

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, May 11, 1973

Senate called to order by the President.

Prayer by Rev. David Van Strien of Weeks Mills.

Reading of the Journal of yesterday.

Papers From the House
Non-concurrent Matter

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

In the House May 4, 1973, Passed to be Engrossed.

In the Senate May 9, 1973, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

On motion by Mr. Wyman of Washington, the Senate voted to Adhere.

Non-concurrent Matter

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

In the Senate Passed to be Engrossed as Amended by House Amendment "A" (H-271) and Senate Amendment "A" (S-100).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A", House Amendment "B" (H-361) and Senate Amendment "A", in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

House Papers

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

Communication

STATE OF MAINE

One Hundred and

Sixth Legislature

Committee On Election Laws

May 10, 1973

Kenneth P. MacLeod
 President of the Senate
 State House
 Augusta, Maine 04349

It gives me pleasure to report the completion of that business of the 106th Legislature placed before the Election Laws Committee.

Total number of bills reviewed by this Committee amounted to 49.

Of these:

10 were reported out ONTP

16 were reported out OTP

12 were divided reports

5 were reported LTW

6 were reported LTW as covered by other legislation.

Respectfully submitted,

Elden H. Shute, Jr.

Chairman

EHS: cw

Which was Read.

The PRESIDENT: The Chair would like to compliment the Senator from Franklin, Senator Shute, for submitting the first committee report of having completed their business for the 106th session, and also for the very capable job he did as chairman of that committee.

Thereupon, the communication was Ordered Placed on File.

Committee Reports
House

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 Removing Carra-basset Valley from the Maine Forestry District." (H. P. 596) (L. D. 787)

Leave to Withdraw

The Committee on County Government on, Bill, "An Act Providing Aroostook County Funds to Implement Food Stamp Program." (H. P. 1325) (L. D. 1751)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on, Bill, "An Act Relating to Carrying Firearms by Officers who Enforce the Liquor Laws." (H. P. 995) (L. D. 1314)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on, Bill, "An Act Relating to Special Permit for Entertainment in Clubs." (H. P. 1041) (L. D. 1363)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Natural Resources on, Bill, "An Act Classifying Certain Inland Waters of Saco River Basin." (H. P. 765) (L. D. 998)

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 Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President and Members of the Senate: I am sorry to be stumbling here, but I am trying to collect my wits—I didn't realize this was coming so fast.

L. D. 998, which would classify and upgrade certain inland waters of the Saco River Basin, is a very commendable idea and, as such, received good support in committee and actually has support of the Department of Environmental Protection. However, for the first time in the few years I have been here, I received a communication from the Department of Environmental Protection that to me shows a sign of maturity, which I would like to read to you, and it poses a question that I think we might consider before the bill is actually passed.

It is from the Director of the Department of Environmental Protection and supports the upgrading of this particular basin. The next paragraph goes on, however, "I wish to inject a note of caution at this point. We have investigated the potential cost to a homeowner of a treatment collection system for the Kezar Falls area. This cost, under present circumstances could exceed \$300 per year per single-family home. It may even be substantially higher than present estimates, for these took into account industrial users of the system as well as domestic users. In other words, the cost for treatment to our small communities is very high, and the upgrading of B-2 could lead to

even further increases in cost. In conclusion, I wish to reiterate that the B-2 water quality is technically feasible, and on this basis the Department supports the upgrading."

We are concerned, however, about the treatment costs for the area and, in view of this, I don't know that the people in this particular area, are knowledgeable about this development, and I would hope that someone in this Senate would be good enough to table this matter until Monday or Tuesday of next week in order that we might bring it to the attention of people who might have a vital stake in the upgrading of this particular section of water.

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

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

The Committee on Education on, Bill, "An Act Recognizing the College Status of the Glen Cove Bible School and Relating to Conferring Degrees." (H. P. 589) (L. D. 780)

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

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 and the Bill Read Once.

On motion by Mr. Joly of Kennebec, and under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed in Concurrence.

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

Ought to Pass - As Amended

The Committee on Election Laws on, Bill, "An Act Prohibiting the Acceptance of Money for Enrollment of Voters." (H. P. 1270) (L. D. 1645)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-345).

The Committee on Labor on, Bill, "An Act Relating to Compensation and Specific Periods for Injuries under Workmen's Compensation Act." (H. P. 1173) (L. D. 1510)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-346).

The Committee on Legal Affairs on, Bill, "An Act Revising the Laws Relating to Oil Burner Men's Licensing." (H. P. 652) (L. D. 915)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-344).

