that there is redress through the courts in almost any action that one may have, and in most cases an order by a lower court, although this is a regulatory agency, is often stayed from going into effect until ultimate disposition.

To answer the question of the Senator from Penobscot, Senator Tanous, it is possible, yes, that if an order was given by the PUC in any of the areas he talked about, that the court could issue an injunction staying the order, and that is what this would permit. But I would point out to him, as an attorney especially, that we are all aware this often happens now in any other case, whether it is an appeal from the district court or an appeal from a regulatory agency to the law court, it would permit a court to issue an injunction, if this bill passed, to stay an order. It could be in a rate decrease, a rate increase, eminent domain proceedings, or whatever, so I see nothing wrong in this. It can work to the advantage of whoever is appealing, I am sure.

One other thing too: the Senator from Hancock mentioned cluttering the statutes. Of course, I point out that this would repeal the statute and cut down some of the clutter.

The PRESIDENT pro tem: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cummings, that the Senate accept the Majority Ought Not to Pass

Report of the Committee on Bill, "An Act Relating to Appeals from Decisions of the Public Utilities Commission". A "Yes" vote will be in favor of accepting the Majority Ought Not to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Cox, Cummings, Fortier, Graffam, Greeley, Hichens, Huber, Joly, Katz, Kelley, Minkowsky, Morrell, Olfene, Peabody, Richardson, Roberts, Schulten, Sewall, Shute, Tanous, Wyman, MacLeod.

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Cyr, Speers.

ABSENT: Conley, Danton, Marcotte.

Mr. Kelley of Aroostook was granted permission to change his vote from Yea to Nay.

A roll call was had. 23 Senators having voted in the affirmative, and seven senators having voted in the negative, with three Senators being absent, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Clarify the Barber Law and Increase Certain Fees." (H. P. 387) (L. D. 516)

Bill, "An Act to Replace Lump Sum Financing of State Employees Retirement with Percentage Financing Based Upon Payrolls Paid." (H. P. 216) (L. D. 289)

Bill, "An Act Relating to Venue of Personal and Transitory Actions Involving the Residents of Brunswick and Harpswell." (H. P. 1169) (L. D. 1508)

Bill, "An Act to Place Jurisdiction of Annulment and Divorce Actions in the District Courts." (H. P. 1240) (L. D. 1611)

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

Bill, "An Act Providing Funds for a Study of the Recreational and Transportation Aspects of

Bicycling." (H. P. 1480) (L. D. 1908)

Bill, "An Act Appropriating Funds to Provide a Public Information Officer at Bangor State Hospital." (L. D. 1631) (H. P. 1254)

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

House - As Amended

Bill, "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Fiscal Years Ending June 30, 1974 and June 30 1975." (H. P. 341) (L. D. 456)

(On motion by Mr. Berry of Cumberland, tabled and Specially Assigned for May 14, 1973, pending Passage to be Engrossed.)

Bill, "An Act Relating to Oral Settlements or Releases from Injured Persons Confined to Hospitals." (H. P. 1154) (L. D. 1487)

Bill, "An Act Relating to the Registration of Osteopathic Physicians and Surgeons." (H. P. 1274) (L. D. 1677)

Bill, "An Act to Enable Communities to Establish Multiple Community Solid Waste Districts." (H. P. 1138) (L. D. 1520)

Bill, "An Act Relating to Definition of Class A Restaurant under Liquor Laws." (H. P. 761) (L. D. 994)

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

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

Senate

Bill, "An Act to Modify the Test for Determining Coverage of Injuries under the Workmen's Compensation Act." (S. P. 404) (L. D. 1206)

Bill, "An Act to Clarify Certain Provisions of the Personnel Law." (S. P. 524) (L. D. 1655)

Bill, "An Act to Simplify the Procedures on Municipal Charter Amendment Elections." (S. P. 611) (L. D. 1914)

Bill, "An Act Relating to the Statute on Boards of Visitors to

State Institutions." (S. P. 612) (L. D. 1915)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act to Create a Commission to Study the Workmen's Compensation Law." (S. P. 541) (L. D. 1693)

Bill, "An Act Relating to Probate Fees." (S. P. 172) (L. D. 437)

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

Sent down for concurrence.

The PRESIDENT pro tem: The Senate will be at ease.

