

# 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 17, 1973

Senate called to order by the President.

Prayer by the Rev. James A. Smith of Hallowell.

Reading of the Journal of yesterday.

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

Bill "An Act Relating to Animals Imported into the State of Maine for Resale." (H. P. 968) (L. D. 1275)

In the House May 11, 1973, the Bill, in New Draft, (H. P. 1498) (L. D. 1925) Passed to be Engrossed.

In the Senate May 15, 1973, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

On motion by Mr. Hichens of York, the Senate voted to Adhere.

**Non-concurrent Matter**

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

In the House May 10, 1973, Passed to be Engrossed as Amended by House Amendment "A" (H-350).

In the Senate May 14, 1973, the Majority Ought Not to Pass report Read and Accepted, 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 Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: This is the bill which has been debated here before. It engrafts on the Workmen's Compensation Law a totally unnecessary grant of interest on awards in compensation cases. I would hope that the Senate would vote against the motion of the Senator from Penobscot,

Senator Tanous, and I would request a division on that matter.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I don't know why my good friend, Senator Richardson from Cumberland, protests so heartily on this bill. As I mentioned, the original bill that was heard before the Labor Committee had some serious problems in it. Finally, after the bill was reported out of committee, apparently the sponsor of the bill was able to get together with many of the representatives of the Workmen's Compensation insurance companies that are here in the legislature, members of the third body, and they have come up with what they feel is an equitable compromise, and they feel it is as fair as can be with the present amendment on this particular bill. So I would ask that you support me in my motion to recede and concur with the House. Thank you.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Very briefly, commenting on the remarks of the Senator from Cumberland, Senator Richardson, Senator Richardson says that this bill is unnecessary. I say unnecessary to whom? I suspect and I feel it is necessary to the workers of this state. I think that is the important thing, so I would urge you to support the motion of the good Senator from Penobscot, Senator Tanous.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate recede and concur with the House. As many Senators as are in favor of the motion to recede and concur will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 12 Senators having voted in the affirmative,

and 17 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

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

Mr. BERRY: Mr. President, I move reconsideration.

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.

#### **Non-concurrent Matter**

Bill, "An Act Relating to Liability of Distributing Utility for Death or Injury to Person or Damage to Property Caused by Natural Gas." (S. P. 448) (L. D. 1415)

In the Senate May 7, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-103).

Comes from the House, Indefinitely Postponed, in non-concurrence.

On motion by Mr. Clifford of Androscoggin, the Senate voted to Insist.

#### **Non-concurrent Matter**

Bill, "An Act Relating to Comparative Negligence in Civil Cases." (S. P. 342) (L. D. 1041)

In the Senate May 9, 1973, Passed to be Engrossed.

Comes from the House, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

On motion by Mr. Richardson of Cumberland, the Senate voted to Insist.

#### **Non-concurrent Matter**

Bill, "An Act Relating to Time of Holding a Municipal Caucus Prior to a State Convention." (S. P. 481) (L. D. 1548)

In the Senate May 14, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-118) in non-concurrence.

Mr. Shute of Franklin moved that the Senate Recede and Concur.

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

Mr. SPEERS: Mr. President and Members of the Senate: This matter was debated at quite some length when it first came into the Senate. Very briefly, this is a bill which would require municipal caucuses to be held on the same day throughout the state. The amendment which was placed on it by the Committee, and defeated in the Senate, would eliminate that requirement to have the caucuses held on one particular day, but would require all of the caucuses to be held before April 1st.

I would oppose the motion to recede and concur at the present time and hope that the Senate would defeat that motion, so that we could perhaps then ask for a committee of conference on this matter so we can perhaps get together with the House and narrow down, perhaps not to one day, but at least to a week's time in which all of the caucuses must be held.

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

Mr. SHUTE: Mr. President and Members of the Senate: I would agree with the Senator from Kennebec, Senator Speers, that this is a noble effort and to have municipal caucuses on one day is highly desirable, however, it is an impractical problem to solve. March is a busy month for the various communities that hold town meetings, and to identify a single night or a single day in which municipal caucuses can be held is highly unlikely, because it is highly unlikely we are going to be able to find a day that is convenient and compatible for everyone.

I think it would be a solution to identify one week perhaps in March in which municipal caucuses could be held but, again, to be practical about it, we say it would be an improvement for all of the caucuses to be held prior to April 1st. If we can accomplish this much, I think it will be a step

in the right direction, and perhaps at another legislature we can identify a week or two weeks in which caucuses shall be held.

I hope you would vote to recede and concur so this bill won't die between the houses.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would agree with the good Senator, Senator Shute, if we were in a position at the present time whereby this bill would be in danger of being lost entirely should we not recede and concur at this point, I would certainly agree with him that the bill with the amendment would be more desirable than no bill at all, but we are not at the point whereby we have to accept this or nothing, and I hope that we can let this go to a committee of conference so that we can perhaps work out something even more desirable than what we would have now.

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

On motion by Mr. Shute of Franklin, a division was had. 18 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion to Recede and Concur prevailed.

#### **Non-concurrent Matter**

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

In the Senate May 11, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment 'A' (H-377) and House Amendment "B" (H-38), and in non-concurrence.

On motion by Mr. Shute of Franklin, tabled until later in today's session, pending Consideration.

#### **Joint Order**

WHEREAS, "the crowning fortune of a man is to be born to some pursuit which finds him employment and happiness, whether it be to make baskets, or broadswords, or canals or statutes or songs;" and

WHEREAS, the Honorable John B. Cottrell is a man of many worthy pursuits from which he has been crowned with the laurels of friendship and happiness; and

WHEREAS, Tuesday, the fifteenth day of May, 1973, marked the seventy-fifth anniversary of this remarkable gentleman's 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 75th anniversary of his birth and to express our very best wishes for the years to come; 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 said gentleman in honor of the occasion. (H. P. 1509)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### **Orders**

On motion by Mr. Berry of Cumberland

ORDERED, the House concurring, that the President of the Senate or the Speaker of the House shall, at all times, whether the Legislature be in session or not, have the authority to approve accounts and vouchers for payment. (S. P. 623)

Which was Read and Passed.  
Sent down for concurrence.

#### **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 to Modify the Eligibility Requirements for Unemployment Compensation." (H. P. 908) (L. D. 1196)

#### **Leave to Withdraw**

The Committee on Labor on Bill, "An Act Relating to Compensation

under Workmen's Compensation Act." (H. P. 1148) (L. D. 1479)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on Resolution, Ratification for Equal Rights Amendment. (H. P. 140) (L. D. 162)

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 — As Amended**

The Committee on Health and Institutional Services on Bill, "An Act Relating to Administration of Funds for Social Services." (H. P. 434) (L. D. 583)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-378).