The Committee on County Government on, Bill, "An Act Increasing Compensation of Full-time Deputy Sheriffs in all Counties." (H. P. 415) (L. D. 564)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-309).

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

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

The Committee on Legal Affairs on, Bill, "An Act Establishing the Lewiston - Auburn Airport Authority." (H. P. 473) (L. D. 620)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-310).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendments "B" (H-352), "C" (H-353) and "D" (H-360).

Which report was Read.

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

The Committee on Judiciary on, Bill, "An Act Relating to Licenses to Carry Weapons." (H. P. 936) (L. D. 1235)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-328).

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-359).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was read and Adopted in non-concurrence and House Amendment "A" was Read.

Thereupon, on motion by Mr. Tanous of Penobscot, tabled and Tomorrow Assigned, pending Adoption of House Amendment "A".

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Interest on Awards in Workmen's Compensation Cases." (H. P. 1150) (L. D. 1481)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

HUBER of Knox

Representatives:

GARSOE of Cumberland

ROLLINS of Dixfield

BROWN of Augusta

McNALLY of Ellsworth

FLYNN of South Portland

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

Signed:

Senator:

KELLEY of Aroostook

Representatives:

FARLEY of Biddeford

BINETTE of Old Town

CHONKO of Topsham

HOBBINS of Saco

McHENRY of Madawaska

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-350).

Which reports were Read.

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

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Relating to State Aid for School Construction." (H. P. 1370) (L. D. 1827)

Reported that the same Ought to Pass.

Signed:

Senators:

KATZ of Kennebec

MINKOWSKY

of Androscoggin

Representatives:

TYNDALE

of Kennebunkport

BITHER of Houlton

LYNCH

of Livermore Falls

LEWIS of Auburn

FERRIS of Waterville

LaCHARITE of Brunswick

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

Signed:

Senator:

OLFENE of Androscoggin

Representatives:

MURRAY of Bangor

LAWRY of Fairfield

LeBLANC of Van Buren

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

Which reports were Read and the Majority Ought to Pass Report of the Committee Accepted in concurrence.

Thereupon, the Bill was Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Providing for Mandatory Sentences for Persons Convicted of Arson." (H. P. 590) (L. D. 781)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

SPEERS of Kennebec

BRENNAN of Cumberland

Representatives:

DUNLEAVY

of Presque Isle

WHEELER of Portland

PERKINS of So. Portland

McKERNAN of Bangor

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

Signed:

Representatives:

WHITE of Guilford

BAKER of Orrington

CARRIER of Westbrook

KILROY of Portland

HENLEY of Norway

GAUTHIER of Sanford

Comes from the House, the Minority report 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 Business Legislation on, Bill, "An Act Regulating Bank Branching." (H. P. 861) (L. D. 1146)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COX of Penobscot

KATZ of Kennebec

MARCOTTE of York

Representatives:

MADDOX of Vinalhaven

DONAGHY of Lubec

JACKSON of Yarmouth

O'BRIEN of Portland

DESHAIES of Westbrook

TRASK of Milo

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

Signed:

Representatives:

BOUDREAU of Portland

CLARK of Freeport

TIERNEY of Durham

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-355)

Which reports were Read.

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

Divided Report

The Majority of the Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution Limiting the Maximum Rate of the Sales Tax. (H. P. 843) (L. D. 1117)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SPEERS of Kennebec

CLIFFORD

of Androscoggin

WYMAN of Washington

Representatives:

FARNHAM of Hampden

CURTIS of Orono

STILLINGS of Berwick

GAHAGAN of Caribou

The Minority of the Same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-299)

Signed:

Representatives:

COONEY of Sabattus

NAJARIAN of Portland

BUSTIN of Augusta

GOODWIN of Bath

CROMMETT

of Millinocket

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 State Government on, RESOLUTION, Proposing an Amendment to the Constitution Repealing the Limitation to Highway Purposes for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles. (H. P. 1351) (L. D. 1783)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SPEERS of Kennebec

WYMAN of Washington

Representatives:

STILLINGS of Berwick

FARNHAM of Hampden

CURTIS of Orono

COONEY of Sabattus

CROMMETT

of Millinocket

SILVERMAN of Calais

GAHAGAN of Caribou

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

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

GOODWIN of Bath

BUSTIN of Augusta

NAJARIAN of Portland

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

Which reports were Read.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: This is a bill which undedicates highway funds. As I understood it when I was learning about government, the legislature was normally supposed to have the power to allocate taxpayers' money and is supposed to make the allocations and determine the priorities for spending the taxpayers' money. But in the State of Maine, literally hundreds of millions of dollars the legislature has no power over because they are so-called dedicated revenues from the highways funds, and all that money goes toward highway uses.