Thereupon, the Sergeant-at-Arms escorted Senator MacLeod to the rostrum where he assumed his duties as President of the Senate, and the Sergeant-at-Arms then escorted Senator Sewall to his seat on the floor of the Senate.

The PRESIDENT: The Senate will come to order. I am sure the Senate joins me in thanking the Senator from Penobscot, Senator Sewall, for a really superlative job up here on the rostrum. (Applause)

Enactors

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

An Act Relating to the Maine Automobile Insurance Cancellation Control Act. (S. P. 258) (L. D. 755)

An Act Relating to Legislative Counsel or Agents. (S. P. 463) (L. D. 1494)

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

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)

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

Which 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 to Create Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties. (H. P. 515) (L. D. 681)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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

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

Constitutional Amendment

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)

This being a Constitutional Amendment and having received the affirmative votes of 28 members of the Senate, was Finally Passed and, having been signed by the President was by the Secretary presented to the Secretary of State.

Orders of the Day

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

HOUSE REPORT — from the Committee on Labor — Bill, "An Act to Repeal the Seasonality Provisions of the Employment Security Law." (H. P. 519) (L. D. 684) Ought to Pass as amended by Committee Amendment "A" (H-319)

Tabled — May 8, 1973 by Senator Olfe of Androscoggin.

Pending — Acceptance of Report.

On motion by Mr. Berry of Cumberland, retabled and Specially Assigned for May 14, 1973, pending Acceptance of the Committee Report.

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

Bill, "An Act Relating to Solid Waste Disposal." (H. P. 1478) (L. D. 1903)

Tabled — May 9, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Schulten of Sagadahoc then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-116, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Raising the Maximum Age of a Juvenile Offender." (H. P. 489) (L. D. 643)

Tabled — May 9, 1973 by Senator Berry of Cumberland.

Pending — Motion of Senator Joly of Kennebec to Reconsider Acceptance of Committee of Conference Report.

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

MR. RICHARDSON: Mr. President and Members of the Senate: As one of those who spoke in opposition to this Legislative Document when it was before us, and who served on the Committee of Conference, I thought the Senate might be interested in knowing that this is another one of those frequent occasions in my life when I have learned to my horror that I have made a mistake, and I want to confess here that I did so. I think that the purpose of this change in the statute is simply to provide uniformity, as the sponsor suggested initially. I think we ought to do that. I don't think we ought to set aside juvenile offender considerations from our concern, but I think we at least ought to have uniformity at this point and hopefully, we are going to review the whole question of the juvenile offender law.

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

Mr. JOLY: Mr. President and Members of the Senate: The reason this was tabled yesterday was that I hadn't had a chance to read the conference report, and when I did I didn't see that there was much change in it. It was barely a change, I believe, of an inconsistency. When we first debated this, this body voted against it. And I will just repeat what I said at the time, that it seems in this day and age that perhaps the age of a juvenile offender should be reduced rather than increased. It is presently 17, and this bill would change it to 18. Personally, I think it should be lowered to 16, so I would hope that we would not accept the Committee of Conference Report.

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

Mr. ROBERTS: Mr. President and Members of the Senate: A few years back I had the privilege of being a municipal judge for five years, and during that time we had a good many juvenile cases. As we now know, having debated this, you are a juvenile until your 17th birthday. The minute you have your 17th birthday you are no longer a juvenile.

At that time, you were considered to be of age when you were 21, but even at that time in all these situations where people would come before me — and there would be probably four or five boys together — one or two of those boys would be 17 years of age and the rest might be 16, and time and again it would happen the 16 year-old boy would be the boy that actually was the ringleader. It was his idea to do this. A lot of times it perhaps wasn't that serious, but it would involve in my area, at that time anyway, breaking into abandoned farms, that were actually owned by someone but no one was living in, and of course that is breaking and entering under the law, and it is a felony. So as a result, the one who was 16, and perhaps it was his idea, and he was the one who maybe said, "Oh,

don't be chicken; come on along with the rest of us," everyone went in. The ones that were under 16 got treated as juveniles; there was no publicity, and I talked with their parents, and so forth and so on. The ones that were 17, and there might have been only a month or two difference in their ages, the ones that were 17 I had no authority over, and neither does the district court today, because it is a felony and they had to be bound over to superior court and this had to go before the grand jury, and chances are they got perhaps the same probation or the same treatment eventually as the others did.