The Committee on Natural Resources on Bill, "An Act to Amend the Minimum Lot Size Law." (H. P. 630) (L. D. 844)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-379).

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 Health and Institutional Services on Bill, "An Act Relating to Location of the Women's Correctional Center and Operation of the Halfway House Program." (H. P. 1201) (L. D. 1541)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-367).

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

Which report was Read.

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

Mr. KATZ: Mr. President, might I ask through the Chair whether

this is the vehicle for bringing the Women's Correctional Center from Skowhegan to Hallowell?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has asked a question through the Chair which any Senator may answer.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, no, this is a separate bill mainly directed at a Halfway House program. The amendment takes out the provision that the Commissioner of Mental Health and Corrections could choose any site that he wanted for the Women's Correctional Center, but it does not deal with the bill to transfer it from Skowhegan to Hallowell.

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

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### **Ought to Pass in New Draft**

The Committee on Business Legislation on Bill, "An Act Relating to Amendments to Charters of Corporations Without Capital Stock." (H. P. 1172) (L. D. 1509)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Amendments to Charters of Certain Corporations Without Capital Stock" (H. P. 1505) (L. D. 1933).

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

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

#### **Divided Report**

The Majority of the Committee on Natural Resources on Bill, "An Act Providing Funds for Shoreland Zoning Assistance to Municipalities Through Regional Planning Commissions." (H. P. 1262) (L. D. 1635)

Reported that the same Ought to Pass.

Signed:

Senator:

**SCHULTEN** of Sagadahoc  
Representatives:

**MacLEOD** of Bar Harbor

**SMITH** of Exeter

**PETERSON** of Windham

**BRIGGS** of Caribou

**ROLDE** of York

**HUBER** of Falmouth

**CURRAN** of Bangor

**HERRICK** of Bangor

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

Signed:

Senators:

**CUMMINGS** of Penobscot

**MARCOTTE** of York

Representatives:

**BERUBE** of Lewiston

**PALMER** of Nobleboro

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 Labor on Bill, "An Act Relating to Disqualification for Benefits under the Employment Security Law." (H. P. 1314) (L. D. 1724)

Reported that the same Ought Not to Pass.

Signed:

Senators:

**TANOUS** of Penobscot

**HUBER** of Knox

**KELLEY** of Aroostook

Representatives:

**McHENRY** of Madawaska

**BROWN** of Augusta

**CHONKO** of Topsham

**FLYNN** of So. Portland

**HOBBINS** of Saco

**BINETTE** of Old Town

**GARSOE** of Cumberland

**FARLEY** of Biddeford

**ROLLINS** of Dixfield

The Minority of the same Committee on the same subject

matter reported that the same Ought to Pass.

Signed:

Representative:

**McNALLY** of Ellsworth

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 to Include Holiday Pay for Purpose of Employment Security Law." (H. P. 985) (L. D. 1305)

Reported that the same Ought Not to Pass.

Signed:

Senators:

**TANOUS** of Penobscot

**KELLEY** of Aroostook

Representatives:

**BROWN** of Augusta

**CHONKO** of Topsham

**McNALLY** of Ellsworth

**FLYNN** of South Portland

**HOBBINS** of Saco

**McHENRY** of Madawaska

**FARLEY** of Biddeford

**ROLLINS** of Dixfield

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

Signed:

Senator:

**HUBER** of Knox

Representatives:

**GARSOE** of Cumberland

**BINETTE** of Old Town

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 Natural Resources on Bill, "An Act to Amend the Site Location of Development Act." (H. P. 1375) (L. D. 1831)

Reported that the same Ought Not to Pass.

Signed:

Senator:

CUMMINGS of Penobscot

Representatives:

HUBER of Falmouth

PETERSON of Windham

BRIGGS of Caribou

MacLEOD of Bar Harbor

HERRICK of Harmony

ROLDE of York

SMITH of Exeter

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-375).

Signed:

Senators:

SCHULTEN of Sagadahoc

MARCOTTE of York

Representatives:

PALMER of Nobleboro

BERUBE of Lewiston

CURRAN of Bangor

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

Which reports were Read.

Mr. Cianchette of Somerset then moved that the Senate Accept the Minority Ought to Pass as Amended Report of the Committee.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: This is one of those enabling bills where just three words can make a great deal of difference. Actually what it does — and this is in relation to the Department of Environmental Protection allowing construction: "At such hearing the board shall solicit and receive testimony to determine whether such development will in fact substantially affect the environment" — the wording now is "or pose a threat to the public's health, safety or general welfare", and this bill would change it from that to "affect the environment and its effect upon the public's health, safety or general welfare."

Those three little words actually make quite a difference because "pose a threat to" or "its effect upon" have very different connotations. Actually, the Department of Environmental Protection has not

turned down any major development that has fit in with the rules so far, and I think that this particular bill opens the doors—not the usual floodgate of litigation — but opens up a chance for its effect upon anything that is done. Any house that is built, any tree that is taken down, any ditch that is dug, is certainly going to have an effect upon the public's — maybe not health, but you could say the safety or general welfare.

I think that "pose a threat to" gives the Department of Environmental Protection a much stronger ground to make some judgments on. "Pose a threat" really concerns something that is going to do damage and certainly, therefore, is something that I think the Department of Environmental Protection should take into consideration in making their judgments. It is based on something that is a little stronger than just "its effect upon." I hope you would vote against the motion on the floor.

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

Mr. CIANCHETTE: Mr. President, I would like to point out to the Senators that this is an important bill and I don't think they ought to take it lightly. I am going to ask you to bear with me a few moments on this one, and I would ask you to direct your attention to an editorial that I have distributed in the Senate today.

The first sentence says "It is essential for this state to treat environmental and economic interests with equal concern." It goes on — and I would ask you to read that when you have time. I think that is what we are talking about here, equal concern for our environment and our economic factor in Maine.

We have understood that the Commission's hearings do accept testimony regarding economic factors, but I have here statements taken from the minutes of a public hearing that in fact did not allow testimony regarding economics to be heard. I won't bore you with the details, but I have this here and if any of you are interested I would invite you to read the



whole testimony, which shows that if the chairman wishes not to hear the economic factors he does not, and this bears that out.