I think in the battle between the legislature and the bureaucracy that this is one of the problems, that this particular bureaucracy has the power over hundreds of millions of dollars and the legislature has virtually no say on how that money is spent.

It seems to me that the Department of Transportation should be required, as other departments are required, to go before the legislature and to make their pitch so that in the final determination of priorities they would come out with other departments, or probably somewhat below them, but anyway, be required to make their pitch and have the legislature make that determination.

I think that passing this would strengthen the role of the legislature to the point where it should be strengthened. Very few states have such complete dedicated revenues as we do in the State of Maine.

For those reasons, Mr. President, I would move that the Senate adopt the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, moves that the Senate accept the Minority Ought to Pass Report of the Committee on Item 6-19, Legislative Document 1783.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I would like to reinforce the arguments of the good Senator from Androscoggin, Senator Clifford.

I am opposed to dedicated revenue, whether it is for education, whether it is for highways, or whether it is for the welfare of our elderly, and everything the Senator said about the right and the propriety of the legislature determining the state's priorities on a year to year basis is valid. It was valid last year, it was valid this year, and it will be valid next year. So even though it is a very strong majority report in the other direction, I hope you will support the motion of the Senator from Androscoggin.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would have to rise in opposition to the motion by the Senator from Androscoggin, Senator Clifford.

We could argue about the philosophy of dedicated revenues, and indeed, in another forum, in another area, perhaps the philosophy of dedicated revenues would be a legitimate question to be discussing. But here this year in the State of Maine, I think we have to recognize that the highways are of extreme importance to the economy and to the people of the state. I think we are all well aware of the problems that we are now facing with the amount of money that is needed for the

highways, and I think that we are all well aware as well that in the State of Maine we do not have mass transportation systems that can serve the public, but that the only transportation system we do have that can serve the public in the State of Maine to any appreciable degree is the highway system.

There are others in this body who can speak more knowledgeably on the kind of wrangling that the legislature gets into when there is a bill introduced to pave ten miles from West Oshkosh to East Oshkosh, and somebody else puts in another bill to pave thirteen miles in their area of the state; we really get into a kind of wrangling over a pork barrel situation. I think the decisions as to the priorities to be paved and road building properly belong in the bureaucracy and in the administration of the Transportation Department. I think it extremely important that we continue to support the highway system of this state with the dedicated revenues.

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

Mr. BERRY: Mr. President and Members of the Senate: I would support the views of the Senator from Kennebec, Senator Speers, and I would move that the bill and all its accompanying papers be indefinitely postponed.

The Transportation Department and its predecessor, the State Highway Department, have been a frequent and favorite target of mine for any number of reasons, for some of the very, very few ways they do things that I think could be improved, but the basic philosophy of this revenue going to improving the highway system of the State of Maine is one of the very few bright spots in the accomplishments of the state in trying to better itself. I think the highway system is a basic reason that the state has progressed in the remarkable way it has over the past 13 years when its population hasn't increased one bit.

I hope you would support my motion for indefinite postponement to buttress this good work that the

Transportation Department has done.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Item 6-19, Legislative Document 1783, be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I certainly want to concur with the remarks of the good Senator from Kennebec, the Chairman of the State Government Committee, as well as with the remarks of the good Senator from Cumberland, Senator Berry.

I think if Senator Clifford lived in one of the more remote areas of the state, he would realize how important transportation is. And I think that those of us who do live in these areas are finding it more difficult, and more difficult all the time, to do business on account of distance. It is most important for us to have transportation. We don't have satisfactory train service, and it really is a problem. Just in the interest of improving the business climate, I think that this should be left as it is.

I think if the good Senator from Waldo were here, Senator Greeley, he would tell us that these highway funds are pretty much broken down, that some of them do go to the state police, but I don't think it is quite as secretive as it sounds.

Finally, we are, all of us, anxious to get home, and this certainly is an exercise in futility; it is very obvious that it isn't going to get enough votes as a two-thirds vote is required for a constitutional amendment. So I hope too that this is indefinitely postponed.

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

Mr. CLIFFORD: Mr. President, I would request a division, and I would like to ask a question through the Chair to the Senator from Washington, Senator Wyman, as to whether or not he has got any land for sale in Washington County.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, has posed a question

through the Chair which the Senator may answer if he desires.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I would be very happy to answer the good Senator. I have a lot of waste land, I have some land I use for blueberries, and at the moment I am not trying to sell any and don't have any idea of trying to sell any. But if he would like a lot down there somewhere, I am sure I can find one that I think he might find attractive, and the price will be nominal.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I was somewhat interested in what the good Senator from Kennebec, Senator Speers, had to say. I think he said something to the effect that we do not have mass transportation facilities in this state.