I am sure that the average boy growing up doesn't realize the differences between when he is 16 and when he is 17, criminally speaking. But I am sure today, and I have a son that is 21, and he has told me enough times when he was 20 that when this law was passed that he became of age at 18 he was well aware of that, and I am sure that all the children today — I call them children — all the young men and women today are well aware that when they are 18 they are of age today. They are aware that they would go to war if we had a draft, and so forth. I think, by moving this one year, from 17 to 18, that all the people will know when they are 18 they are treated as adults, both criminally and for every other purpose, and if they are under 18 then they will be juveniles, and you won't have this situation that used to exist.

I would never agree that it should go from 17 to 21, but now that we have moved down to 18 I think it ought to be consistent. We should have 18 for the date when you cease to be a juvenile as well as when you become a man for all other laws.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Joly, that the Senate reconsider its action whereby it accepted the Report of the Committee of Conference. As many Senators as are in favor of

reconsideration will please say "Yes"; those opposed "No".

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

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

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

Tabled — May 9, 1973 by Senator Richardson of Cumberland.

Pending — Enactment.

Mr. Anderson of Hancock then moved the pending question.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Richardson of Cumberland,

WHEREAS, the land formerly used as a farm by the Men's Correctional Center in Windham is now standing idle and unused; and

WHEREAS, this land will not in the foreseeable future be necessary for the expansion or future programs of the Men's Correctional Center; and

WHEREAS, there is a need to expand and diversify the rehabilitative program and employment opportunities for the inmates of the Men's Correctional Center; and

WHEREAS, there are at present insufficient shelters, facilities, and programs for the maintenance, treatment and relocation of animals which have been abused or improperly cared for; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee of the 106th Legislature on Health and Institutional Services report out a Bill authorizing the Commissioner of Mental Health and Corrections to enter into a long-term lease for nominal consideration with the Maine State Society for the Protection of Animals on a portion of said farm for use as an animal welfare shelter and administrative center to be used in conjunction with the Department

of Mental Health and Corrections in developing a program for the rehabilitation and gainful employment of inmates at the Men's Correctional Center interested in the care and welfare of animals.

Which was read.

The PRESIDENT: The Senator has the floor.

Mr. RICHARDSON: Mr. President and Members of the Senate: Because of the requirements of our rules according to cloture, it was impossible to have this legislation in appropriate form prior to cloture, and at this time by this order I ask that the Committee on Health and Institutional Services be directed to report out a bill for the consideration of this Senate and the other body establishing a cooperative program between the Maine State Society for the Protection of Animals and the Men's Correctional Center at Windham, through the Department of Mental Health and Corrections, authorizing a long-term lease on a very nominal basis to permit the Maine State Humane Society to build a building in an administrative area on an unused area of land, and to permit then the entry into a cooperative rehabilitative and educational program for the inmates at the Correctional Center.

This program would also serve the very useful purpose, not presently being adequately served, of providing care and treatment and for relocation of animals which have been abused or improperly cared for. I therefore would hope that the members of the Senate would permit the Committee on Health and Institutional Services to report out a bill so that this matter can be brought before the Senate and, as I said, the other branch for discussion. Thank you.

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

Mr. JOLY: Mr. President, I would appreciate having explained to me what the third "whereas" has to do with the order?

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

Mr. RICHARDSON: Mr. President and Members of the Senate: The inmates at the Correc-

tional Center in Windham need to have increased opportunities for rehabilitative and employment opportunities. That is what the order says, and I think that is in fact true. I think the association with animals and caring for animals can for some people, particularly those young people who have gotten into serious scrapes with the law, be in itself a rehabilitative experience. I believe there are employment opportunities available in this kind of area and, therefore the Commissioner of the Department is wholeheartedly in support of the concept provisioned by this order.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Joint Order received Passage.

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

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

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

Tabled — May 9, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

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

Mr. COX: Mr. President and Members of the Senate: L. D. 1606 was introduced at the request of the Attorney General's Office. It has to do with that area of the law pertaining to refusal to testify due to self-incrimination and defines the scope of immunity. In late 1972, the United States Supreme Court did define the scope

of immunity, and this bill is drafted to conform with the Supreme Court's decision. The reason for the emergency measure is that the Attorney General's Office does use this section of the law quite often, and they would like to have it enacted immediately so that they would be in conformity with the Supreme Court. I urge its enactment.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative vote of 29 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the sixth 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 9, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.