Now, if I can continue your interest for just a few moments I want to give you an example of what we are talking about here. I received in the mail this morning, at my request, a notarized development permit, No. 420, issued by James S. Haskell, Jr., Executive Director of the Maine Land Use Regulation Commission. This permit directs its attention to a 40-foot by 60-foot one-story hardware and lumber store on a 4.7 acre lot in Copeland Plantation, Franklin County. This is up by Stratton, on Route 27. The lot itself runs 576 feet along Route 27, 350 feet deep, to Stratton Brook. Now, a 4 acre lot is a pretty good sized lot. I won't bore you with all the details of this but I am going to cover a good part of it.

This lot basically was a gravel pit. Recently this gravel pit was restored into a lot suitable for development. Now, I want you to remember this. This was a gravel pit, one of these ugly scars that we talk about along our highways, and this gravel pit up in Copeland Plantation on Route 27 was restored to a development lot with the idea that the fellow would build a hardware and lumber store on that lot. Now, it should be a rather simple task to build a one-story 40 by 60 hardware store up on Route 27 in Copeland Plantation.

After a hearing and a permit request, let me tell you some of the restrictions brought upon this fellow by this application: "Therefore, the Commission approves the application to construct as aforesaid upon the following terms and conditions:

"1. The standard conditions, a copy of which is attached." That is the standards.

"2. The building shall be set back 150 feet from Route 27 and the black-topped area except for the lanes for entrance and exit shall begin 75 feet from Route 27 and not adjacent to Route 27." Now, the parking lot, which they are talking about here, can't be adjacent to Route 27 up in Copeland Plantation. It can in

Portland, Maine, it can in Augusta, it can in Bangor, and it can in Pittsfield, but up in Copeland Plantation the parking lot can't begin next to Route 27; you have got to have a 75-foot buffer zone.

"3. No lumber or other materials or products shall be stored or located within 75 feet of Route 27, of the adjacent property lines, of Stratton Brook, and of the Limerick silt loam floodplain of Stratton Brook." These are the conditions: no lumber or no materials can be stored within 75 feet of the perimeter of this whole lot by this application. Now, here is a little jewel right here.

"4. The permittee shall establish a vegetative buffer strip 75 feet in width surrounding the property except for entrance and exit lanes. This screen may take the form of revegetation with grasses along Stratton Brook, but on the other three sides of the property it shall consist, in addition to grasses, of vegetation sufficient in height and density to buffer the impact that the buildings and storage area would have upon the visual character of the area." And we are talking about Copeland Plantation. "Plantings should consist of native species to insure that the vegetative buffer be harmonious with existing plant communities in the area. A sufficient depth of topsoil shall be placed in this 75-foot buffer strip to support the vegetation to be established. The permittee shall consult with the Franklin County Soil Conservation District to develop a plan for this vegetative buffer strip, and shall submit for Commission approval a letter before opening the business. The permittee shall have implemented this plan to the extent that topsoil is placed and plantings are made."

Now, he just wants to build a hardware store up in Copeland Plantation.

"5. Only one sign may be erected of small scale and minimum obtrusiveness. Before erecting the sign the permittee shall submit for Commission approval a diagram of the sign and a site plan showing its location and placement. The sign shall not be erected until the

Commission has granted approval therefor.

"6. Before opening the permittee shall submit to the Commission a copy of entrance permit issued by the Division Engineer of the Department of Transportation, Mr. Irving E. Maynard, Dixfield, Maine.

"8. Before opening the permittee shall submit to the Commission copies of the plumbing permit and certificate of inspection issued by the local plumbing inspector."

Now, listen to this little jewel here:

"9. Before opening the permittee shall submit for Commission approval evidence that the Carrabassett Sanitation Service will properly dispose of rubbish. Such evidence shall consist of a letter from the Carrabassett Sanitation Service stating their intent to serve this enterprise and their manner of waste disposal. Such evidence shall also consist of a statement from the administration of any dump used for the ultimate disposal of such rubbish and that the rubbish will be accepted, and such evidence shall also consist of proof that any such dump is not in violation of the Maine statutes."

Those are the conditions. It goes on to say, "The permittee may at any time request amendments to this permit if he feels that new facts or circumstances would dictate such amendments. If the permittee differs with the terms and conditions of this permit he may request a public hearing if none has been held." I understand it has been held.

Now, we are talking about local people up there in Copeland Plantation that want to build a hardware store, and what this is — there ain't no way you are going to build a hardware store on Route 27 in Copeland Plantation because it would be just a absolutely economic disaster for a guy to try to build a hardware store under these conditions, and it is going to be hid in the woods so nobody can see it.

That is what we are talking about: that the economic impact of their decisions should not be heard in testimony before a

hearing. This has to have a public hearing. And all this bill does is say, "At such hearing the board shall solicit and receive testimony to determine whether such development will in fact substantially affect the environment and its effect upon the public's health, safety or general welfare." This bill doesn't say that the economic impact has to rule; it only asks that the board listen to such testimony and consider it. And anybody that thinks that it is considerate of the Land Use Regulation Commission to issue a permit like I just read for that situation up in Copeland Plantation has got to have some big stretch of imagination.

I think this is the type of thing we are talking about. We don't see this down in Portland. It is awful easy for a fellow in southern Maine to stand up for the laws protecting our environment if they affect Copeland Plantation, but perhaps, you know, if we really took a hard look at it, and the people who live in the populated areas did just a portion of what they are asking people in the remote parts of the state to do, we wouldn't have such an environmental problem anyway.

I think this particular legislation is necessary, it is a part of our Maine living, and I strongly urge you to support the Minority Ought to Pass Report of the Committee.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: The good Senator has given you an excellent explanation of why the Land Use Regulation Commission has been subject to a substantial amount of public criticism for what many view as burdensome and onerous conditions on the granting of applications. If this were a court of law, I suppose that you would feel that maybe the conditions were onerous and burdensome, but that is not what this bill is talking about.

We are talking about the Site Selection Law. We are talking about L. D. 1831, and what it does is take out the language "or pose a threat to" — this is the present law — and changes that to "and

its effect upon". This bill quite frankly, members of the Senate, does not do what its proponents claim.

If you will look at the membership of the boards that pass on these issues under the Site Selection Law, you will find that they are not a bunch of fuzzy-headed, wildeyed radicals. And if you look at their batting average on their approvals, you will find, for example, that applications under the Site Selection Law for agriculture, forestry, fisheries, and mining, 100 percent approvals; with denials none. Under communication and transportation activities, railroad, motor, freight, highway, water, air, air transportation, pipeline, etc., 100 percent approval, and none denied. Distribution activities, wholesale trade, retail trade, 17 approved, 94 percent; number denied, none; withdrawn 6.