What I would like to do then is really sort of pose a question through the Chair. The question, in effect, is that were we to pass this amendment, would we not be able to use some of these undedicated funds to possibly develop some mass transportation facilities in the state, which also may tie in with helping to solve our energy crisis, and so forth?

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would certainly be very much in favor of trying to develop an alternative to the highway system in trying to develop some kind of better transportation system for the state. But I don't think that the way to do that is to place in jeopardy and to the detriment of the very good transportation system that we do have.

I think all of us know that the highway system at the present time has its back right up against the wall. We don't have the funds available to take away from this system to start pouring into other

areas. I think that the support and the funds to start developing new transportation systems should come from other areas, rather than to the detriment of the existing system that we do have.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Item 6-19, Legislative Document 1783, be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone this resolution will please rise and remain standing until counted. Will those opposed please rise and remain standing until counted.

A division was had. 17 Senators having voted in the affirmative, and nine Senators having voted in the negative, the Resolution was Indefinitely Postponed in concurrence.

Senate

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

Bill, "An Act Relating to Complaints Against Public Utilities." (S. P. 499) (L. D. 1586)

Bill, "An Act Relating to Determining Just and Reasonable Public Utility Rates." (S. P. 549) (L. D. 1717)

Ought to Pass - As Amended

Mr. Hichens for the Committee on Health and Institutional Services on Bill, "An Act Relating to Membership in State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals." (S. P. 140) (L. D. 352)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-117)

Mr. Shute for the Committee on Election Laws on, Bill, "An Act Relating to Time of Holding a Municipal Caucus Prior to a State Convention." (S. P. 481) (L. D. 1548)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-118)

Which report was Read and Accepted and the Bill Read Once.

Committee Amendment "A" was Read.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I introduced this particular document to highlight the importance of the municipal caucus. The original document would require that the municipal caucus be held on one particular day. The day is designated as the second Tuesday of March, and the bill would require that all of the towns in the state hold the municipal caucus on that particular day.

It was my hope, desire and purpose in introducing this bill that should all of the towns hold their caucus on one particular day that the residents of this state would be more fully aware of the caucus being held and be aware of the importance of their individual caucuses.

Very briefly, I think we all understand that the municipal caucus, of course, chooses the delegates to the state conventions, the state conventions then proceed to choose the delegates to the national conventions, which, in turn, choose the nominees for the presidency of the United States. In a very real sense the entire political system of choosing the president of the United States begins in every single one of our towns in the political caucuses, and yet when we go to one of these caucuses there may be seven or eight, half a dozen, or maybe even two dozen individuals who are attending those particular caucuses. I think this is a very poor situation in this state, and probably in other states, when the very foundation of the process which chooses the president of the United States has such a poor turnout, poor participation and, very basically, poor understanding.

It is my feeling that if there is one day designated that the news media will pay enough attention to it and that everyone in the state will be enough aware of the particular day that they will attach more importance to the municipal

caucus and, hopefully, there will be a far greater participation.

The amendment that was put on by the committee dilutes the purpose of this bill by removing the one specific day and stating that the caucuses must be held before April 1st. I commend the attempts of the committee in alleviating some of the problems that they may have seen with the bill as it was originally written, but I would state that the amendment destroys the entire purpose of the bill to begin with. Therefore, Mr. President, I would move the indefinite postponement of Committee Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that Committee Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: The bill was looked at very carefully by the Election Laws Committee, and it seemed to have a lot of merit at first glance. Then after discussion, we realized, No. 1, it would be in conflict with some of our city charters. For instance, in my City of Waterville, we have to have a caucus within 30 days after the swearing in of the mayor and city council, at which time we elect our city committee in each of the two parties. Historically, at that same time we go ahead and do our other jobs, which means electing delegates and alternates to the state convention and nominees for the county committees. Now, if this bill went through as originally presented, we would have to have two caucuses.

No. 2, there was some objection in many of our smaller towns that they just might have a problem in having to have it on a certain date.

The main objection seemed to come from some people in both our political parties that oftentimes major candidates for office use the local caucuses as an opportunity to go around to meet the people, because usually your leading political figures in your towns and cities attend your two caucuses and, if all the caucuses were held on one

day, a major candidate could only go to one caucus. By spreading them out, as they are now, they could at least get around to a few.

Those are the reasons that we opposed the one - day caucus. But we had the bill in front of us, and we used it as a vehicle to do another thing that we thought would be helpful. Both parties always have the problem of some towns not caucusing in time. They are supposed to caucus, or they are requested to caucus by your state committee headquarters of both parties, usually by April 1st. But many times they come in late, and it is a very hectic affair in both political headquarters to type out the delegate badges, the alternate badges, and to make the rosters for the attendance at the state conventions. So we used this bill to put in that all caucuses must be held by April 1st, hoping that this would be another incentive to make our towns and cities hold their caucuses early, which would smooth the operation and efficiency of our state conventions. So I would hope that you would not vote to indefinitely postpone this amendment to the bill.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: I would like to concur with the observations of the Senator from Kennebec, Senator Joly.

It is true that Senator Speers' bill is the ultimate and highly desirable as an attainable objective. I would like to remind the Senators here that this committee had the benefit of the expertise of two former chairmen of both political parties, and we tried to amend in committee the original bill to provide a specific week, but the former chairmen of the political parties said that this too would constitute a difficult problem.

As Senator Joly has pointed out, it represents a significant problem in the rural areas to have the county committee instruct the town committee chairmen to hold their caucuses even prior to April 1st.

I would oppose the motion for indefinite postponement, and I would ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: It seems strange that a minor bill should raise some debate, but the Senator from Kennebec, Senator Joly, raises two objections to the indefinite postponement of the amendment in question.

First, he says it would come into conflict with some charters. Well, this is an interesting objection, but it certainly would be overcome by the passage of this bill.

The second thing he says is that major candidates would find it difficult to get around to all of them. I suggest to the former Chairman of the Republican State Committee that the purpose of the caucuses is not for the convenience of the major candidates, but for the restructuring of what we hope will be a great political party for two years. I think that the bill gets to the heart of this.

If you have attended your local caucuses, and I am sure you have, you know the dreary sense of discouragement when you see a handful of the old faithful turn out, when you see the lack of publicity. I notice the Minority Leader smiling over there, but I feel quite certain that before he casts any stones about the dreary old faces he better check through all his caucuses statewide.

But I think the bill gets to the heart of the question of revitalizing the importance of caucus, because the caucus actually is the rebirth of the party every two years, and on a uniform day it could get some public exposure and accomplish the purpose for which the bill was drafted, I think.

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

Mr. JOLY: Mr. President and Members of the Senate: I am interested in the remarks made by my good friend, the Senator from Kennebec, Senator Katz. I might point out that it is a real problem to get people out to the caucuses in both parties outside of the old faces that he referred to, and we keep trying for new gimmicks to

get them out. One thing we have done, I think, in both parties in recent years is ask them to consider possible platform recommendations and send them along with their list of delegates or alternates.

The other thing which has helped out is to try to get a major candidate in to speak to the group, because in many of the towns and cities the caucus part of the meeting takes a very short time. It is almost routine, which is unfortunate, with the same names put on year after year. So we have tried to get interest in it to get them out.

Also, of course, both parties like all the publicity they get by having a lot of stories in our papers and our weeklies running over a period of two or three months in the spring, which generates interest in the political process.

It is true that if you had it on one day probably everybody would know it was that one day, but I am not too sure it would get too many more people out.

I might also add that, in addition to the candidates going, we in our party - and maybe the other party does too - we encourage our county chairmen and our state committee members to attend as many of these caucuses as they can to bring to them information on what is going on at the state level. So, again, I hope you would vote against indefinite postponement of this amendment.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Speers, that Committee Amendment "A" to Item 6-23 be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone Committee Amendment "A" will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 15 Senators having voted in the affirmative, and 11 Senators having voted in the negative, Committee Amendment "A" was Indefinitely

Postponed and the Bill Tomorrow Assigned for Second Reading.

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Pensions for Former Governors and Their Widows." (S. P. 363) (L. D. 1077)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-115)

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

Ought to Pass in New Draft

Mr. Fortier for the Committee on Taxation on, Bill, "An Act Relating to Maine Sardine Inspection Service." (S. P. 159) (L. D. 393)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 615) (L. D. 1927)

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

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Regulating Water Well Construction and Pump Installation." (S. P. 173) (L. D. 428)

ask leave to report: That they are unable to agree.

On the part of the Senate:

JOLY of Kennebec
ROBERTS of York
ALDRICH of Oxford

On the part of the House:

PARKS of Presque Isle
DYAR of Strong
HOBBINS of Saco

Which report was Read and Accepted.