Now, the good Senator says that in the administration of the Site Selection Law they have ruled as immaterial evidence as to economic considerations. I frankly don't think that is the fact. I am not going to represent that it is not, but I tell you that I have very serious reservations. There are occasions when LURC or the others may rule it immaterial; that may be true, but as a matter of course, no.

What I am concerned about, ladies and gentlemen, is that our Site Selection Law has recently been upheld by the Supreme Court of the State of Maine, and if you put this language in here — and it doesn't say what the good Senator thinks it does; at least not to me, it doesn't — it doesn't say "shall give account to economic considerations"; it doesn't say this — our law is going to be right back in court again, it is going to be challenged again, and we are going to go round and round.

I understand the good Senator's frustration with this approval from the Land Use Regulation Commission, but I urge you, members of the Senate, to look at this bill and see what it does in comparison to my good friend's statements.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would have to point out to you members of the Senate that I may be mistaken about what this bill does and what it says, but just let me read you what the statement of fact says — and I didn't happen to write the statement of fact:

"The purpose of this bill is to provide an opportunity to view Maine's total environment and to change Maine's attitude on the environment from a negative to a positive position, and to provide for assessment of the net effect of programs." Now, is that unreasonable? "It is a recognition of the fact that part of Maine's environment is its people and its socio-economic structure is perhaps its greatest resource.

"It is not designed to change Maine's position toward the environment, but is designed to look at the total effect of a project on the total environmental resources of Maine — both natural and socio-economic — To Enhance the Quality of Life."

I just have to say that we heard the report of the approvals of the Land Use Regulation Commission from the Senator from Cumberland, Senator Richardson, and I tell you, I spent quite a lot of your time this morning telling you about one of those approvals. Now, if that is an approval, I question it. I still urge you to vote in the affirmative.

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

Mr. BERRY: Mr. President and Members of the Senate: I would agree with a great deal of the information that Senator Cianchette has passed on to you. I am very, very familiar with the location he is talking about, and it is a pig pen. The permit obviously is too far reaching and far too detailed, and it points out one of the problems that LURC has experienced and the public has experienced with LURC to date.

I would equate LURC's position today with that of the Water

Improvement Commission of several years ago, the Water Improvement Commission which is now known as the Department of Environmental Protection. We in the legislature in those days created the Water Improvement Commission, gave it all sorts of responsibilities, tremendous charges, all designed to meet real practical problems here in the state. But we didn't fund it and we didn't give it a staff of qualified people, and this is exactly the position that LURC is in today. But where would we be if several years after its formation the Water Improvement Commission had its foundation undermined? That is exactly where we are at this session of the legislature. This is just one of several bills involved here.

As I say, I grant quite freely that this is ludicrous as read by Senator Cianchette, and I myself have been far more intimately involved with the problems and their solutions than perhaps many people here. I am, however, very cognizant of the need to defend LURC in principle.

Now, we can use grandiose words such as are used in this L. D. to talk about total environmental effect, when perhaps do we really mean let's put the buck ahead of what we should be doing. I think that is really what the issue is. We hear it in the refinery talk, we hear it in all sorts of attempts to lower the bars in protection of the environment and, as was said earlier in the session today, let's not forget that we are not the only generation that is going to live in the State of Maine. If we are going to turn everything in the State of Maine over to the developers for the quick buck, passage of this bill would be an important step in that direction.

What we need to do with LURC, and I hope and pray that we are going to do it this session, is give it a careful scrutiny and overhaul, perhaps transfer it, but above all give it the money it needs and the expertise it needs to do the job that the legislature charged it with. I would hope that ultimately we defeat this bill.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Somerset, Senator Cianchette, that the Senate accept the Minority Ought to Pass as Amended Report of the Committee on Bill, "An Act to Amend the Site Location of Development Act." The Chair will order a division. As many Senators as are in favor of the motion to accept the Minority Ought to Pass as Amended Report will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 18 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the Minority Ought to Pass as Amended Report of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in non-concurrence and the Bill, as Amended, 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 Relating to Penalty for Burglary." (H. P. 206) (L. D. 279) ask leave to report: that the House recede from its action whereby it Passed the Bill to be Engrossed as Amended by Committee Amendment "B" (H-171); recede from its action whereby it adopted Committee Amendment "B"; indefinitely postpone Committee Amendment "B"; adopt Conference Committee Amendment "B" (H-389) submitted herewith; and Pass the Bill to be Engrossed, as Amended by Conference Committee Amendment "B";

that the Senate recede from its action whereby it Passed the Bill to be Engrossed as Amended by Committee Amendment "A" (H-170); recede from its action whereby it adopted Committee Amendment "A"; indefinitely postpone Committee Amendment "A"; adopt Conference Committee Amendment "B"; and pass the Bill to be Engrossed as Amended by Conference Committee Amendment "B".

On the part of the House:  
 BAKER of Orrington  
 FARRINGTON of China  
 On the part of the Senate:  
 TANOUS of Penobscot  
 BRENNAN

of Cumberland  
 SPEERS of Kennebec

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "B".

Which report was Read and Accepted in concurrence.

The Senate voted to Recede from its action whereby the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" and whereby Committee Amendment "A" was Adopted. Subsequently, Committee Amendment "A" was Indefinitely Postponed.

Thereupon, Conference Committee Amendment "B" was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in concurrence.

#### 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 Exempting Sales to Incorporated Nonprofit Boarding Homes for the Elderly from the Sales Tax." (S. P. 275) (L. D. 800)

#### Leave to Withdraw

Mr. Tanous for the Committee on Judiciary on Bill, "An Act Relating to Imposition of Sentence to the State Prison." (S. P. 341) (L. D. 1040)

Reported that the same be granted Leave to Withdraw.

Mr. Brennan for the Committee on Judiciary on Bill, "An Act to Revise Laws Relating to Violations of Parole." (S. P. 228) (L. D. 663)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.

Sent down for concurrence.

#### Ought to Pass — As Amended

Mr. Tanous for the Committee on Judiciary on Bill, "An Act Relating to State Parole Board

Composition and Compensation." (S. P. 155) (L. D. 389)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-136).

Mr. Greeley for the Committee on Health and Institutional Services on Bill, "An Act Relating to Release of Patients at Pineland Hospital and Training Center." (S. P. 2) (L. D. 29)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-135).