Sent down for concurrence.

Second Readers

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

House

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

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

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)

(On motion by Mr. Clifford of Androscoggin, tabled and Specially Assigned for May 15, 1973, pending Passage to be Engrossed.)

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

Bill, "An Act Creating the Office of State Fire Marshal." (H. P. 1483) (L. D. 1910)

Bill, "An Act Relating to Consolidating Reports of State Departments and Agencies." (H. P. 1484) (L. D. 1911)

(On motion by Mr. Speers of Kennebec, 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 in concurrence.

House - As Amended

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

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

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

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)

Bill, "An Act Relating to Membership on the State Board of Barbers." (H. P. 844) (L. D. 1118)

(On motion by Mr. Hichens of York, temporarily set aside.)

Bill, "An Act to Create a Commission to Name Public Buildings, Bridges, Highways and Other Pub-

lic Works." (H. P. 1178) (L. D. 1517)

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

Bill, "An Act Clarifying Certain Municipal Laws." (H. P. 1118) (L. D. 1454)

(On motion by Mr. Joly of Kennebec, temporarily set aside.)

Which were Read a Second Time and, except for the matters 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 Hichens of York:

Bill, "An Act Relating to Membership on the State Board of Barbers." (H. P. 844) (L. D. 1118)

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

Mr. HICHENS: Mr. President and Members of the Senate: This bill relating to membership on the State Board of Barbers, was amended by the committee to change the length of time of service from two to three years. Inadvertently, the whole section was eliminated by the amendment, which would take away the whole board of barbers. So, we have conferred with them and, rather than to go through the procedure of changing the amendment and bringing the bill up for further consideration, I am now asking that the bill be indefinitely postponed with all accompanying papers.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that Bill, "An Act Relating to Membership on the State Board of Barbers", be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

The President laid before the Senate the matter temporarily set aside at the request of Mr Joly of Kennebec:

Bill, "An Act Clarifying Certain Municipal Laws", (H. P. 1118) (L. D. 1454)

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

Senate Amendment "A", Filing No. S-121, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act to Grant Comex, Inc. Certain Rights Within the State of Maine." (S. P. 523) (L. D. 1654)

Bill, "An Act to Revise the Election Laws." (S. P. 613) (L. D. 1916)

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

Sent down for concurrence.

Enactors

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

An Act Providing Funds for Development of an International Conference Center on Peaks Island. (S. P. 381) (L. D. 1127)

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

An Act to Provide for Notice Upon Release or Change of Status of a Patient in a State Mental Institution. (S. P. 418) (L. D. 1257)

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

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

An Act to Prevent Sex Discrimination under Human Rights Act. (H. P. 277) (L. D. 353)

An Act Relating to Savings Banks Investing in Service Corporations. (H. P. 395) (L. D. 524)

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

Act Relating to Displaying of Fireworks on Sunday. (S. P. 405) (L. D. 1207)

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

Mr. SPEERS: Mr. President and Members of the Senate: I noticed that this bill exempts from Title 17, Section 3204, displaying or exploding fireworks under Title 8, Chapter 9, at the Blue Hill Fairgrounds, and it raises a question in my mind, which I would like to ask through the Chair of any Senator who may be able to answer, just what this excludes exploding fireworks from: whether or not fireworks are prohibited on Sundays at the present time and, if that is the case, why this would be limited to the Blue Hill Fairgrounds?

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

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: The original bill calls for just Blue Hill, but it was discriminatory and so we had an amendment put on it which takes in all the fairs. As to why the emergency, they felt that perhaps they might want fireworks on the Fourth of July or other occasions. That is my explanation of it, Mr. President.

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

Mr. SPEERS: Mr. President and Members of the Senate: I apologize for taking the Senate's time. I admit I should have looked at the enactor book that so thoughtfully was provided to us by the President. Thank you.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative votes of 24 members of the Senate, with two Senators voting in the negative, 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.

Emergency

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

This being an emergency measure and having received the affirmative votes of 23 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 Relating to Procedure Applicable to the Use of Federal Revenue Sharing Funds by Counties. (H. P. 1470) (L. D. 1895)

This being an emergency measure and having received the affirmative votes of 23 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.

On motion by Mr. Roberts of York, the Senate voted to reconsider its action whereby this Bill was Passed to be Enacted.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby this Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-120, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Orders of the Day

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

HOUSE REPORT — from the Committee on County Government — Bill, "An Act to Annex Town of Brunswick to Sagadahoc County." (H. P. 1326) (L. D. 1738) Ought to Pass as amended by Committee Amendment "A" (H-313).

Tabled — May 10, 1973 by Senator Minkowsky of Androscoggin.

Pending — Acceptance of Report.

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

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

HOUSE REPORTS — from the Committee on Labor — 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) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — May 10, 1973 by Senator Tanous of Penobscot.

Pending — Acceptance of Either Report.

On motion by Mr. Tanous of Penobscot, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

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

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

Tabled—May 10, 1973 by Senator Clifford of Androscoggin.

Pending — Passage to be Engrossed.

An motion by Mr. Clifford of Androscoggin, retabled and Specially Assigned for May 15, 1973, pending Passage to be Engrossed.

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

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

Tabled — May 10, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

House Amendment "A" (H-339)

Mr. Olfene of Androscoggin moved that the Bill and all accompanying papers be Indefinitely Postponed.

Mr. Cyr of Aroostook then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Olfene of Androscoggin that the Bill and all accompanying papers be Indefinitely Postponed.

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

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

Mr. RICHARDSON: Mr. President and Members of the Senate: If I may, I would inquire of the Senator from Androscoggin, Senator Olfene, as to what vices about this legislative document exist that he has elected to move its indefinite postponement?

The PRESIDENT: The Senator from Cumberland, Senator Richardson, has posed a question through the Chair which the Senator from Androscoggin, Senator Olfene, may answer if he desires.

The Chair recognizes the Senator from Androscoggin, Senator Olfene.

Mr. OLFENE: Mr. President and Members of the Senate: I think, in answer to the good Senator from Cumberland, Senator Richardson, that this bill is a bill that in its original form would have lowered the requirement, the population of community requirement, and the dollar volume requirement that presently is in the liquor law in regard and pertaining to the issuance of a Class A restaurant license.

Although the majority of the committee reported this out Ought Not to Pass, in working with the minority it was agreed that an amendment might be put on this bill that could be satisfactory. It has been now proven and shown that an amendment satisfactorily could not be put onto this bill, therefore, the motion to indefinitely postpone which I made is in order, I believe. I hope this explains the situation to the good Senator and to any other of you with questions.

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

Mr. CYR: Mr. President and Members of the Senate: I was hoping that I would debate this bill under more favorable conditions but I guess we have to debate it now.

First of all, I would like to thank the Senator from Androscoggin, Senator Olfene, for the courtesy that he has given me to, first of all, make the motion of Ought to Pass on this bill, and also for the motion to table it one day until we could look into this amendment. I also would like to thank the Majority Leader, Senator Berry of Cumberland, for his courtesy on this bill.

The purpose of this bill is to allow a lower gross volume for communities of 5,000 to 10,000 population, and also for less than 5,000 population. The gross volume which is on the books today is very difficult to obtain in these small communities, particularly in the area that I represent along the Canadian border. They have competition from the Canadian restaurants, and it makes it very difficult for them, particularly where many of these restaurants are not allowed, for instance, liquor and, therefore, they cannot in many cases have wedding parties. They cannot have special occasion parties, for instance, because they do not have the liquor. So what happens is that they go across to the Canadian restaurants where they do have that.

The amendment which was required to make this palatable to the other side was an amendment to disallow all entertainment in Class A restaurants. I checked with the sponsor of the bill and he agreed on this amendment. Then I checked with Mr. Slosberg in regard to this, and he sent me down to Mr. Hendricks in the Attorney General's Office downstairs.

What this amendment would have done, it would have been in competition with Section 702 of the liquor laws. So rather than to compromise the now existing Class A restaurant licensee, I would rather lose the bill than to introduce this amendment. Now, it is not that black, because a Class A restaurant operator, when he

applies for a license, he doesn't automatically get a license or a permit for entertainment. If he wants an orchestra or if he wants like, let's say, at the Senator Motel here where they have a pianist that plays the piano in a small area, or a guitarist, or any of these entertainments, they have to apply to the commission to get a special permit to do that and pay a ten dollar fee. There is also a restriction that this permit has to be approved by the local municipal officers. So all along the line you have some restrictions.

Now, to have amended this to disallow all entertainment in Class A restaurants, as I said before, would have compromised the existing Class A licensees, and rather than compromise them I would rather lose the bill, but I hope you will support me in voting against this. The other body has passed this, and I hope you will help me to defeat the motion that is now before the Senate to indefinitely postpone.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President, I would like to have the Secretary read the committee report on this.

The PRESIDENT: The Secretary will give the report of the committee.