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

Mr. Cox for the Committee on Taxation on Bill, "An Act Relating to Improved Property Tax Administration." (S. P. 221) (L. D. 637)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-134).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read.

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

Mr. KATZ: Mr. President, before we pass this by, I wonder if somebody from the Committee on Taxation might explain the ultimate purpose of this act?

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

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: The purpose of this bill is really to make the value of the property available to the local tax collector. We do know that there has been some objection in the past to requiring the true value to be indicated on a deed either by a statement on the deed or by some method of stamps affixed and so forth. This would require neither. It would require that at the time of recording a certificate of true value the recording be filed with

the register of deeds in duplicate stating a true value of the property.

Now, at least once a month these certificates would be sent to the Bureau of Taxation, one of which would be kept in the Bureau of Taxation and the other sent to the municipality involved. This means that at no time would there be a permanent record in the register of deeds' office as to the value or the amount of money involved in the deal, but at the same time would establish a method by which the local assessors would have a report of the true value of the property sold.

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

Thereupon, Committee Amendment "A" was Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Natural Resources on Bill, "An Act Providing for State Supervision of the Construction and Safety of Dams and Reservoirs." (S. P. 205) (L. D. 550)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-137).

Signed:

Senators:

CUMMINGS of Penobscot  
MARCOTTE of York

Representatives:

SMITH of Exeter  
ROLDE of York  
BRIGGS of Caribou  
PALMER of Nobleboro  
PETERSON of Windham

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

Signed:

Senator:

SCHULTEN of Sagadahoc  
Representatives:

MacLEOD of Bar Harbor  
BERUBE of Lewiston  
CURRAN of Bangor  
HERRICK of Harmony  
HUBER of Falmouth

Which reports were Read.

Mrs. Cummings of Penobscot then moved that the Senate Accept the Majority Ought to Pass as

Amended Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mrs. CUMMINGS: Mr. President and Members of the Senate: During recent years there has been an increasing awareness of the dangers involved in the uncontrolled construction of dams and reservoirs throughout the country. The engineering profession, through its Committee on Large Dams, has developed standards and criteria for state supervision of dam construction and inspection.

In 1969, the New England River Basins Commission published Report No. 1, which you all received earlier this year, which deals with this problem throughout New England. This report indicates that Maine's safety control program is probably the poorest of any of the New England States. This report also defines the need for controls for the protection of life and property.

There have been many instances in recent years of owners of dams requesting municipalities and state agencies to take over the ownership of dams. Apparently some of these owners want to get out from under the burden of maintenance. This bill would allow the Soil and Water Conservation, in the name of the state, to take these dams after they had been put in good repair.

There are some dams that they cannot find who the owners are, and there are provisions in the amendment so that there would be hearings to see what the property owners' desires would be who would be affected by the loss of this dam.

In 1972 an inventory of the dams in Maine listed over 1,100. This inventory is quite complete except for the condition and ownership of these structures.

Preliminary estimates indicate that up to 75 per cent of the dams in the state inventory will be subject to thorough inspection under federal criteria.

Presently in Maine there are no restrictions on where and when dams may be built. Neither is there any control over construction methods or periodic safety inspections. In other words, once we have

the inventory and inspection reports from the Corps of Engineers, we are in no position to do anything with that information.

Confirmed and unconfirmed complaints about the condition of dams have been received. At present there is neither personnel nor funds to investigate these complaints, or to effect a reduction of the hazard if such exists.

The statement of fact, I think, clarifies the amendment, which is a long one, and actually, instead of making it a new bill, it was actually what the first L. D. was, so we didn't make it a new bill. "The purpose of this amendment, in addition to setting forth some clarifying language changes, would authorize the State, other governmental bodies or private parties, after hearing, to take title to the dams which the owners refuse to keep in safe condition", or the dams where no owners can be found.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, moves that the Senate accept the Majority Ought to Pass as Amended Report of the Committee on Bill, "An Act Providing for State Supervision of the Construction and Safety of Dams and Reservoirs." Is this the pleasure of the Senate?

Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Divided Report

Nine members of the Committee on Natural Resources on Bill, "An Act to Establish the Saco River Corridor." (S. P. 469) (L. D. 1545)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (S-131).

Signed:

Senators:

CUMMINGS of Penobscot

MARCOTTE of York

Representatives:

CURRAN of Bangor

ROLDE of York  
BERUBE of Lewiston  
HUBER of Falmouth  
BRIGGS of Caribou  
PETERSON of Windham  
SMITH of Exeter

Three members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "B" (S-132).

Signed:

Senator:

SCHULTEN of Sagadahoc

Representatives:

MacLEOD of Bar Harbor

PALMER of Nobleboro

One member of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass as Amended by Committee Amendment "C" (S-133).

Signed:

Representative:

HERRICK of Harmony

Which reports were Read.

Mrs. Cummings of Penobscot then moved that the Senate Accept the Ought to Pass as Amended Report "A" of the Committee.

The PRESIDENT: The Senator has the floor.

Mrs. CUMMINGS: Mr. President and Members of the Senate: In the five years that I have served in Augusta, I have never seen such a strong and really reassuring example of what can be done when a group of people are tied together with one interest in common.

According to people that live along the Saco River who came to testify at this hearing, they started out with completely divergent points of view. They started out in some instances with distrust, in some cases with fear, and in many cases even a question that they were going to go into this thing just to get as much as they could for their own locality and they didn't really care what happened above or below them on the Saco River.

After a year — it was last year that we gave them the permission to form this and to go ahead — they came out with the report that we finally read this year. As one man put it very well, when he was

asked about how much time could he guess was spent on this, he said "Probably, by and large, with everybody taken into consideration, one entire lifetime was spent in putting the Saco River Basin Commission in order."

It is something great to see these people, farmers, businessmen, hardheaded businessmen, realtors, people from every walk of life, who came to the table to discuss this thing, not really knowing how far they were going to reach, and now they have come up with this magnificent plan. All they are asking us for is really the reward for that effort. This is not an ongoing amount of money. If we give them this, which I certainly think we should in the entire sum — they are not the kind that did any padding — I think we should go along with the committee report that gives them the amount that they ask, which is for a biennium, and I think that actually it will serve as an example to the rest of the state of what can be done if people get together, and show how this river corridor has brought these people together and formed one of the most exciting things that I have ever seen. It is \$47,500 to be sure, but it is a one-time shot and I think it is one of the greatest things we could do this session.

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

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President and Members of the Senate: I feel perhaps it is time for me to speak on some of these bills, and I will speak on the Saco River Corridor Bill because, while I have signed a report different than that signed by our good friend and Senator from Penobscot County, Senator Cummings, I do feel that perhaps the bill you are now being asked to vote on is not as realistic as it should be.

I had the pleasure of being on the Natural Resources Committee in the last session of the legislature when we were approached by these people, all wonderful people, with the request that the legislature

grant the people along the corridor, along the Saco River, the right to form an association to study what should be done to protect the environment along the river and the river banks.

I felt, not only because of the testimony given, but because of the very wonderful people from York County who kept calling me up and persuading me that this was the greatest thing that had ever happened, and also by the wonderful Senator from York County, Senator Danton, that this was too good an opportunity to miss, and I certainly agree that they have done a magnificent job of pulling together an almost impossible situation. So that today, as I was two years ago, I am a strong supporter of the Saco River Corridor.

However, as I say, I feel it is a little unrealistic because, while they devoted hours and hours, and someone said a lifetime, to the completion of this report so that it can be reported to this legislature for action, I get the feeling that, while the amount of money they are asking for to operate for the next two years is only \$47,000 which, in terms of legislative appropriations, is hardly meaningful, yet I somehow back off when after such a magnificent job has been done by these people they then turn to the State of Maine, to take over all responsibility and costs for the operation of this corridor."

So the only difference that I have with the good Senator from Penobscot, Senator Cummings, is that I feel something like this, that deserves all the credit and all the support in the world, should be perhaps more closely identified with the local area, and that the legislature should grant a sum of money to insure that this project goes forward and becomes a reality but, rather than risk the downing of the entire bill, I say this should be done on a matching basis. In other words, let the state put in half of the requirement, which is my sponsorship at this point. How the rest of the funds are to be raised is the problem for the Corridor, and I admit it is a tough problem because they



don't have any more money perhaps than anyone else to spend on these ideas.

My feeling is also based on the fact that the Saco River Corridor is a new concept for the State of Maine, and a wonderful concept, but someone has said that there are eleven other corridors or ten other corridors, and certainly if we put this bill on the statutes and we fund it, we are immediately going to be besieged by people who recognize the importance of what is being done and will ask the state, quite legitimately, to help them protect their own areas of the state, their own corridors. Because of this, I feel that the legislature would be in a stronger position to pass this bill, to make it become law, and to help these wonderful people, but we would be in a stronger position to face the future if we said "Well, these things are done on a matching basis", and later on, perhaps two years from now, five years, ten years, when the concept has become a reality of perfect working, then if the state wants to take on the full funding for this program and all the other eleven corridors, I would certainly be a strong supporter of that. That is the reason that I have signed Report "B".

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Cummings, that the Senate accept the Majority Ought to Pass as Amended Report "A" to Establish the Saco River Corridor." As many Senators as are in favor of accepting the Majority Ought to Pass as Amended Report "A" of the Committee will please say "Yes"; those opposed "No".

A viva voce vote being taken, the Ought to Pass as Amended Report "A" of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would like to ask a question through the Chair as to the purport of the committee amendment. I notice that all three of the amend-

ments that were reported out of the committee grant to the Governor veto power over any change in a comprehensive plan that the commission may wish to come up with. I would like to ask a question through the chair as to the rationale of granting that power.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has asked a question through the Chair to any member of the Committee who may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Assignment for Second Reading.

#### Second Readers

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

#### House

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

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

Bill, "An Act Repealing the Bank Stock Tax." (H. P. 1491) (L. D. 1919)

Which was Read a Second Time.

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

Mr. KATZ: Mr. President, what was the action of the other body on this bill, please?

The PRESIDENT: The bill was passed to be engrossed as amended by House Amendment "B".

Mr. KATZ: Mr. President and Members of the Senate: I am finding it difficult to express my enthusiasm for this bill when I find out just now by phone that it is going to result in a net loss to the City of Augusta of \$74,000 a year. I am sure this is a tax reform measure but, to let me store up some more enthusiasm, I wish I could have someone table this until Monday, so we can check the impact on a few other communities.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Specially Assigned for May 21, 1973, pending Passage to be Engrossed.

#### House — As Amended

Bill, "An Act Relating to Exceptional Children." (H. P. 751) (L. D. 965)

Bill, "An Act Relating to Political Campaign Reports and Finances." (H. P. 1066) (L. D. 1391)

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

Bill, "An Act Increasing Minimum Wages." (H. P. 91) (L. D. 112)

Which was Read a Second Time.

On motion by Mr. Tanous of Penobscot, tabled and Specially Assigned for May 21, 1973, pending Passage to be Engrossed.

#### Senate

Bill, "An Act Relating to School Buses." (S. P. 622) (L. D. 1936)

Bill, "An Act Relating to the Public Employees Labor Relations Board." (S. P. 520) (L. D. 1651)

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

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 417) (L. D. 1378)

Which was Read a Second Time.

On motion by Mr. Berry of Cumberland, tabled pending Passage to be Engrossed.

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

#### Joint Order

WHEREAS, those who avail themselves of first aid and medical self-help courses can and do save lives; and

WHEREAS, Mrs. Sandra Chipman of Weld recently completed such a course, never thinking the techniques learned would save the life of her own son; and

WHEREAS, momentarily lost from her presence, she found the lifeless body of her 3-year-old son floating face down in the icy waters of a forbidden pond; and

WHEREAS, not knowing whether she had the right count, studied only a few weeks earlier, or the means to remain calm, she persistently administered mouth to mouth resuscitation and cardiac massage to revive his life; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the State of Maine in recognition of this extreme act of courage pay special tribute to Mrs. Sandra Chipman, who by acquiring essential life-saving knowledge and disciplines was able to render first aid and medical self-help in time of great emergency to a family member thereby averting a tragedy; and be it further

ORDERED, that a suitable copy of this Order be presented to Mrs. Chipman in admiration of her heroic action. (H. P. 1515)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

#### Enactors

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

An Act Relating to Nonpayment of Corporate Franchise Taxes. (S. P. 224) (L. D. 659)

An Act Relating to Unlawful Usurpation of Community Antennae Television System Signals and Injury to its Equipment. (S. P. 309) (L. D. 975)

An Act Relating to the Escape of Prisoners. (S. P. 473) (L. D. 1507)

An Act Creating the Pineland Center Advisory Board. (S. P. 609) (L. D. 1907)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

### Emergency

An Act Providing Funds for a Study of the Recreational and Transportation Aspects of Bicycling. (H. P. 1480) (L. D. 1908)

(On motion by Mr. Sewall of

Penobscot, placed on the Special Appropriations Table.)