The SECRETARY: The Ought Not to Pass Report was signed by Senators Olfene, Fortier, and Schulten, Representatives Cressey, Immonen, Stillings, Chick, and Farnham. The Ought to Pass Report was signed by Representatives Tanguay, Ricker, Genest, Kelleher, and Faucher.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: This document, while I haven't been involved in it in any way, not serving on the Liquor Control Committee this term—however, at the last term of the legislature I was Chairman of this committee—it is now altogether too familiar to me. While I won't attempt to rebut the good Senator from Aroostook with a weapon of sarcasm, I will remind him that this bill was resoundingly

defeated the last time around. It has no more merit this time than it had last time.

The amendment is also proposed by the same member of the other body who proposed it in the 105th Legislature. What it really serves to do is to lower the quality of Class A restaurants, it lowers the attempt on the part of dries and wets to upgrade the quality of a restaurant and its type of service it offers throughout the state, and I would be opposed to passage of this document.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Olfene, that Bill, "An Act Relating to Definition of Class A Restaurant under Liquor Laws", be indefinitely postponed. As many Senators as are in favor of indefinite postponement will please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion prevailed.

Sent down for concurrence.

The President laid before the Senate the fifth 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 10, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

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

Reconsidered Matter

Mr. Kelley of Aroostook moved that the Senate reconsider its action whereby 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), the Majority Ought Not to Pass Report of the Committee was Accepted.

Mr. Berry of Cumberland then requested a division.

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

Mr. RICHARDSON: Mr. President, is a reconsideration motion debatable at this time?

The PRESIDENT: The motion is on the floor and it is debatable.

Mr. RICHARDSON: Thank you, sir. I would inquire of the Senator from Aroostook, Senator Kelley, the purpose of his asking for reconsideration on this matter.

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

Mr. SPEERS: Mr. President, would the Secretary read the title of the bill, please?

The PRESIDENT: The Chair has the bill and, if the Senator doesn't mind, the Chair will read it. Bill, "An Act Relating to Determination of Just and Reasonable Electrical and Telephone Utility Rates by Public Utilities Commission". The Ought Not to Pass Report was signed by Senators Cummings, Anderson and Cyr, Representatives Kelleher, Maddox, Trask, Conley, Soulas, Littlefield and Chick. The Minority Ought to Pass Report of the Committee was signed by Representatives Murray, Genest and Mulkern.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: I don't mean to be tiresome, but before I vote on the Senator's motion, if he has some valid grounds for requesting reconsideration, I would certainly like to hear them. Otherwise, I don't know why he made the motion.

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

Mr. KELLEY: Mr. President and Members of the Senate: The purpose for reconsideration is so we can have an opportunity to discuss and vote on this particular bill which, frankly, went by yesterday when I was outside the chamber.

What the bill would do, to be very brief, is to exclude from

consideration in a rate hearing lobbying or legislative counsel expenses in rate hearings. The effect, of course, would be that it wouldn't be in consideration in the rate base in a rate hearing but rather would be passed on to the stockholders. This would be lobbying expenses, whether at the federal or state level on bills before either body, or other related lobbying expenses.

In some cases now the PUC, as you may know, certainly has the discretion to exclude those items and quite often does. However, there have been instances in the past years where it has been allowed in as operating expenses. This would preclude it absolutely from being taken into consideration in a rate hearing and, in effect, would require those expenses, if they occur, which they do occur, and I am not arguing at all against the legitimacy of the expenses, be borne by the shareholders.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Aroostook, Senator Kelley, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Determination of Just and Reasonable Electrical and Telephone Utility Rates by Public Utilities Commission". 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. Five Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion to reconsider did not prevail.

Paper From the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

Joint Order

WHEREAS, working within the wings of this Legislature is a former colleague and friend to all, the Honorable Frank Wood of Webster; and

WHEREAS, he has served with the deep sense of dedication as selectman, road commissioner, councilman and now in his 8th legislative session, 4 as a member and 4 as Legislative Document Clerk; and

WHEREAS, today, Friday, the 11th day of May, 1973, marks the 70th anniversary of his birth; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the State of Maine now assembled, pause in our deliberations to salute our friend and colleague on the 70th anniversary of his birth and to express, along with our best wishes for the years to come, the sincere thanks of the legislature for his devoted service; and be it further

ORDERED, that a copy of this Order, signed by the Speaker of the House of Representatives and the President of the Senate on behalf of the membership, be presented to Frank in honor of the occasion. (H. P. 1501)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

On motion by Mr. Sewall of Penobscot,

Adjourned until Monday, May 14, 1973, at ten o'clock in the morning