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

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

Tabled — May 16, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

Which 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 second tabled and specially assigned matter:

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

Tabled — May 16, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

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

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

Tabled — May 16, 1973 by Senator Katz of Kennebec.

Pending — Enactment.

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-141, was Read.

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

Mr. BRENNAN: Mr. President, I would just like to pose a question through the Chair to the good Senator from Kennebec, Senator

Katz, if he would just explain the amendment?

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I just wanted to express my concern that the bill without the amendment would have permitted an individual to serve as chief for one day, and be able to retire based upon 50 percent of the compensation that he received for that one day as chief, and this will straighten it out.

The PRESIDENT: Is the Senate ready for the question?

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

Sent down for concurrence.

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

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

Tabled — May 16, 1973 by Senator Minkowsky of Androscoggin.

Pending — Passage to be Engrossed.

Committee Amendment "A" (H-310); House Amendment "B" (H-352); House Amendment "C" (H-353); Senate Amendment "A" (S-119) and Senate Amendment "B" (S-128).

Which was Passed to be Engrossed as Amended in non-concurrence.

Sent down for concurrence.

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

Senate Report — from the Committee on State Government — Bill, "An Act Creating a Polygraph Examiners Act." (S. P. 509) (L. D. 1662) Ought to Pass with Committee Amendment "A" (S-126).

Tabled — May 16, 1973 by Senator Brennan of Cumberland.

Pending — Motion of Senator Anderson of Hancock to Indefinitely Postpone Bill and Accompanying Papers.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I would oppose the motion to indefinitely postpone.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Hancock, Senator Anderson, that the bill be indefinitely postponed will please say "Yes"; those opposed "No".

A viva voce vote being taken, the Chair being in doubt ordered a division.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

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

The PRESIDENT: The matter is debatable.

Mr. BRENNAN: Mr. President and Members of the Senate: This is not one of those bills that I am all exercised about, but first I want to give some of the background. It received a unanimous, I believe, Ought to Pass Report from the very distinguished Committee on State Government, which the distinguished Senator from Kennebec, Senator Speers, chairs. It also has the good Senator from Androscoggin, Senator Clifford, and the good Senator from Washington County, Senator Wyman. That committee felt that this was entitled to a unanimous Ought to Pass Report.

I introduced this bill at the request of Sergeant Brad Small of the Maine State Police, who is our in-resident polygraph expert. The purpose of the bill, of course, is to regulate those who give lie detector tests. I know in my own experience in Cumberland County it was used very effectively, particularly in criminal cases where there were no witnesses. I know on several occasions, particularly rape cases where there were no witnesses, the defen-

dants took polygraph exams and they were cleared. So it was a very effective device.

I understand many states throughout this country have a board regulating these people that give these polygraph exams. The purpose of this bill is to assure that we have some minimal quality control over who gives polygraph examinations. Now, I can appreciate or anticipate what the good Senator from Hancock, Senator Anderson, might be saying: he might say, "We just don't need another board; we have got too many boards as it is, and it also calls for \$2,000." My feeling is that the committee heard it, they felt that the need was demonstrated, and that is why they supported it unanimously, I believe.

For those reasons, I would hope that you would let it go along to the Appropriations Table and compete with the other interests in this state. For those reasons, I would oppose the motion to indefinitely postpone.

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

Mr. ANDERSON: Mr. President and Members of the Senate: I don't know what I am doing up here debating with a gentleman as brilliant and good looking as the Senator from Cumberland, Senator Brennan, but here I am.

I sincerely hope that you have all read and digested this ten-page monster. Begging you indulgence, I would like you to hear about this: "creation of the board, section 3665, membership. There is established a Polygraph Examiners Board consisting of a minimum of three and a maximum of five members who shall be citizens of the United States and residents of the State of Maine for at least two years prior to appointment, three of whom shall have been engaged for a period of at least two years as a polygraph examiner in the commercial field; one of whom shall be a practicing attorney in the State of Maine whose practice includes a substantial amount of criminal litigation, either for the State or for the defense, and one citizen of the State unconnected with the

business of carrying out polygraphic examinations or with any law enforcement agency, and have completed a course of formal instruction in polygraph instrumentation and techniques totalling at least 200 hours of classroom instruction at a school, civilian, military or governmental, that is fully recognized and accredited by the American Polygraph Association. At least one member must be a qualified examiner of a governmental law enforcement agency and at least one member must be a qualified polygraph examiner in the commercial field."

Now I ask you, with these qualifications and this training, are these men on this board going to be working for nothing? I say to you that they will all command a very, very big salary. "The members shall be appointed by the Governor for a term of six years. The terms of office of members appointed to the initial board are one for two years; one for four years; and one for six years. Members may be appointed by the Governor to successive terms. Any vacancy in an unexpired term shall be filled by appointment of the Governor for the unexpired term."

Now we go down to item five: "staff. The board shall employ such additional staff as is necessary for the purpose of carrying out this Act."

So I say to you, it will be an ever-expanding bureaucracy, costly to the taxpayers. This is so absurd to me. I think the appropriation was \$2,000. "There is appropriated from the General Fund to the Board of Polygraph Examiners, the sum of \$2,000 to carry out the duties and functions of the board." I say to you that that \$2,000 wouldn't buy an electric typewriter for an office.

I certainly am going along with one bill of the good Senator from Cumberland, Senator Brennan, on the merger of courts; that will save the taxpayers some money. But, oh boy, this will swallow up everything we save if we pass this. I would like, before I sit down, to ask through the Chair to the Senator from Cumberland, Senator Brennan, to give me his honest

opinion of what the monetary impact will be to get this off the ground and bienniumwise what it will cost?

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

Mr. BRENNAN: Mr. President and Members of the Senate: First, I want to thank the good Senator from Hancock, Senator Anderson, for his very kind remarks, and I am very glad that he is going to support my court merger bill. I think, like he says, it will save an awful lot of money and it will be very important to the state. But in regard to this bill, I really don't think it is going to cost any more than \$2,000. I see no reason.

I think the people that were really backing this are trying to make this as professional as possible. They feel very strong about this and it really does have very serious implications. As I said, it was used many times in Cumberland County. I am not sure if it has been used many times throughout the state as to showing someone's guilt or innocence, even though it is still evidence that is not admissible in court. I know that the Attorney General's Office uses it with great regularity in homicide cases, particularly where it may be an interfamily affair, and oftentimes it serves a very, very fine purpose. Instead of the police being somewhat suspicious that a member of the family is responsible for a certain heinous act, they are permitted to take a polygraph exam and they are able to acquit themselves. So it serves some very, very valuable purposes.

The really overriding objective is to regulate something like that, that there should be some quality control, and that is what we hope this bill will do. My honest opinion is that the \$2,000 that is called for in the appropriation would be more than ample.

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

Mr. ANDERSON: Mr. President and Members of the Senate: I feel perfectly safe in saying that most of us in running for this office promised economy to our

constituents. Now, here is a chance to prove that today right here and now. Mr. President, when the vote is taken I move it be taken by a roll call.

The PRESIDENT: 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 Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I was a member of the State Government Committee which heard this bill, discussed the bill, and passed it out unanimously. Polygraph is a lie detector situation and it is not now under our system admissible into evidence, but it is a tool which can be used both in the criminal and the civil field. I think that the concern of the Senator from Hancock, Senator Anderson, is a real concern, and I think it is a concern which all of us are aware of, but I think this bill might lead to substantial savings in the court system because if the polygraph examination becomes used by prosecuting attorneys and defense attorneys to get at the truth, and by attorneys on both sides in civil matters, it seems to me that the end result might very well be less cluttering of the very cluttered, and very expensive court system which now exists. I think that is the main reason.

I know that as an attorney I have used this polygraph exam in a civil matter, the result of which was the settlement of a case which would have otherwise been a trial, and a trial at the expense of the state.

I think that if the standards of the polygraph are upgraded, and if more people in the law enforcement, in defense work in the criminal field and civil litigation, would make use of polygraph

to determine the truth and get at the truth, I think the net result would be a saving because the court system would be less cluttered. Thank you.

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

Mr. JOLY: Mr. President, may I ask through the Chair, if anyone can answer, how many of these people that would be covered by this act are in practice in the State of Maine?

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

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I am not exactly sure, but there are only seven or eight. There are not a large number of them.

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

Mr. SPEERS: Mr. President and Members of the Senate: This certainly is not the most momentous bill to come before the Committee on State Government this session, but I do feel I should comment that the reason for the unanimous Ought to Pass Report from the Committee was simply that should a polygraph examination be used in the State of Maine as it is used at the present time — it is not submitted in court as evidence, but it is used by both prosecuting and defense attorneys in a number of instances — it is the feeling of the Committee on State Government that with it being used there should be certain standards that are followed, that are to be followed, and certain qualifications that individuals must have in order to give the test.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act Creating a Polygraph Examiners Act", be indefinitely postponed. A "Yes" vote will be in favor of indefinite

postponement; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

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

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Cyr, Danton, Kelley, Marcotte, Morrell, Roberts, Speers, Wyman.

ABSENT: Senator Olfene.

A roll call was had. 20 Senators having voted in the affirmative, and 12 Senators having voted in the negative, with one Senator being absent, the Bill was Indefinitely Postponed.

Sent down for concurrence.

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

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

Pending — Consideration.

On motion by Mr. Shute of Franklin, the Senate voted to Recede from its former action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, House Amendments "A" and "B" were Adopted in concurrence.

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

Senate Amendment "A", Filing No. S-139, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SHUTE: Mr. President and Members of the Senate: I think the Senators deserve an explanation of what is going on with this bill. This is the second redraft of the act to revise the election laws, which has been hanging around these halls since the first of the year. Originally starting out as L. D. 556, it came up under another number presented by the Senator from Somerset, Senator Cianchette, and now comes back to us in the form of L. D. 1916.

It suffered the pain of residing on the table in the other body for

some five or six weeks, where it received 17 amendments and was referred back to the Committee on Election Laws. A lot of work has gone into this document from way back last summer. Members of both parties have contributed to it.

House Amendment "A", under Filing 377, refers to the matter of how absentee ballots shall be counted in municipalities where they have more than one voting precinct. It is permissive legislation, which the committee and other groups worked on, which would provide the opportunity in a permissive nature for absentee ballots to be counted at the city hall in the clerk's office. House Amendment "A" merely says that such person shall be named by the clerk prior to the election and the total number from the voting districts shall be as evenly divided as possible between the political parties. This is a technical area so they would clearly define the manner in which these absentee ballots shall be counted, if indeed the decision is made to count them at the city clerk's office.

The other House Amendment, "B" under filing No. H-381, merely reverts the law on distinguishing marks on ballots to its present status. We attempted to define distinguishing marks on a ballot, but this has caused some commotion, particularly in the other body, and they wish now to have the law go back to its present status.

Senate Amendment "A" was something that was overlooked in the writing of the second redraft, in that it provides the opportunity for zip code numbers to be applied to voting registration names.

This is an explanation of these three amendments, and I move the pending question.

The PRESIDENT: Is the Senate ready for the question.

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

Sent down for concurrence.

The President laid before the Senate the matter tabled earlier

in today's session by Mr. Berry of Cumberland:

Bill, "An Act to Establish the Saco River Corridor" (S. P. 469) (L. D. 1545).

Pending — Assignment for Second Reading.

Mr. Richardson of Cumberland then moved the pending question.

Thereupon, the Bill, as Amended, was Tomorrow Assigned for Second Reading.

#### Reconsidered Matter

Mr. Fortier of Oxford then moved that the Senate reconsider its action of yesterday whereby on Bill, "An Act Authorizing the Commissioner of Agriculture to Investigate Certain Farming Practices" (H. P. 1207) (L. D. 1559), the Minority Ought Not to Pass Report of the Committee was Accepted.

Thereupon, on further motion by the same Senator, tabled and Tomorrow Assigned, pending the motion by that Senator to Reconsider.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table: An Act Providing for Mandatory Retirement for Teachers. (H. P. 834) (L. D. 1093)

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

Mr. SEWALL: Mr. President and Members of the Senate: Very briefly, this L. D. and the one I will propose to take off next are for the purposes of offering an amendment to each.

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

Mr. KATZ: Mr. President and Members of the Senate: I direct the Senate's attention to L. D. 1093, An Act Providing for Mandatory Retirement for Teachers. A funny thing happened to this on the way to enactment: it ended up with a cost of \$2½ million, although it is just a small bill pertaining to just a few teachers. I now move that the Senate reconsider its action, under suspension of the rules, whereby the bill was passed to be engrossed.



The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that, under suspension of the rules, the Senate reconsider its action whereby this bill was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

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

Senate Amendment "B", Filing No. S-140, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table: An Act Appropriating Funds

to Educate and Rehabilitate Persons Handicapped by Deafness. (S. P. 445) (L. D. 1377)

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-129, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.